



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 67
(2010, chapter 15)

**An Act respecting the Institut national
d'excellence en santé et en services
sociaux**

**Introduced 12 November 2009
Passed in principle 26 November 2009
Passed 10 June 2010
Assented to 11 June 2010**

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EXPLANATORY NOTES

The purpose of this Act is to create the Institut national d'excellence en santé et en services sociaux, a legal person and a mandatary of the State whose mission is to promote clinical excellence and the efficient use of resources in the health and social services sector. The institute is to succeed the Conseil du médicament and the Agence d'évaluation des technologies et des modes d'intervention en santé.

The Act determines the institute's functions, which include assessing the clinical advantages and the costs of the technologies, medications and interventions used in health care and personal social services, drawing up recommendations and developing clinical practice guides to ensure optimal use of those technologies, medications and interventions, updating and distributing the recommendations and practice guides, determining service performance evaluation criteria in the recommendations and guidelines, and making recommendations to the Minister of Health and Social Services with a view to updating certain lists of medications. The Act also sets out the factors that the institute must take into consideration in preparing its recommendations.

The Act creates a governance framework for the institute. It provides that the board of directors will consist of 11 members appointed by the Government and that at least seven board members, including the chair, must qualify as independent directors. It sets out the functions and responsibilities of the board of directors, those of the chair of the board and those of the president and chief executive officer. It also provides for the establishment of board committees and the creation, by the institute, of the advisory panel that is to advise it in determining which matters are to be examined as a priority.

The Act also includes financial provisions and reporting requirements applicable to the institute.

Lastly, the Act introduces amending and consequential provisions, as well as transitional provisions that provide, among other things, for employee transfers.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1);
- Veterinary Surgeons Act (R.S.Q., chapter M-8);
- Optometry Act (R.S.Q., chapter O-7);
- Pharmacy Act (R.S.Q., chapter P-10);
- Podiatry Act (R.S.Q., chapter P-12);
- Public Protector Act (R.S.Q., chapter P-32);
- Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., chapter R-5);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Midwives Act (R.S.Q., chapter S-0.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

Bill 67

AN ACT RESPECTING THE INSTITUT NATIONAL D'EXCELLENCE EN SANTÉ ET EN SERVICES SOCIAUX

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

1. An institute for excellence in health and social services, to be known as “Institut national d’excellence en santé et en services sociaux”, is established.

2. The institute is a legal person and a mandatary of the State.

The property of the institute forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds only itself when acting in its own name.

3. The head office of the institute is located in the territory of Ville de Québec. Notice of the location and any relocation of the head office must be published in the *Gazette officielle du Québec*.

CHAPTER II

MISSION AND POWERS

4. The mission of the institute is to promote clinical excellence and the efficient use of resources in the health and social services sector.

The institute must carry out this mission in keeping with the principles of excellence, independence, openness, scientific rigour, transparency, integrity and equity towards the users of health services and social services, taking its resources into consideration.

5. More particularly, the institute’s mission consists in

(1) assessing the clinical advantages and the costs of the technologies, medications and interventions used in health care and personal social services;

(2) preparing recommendations and developing clinical practice guides to ensure optimal use of the technologies, medications and interventions used in health care and personal social services;

(3) determining service performance evaluation criteria and, if applicable, service implementation and monitoring mechanisms in the recommendations and practice guides, in accordance with best practices in clinical governance;

(4) keeping the recommendations and practice guides up to date, distributing them to health and social service providers, and publishing them, together with the rationale for them and the information used in their preparation;

(5) fostering the implementation of the recommendations and practice guides, using various information, knowledge transfer and awareness tools;

(6) promoting and supporting the development of scientific evaluation for the technologies, medications and interventions in health and personal social services;

(7) carrying out the consultations it deems appropriate prior to drawing up recommendations and developing practice guides so that the opinions of interested groups and the general public are taken into consideration;

(8) making recommendations to the Minister with a view to updating the list of medications referred to in section 60 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);

(9) making recommendations to the Minister for the purpose of updating the lists provided for in section 116 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) and section 150 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);

(10) defining and publishing the methods used to create each category of recommendation or practice guide referred to in paragraphs 2, 8 and 9; and

(11) carrying out any other mandate entrusted to it by the Minister.

6. The institute must take the following factors into consideration in preparing its recommendations and practice guides:

(1) the degree of need of the persons affected by the recommendations and practice guides;

(2) the ratio of the benefits for those persons to the cost to the health and social services system; and

(3) the foreseeable consequences of the recommendations and practice guides on health and social services system resources.

The institute bases its consideration of those factors on, in particular, a systematic review of research data, economic assessments, clinical data and an analysis of the available Québec data on needs, resources, services and medications.

In addition, the institute determines and publishes an ethical framework setting out the principles that guide its assessment of the results of the scientific evaluation, and gives the reasons behind its recommendations and practice guides.

7. In exercising the functions described in paragraph 8 of section 5, the institute must first assess the therapeutic value of a medication. If this is not established to its satisfaction, the institute sends a notice to that effect to the Minister.

If the institute considers that the therapeutic value of a medication has been established, it sends its recommendation to the Minister after assessing

(1) the reasonableness of the price charged;

(2) the cost-effectiveness ratio of the medication;

(3) the impact that entering the medication on the list will have on the health of the general public and on the other components of the health and social services system; and

(4) the advisability of entering the medication on the list, given the purpose of the basic prescription drug insurance plan.

8. The institute must publish on its website the notices and recommendations it makes under section 5 within 60 days after sending them to the Minister. However, recommendations made under paragraphs 8 and 9 of that section must be published 30 days after being sent to the Minister.

9. In pursuing its mission, the institute may, among other things,

(1) enter into agreements with any group or body able to provide the assessments necessary to prepare its recommendations and practice guides;

(2) enter into an agreement, as provided by law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body of such a government or organization; and

(3) require accredited manufacturers, or manufacturers who have applied for accreditation, to provide information on the pharmacological and therapeutic aspects of a medication, and information on the price of the medications they offer for sale.

In addition, the institute must evaluate the effectiveness of its actions and of the measures implemented in the exercise of its functions.

10. The institute sets up standing committees to study scientific questions. The committees must be made up of scientists, clinicians, ethicists, managers and members of the general public.

It may also set up committees to study any matter within its area of competence.

The institute determines the committees' terms of reference.

The fees, allowances and salaries of the committee members are set by the Government.

11. The institute must submit a three-year plan of activities including its priorities to the Minister for approval on the date and in the form the Minister determines. It must also, on or before 31 March, send the Minister an annual update of the plan.

The institute must publish its three-year plan of activities on its website not later than 60 days after the Minister approves the plan.

The institute must also publish each annual update of the plan on its website not later than 60 days after the update is sent to the Minister.

12. A public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) that holds information related to the mission of the institute must provide the institute with the non-personal information it requests that is necessary for the purposes of this Act.

The institute may require a public body described in the first paragraph to provide the personal information necessary to carry out studies, evaluations or assessments under sections 5 to 7 so as to, among other things, determine care and service trajectories, study the evolution of certain illnesses and health or social services problems and determine their scope, ascertain the extent to which services, technologies, methods of intervention and medications are used, or assess the impact on the different health and social services system resources involved. Except for those purposes or in the cases and on the conditions described in subparagraphs 1 to 4 of the second paragraph of section 59 or in section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information, the personal information collected may not be communicated to a third party.

In accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information, the institute must take security measures to ensure the protection of the personal information it collects. It must, among other things, adopt a policy on the security and protection of such information. The policy must be approved by the Minister, with or without amendment.

The institute must obtain a confidentiality agreement regarding the information it holds from each of the members of its personnel and from any person who works at the institute or with whom it has entered into a service contract.

13. The institute may make recommendations to the Minister or the Government on the pertinence of creating information registers, as provided by law, in particular to allow the monitoring of the use and evolution of medications and the various technologies and interventions used in health care and social services.

14. The institute must adopt a policy on intellectual property rights, including copyright and patent rights, for any invention, discovery, process, apparatus, text, research or report a person produces at the institute's request.

The policy must be approved by the Minister, with or without amendment.

CHAPTER III

ORGANIZATION AND GOVERNANCE

DIVISION I

BOARD OF DIRECTORS

15. The institute is administered by a board of directors consisting of 11 members, including the chair of the board and the president and chief executive officer.

16. At least seven members of the board of directors, including the chair, must qualify as independent directors in the opinion of the Government.

A member of the board of directors qualifies as an independent director if the member has no direct or indirect relation or interest, for example of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the decisions made as regards the interests of the institute.

A member of the board of directors

(1) who is in the employ of the institute or has been in such employ in the three years preceding appointment to office,

(2) who is in the employ of the Government or a government agency or enterprise within the meaning of sections 4 and 5 of the Auditor General Act (R.S.Q., chapter V-5.01), or

(3) who has an immediate family member who is a senior officer of the institute

is deemed not to be an independent director.

17. The Government may adopt a policy concerning situations it intends to examine to determine whether a member of the board of directors qualifies as an independent director. The Government may specify in the policy the meaning it intends to assign to the expression "immediate family member".

18. A member of the board of directors appointed as an independent director must disclose in writing to the board and to the Minister any situation likely to affect the member's status.

19. No act or document of the institute and no decision of the board of directors is invalid simply because the number of independent directors prescribed in this Act has not been reached.

§1. — *Members of the board of directors*

20. The Government appoints the members of the board of directors other than the chair and the president and chief executive officer, after consulting with bodies the Minister considers to be representative of the sectors concerned by the activities of the institute and based on the expertise and experience profiles adopted by the board.

The composition of the board must tend towards gender parity.

21. The members of the board of directors, except the president and chief executive officer and the chair, are appointed for a term of office not exceeding three years. They may not serve more than three terms.

Despite the expiry of their term, members of the board remain in office until they are replaced or reappointed.

A vacant position on the board of directors is filled in the manner prescribed for the appointment of the member to be replaced.

22. Members of the board of directors other than the president and chief executive officer receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

§2. — *Chair of the board of directors*

23. The Government appoints the chair of the board of directors for a term of office not exceeding five years. The chair of the board may not serve more than three terms in that capacity.

24. If the chair of the board of directors is absent or unable to act, the board designates the chair of one of the committees established under the first paragraph of section 38 to replace the chair of the board.

25. The offices of chair of the board of directors and of president and chief executive officer may not be held concurrently.

26. The chair of the board of directors presides at the meetings of the board and sees to its smooth operation. In the case of a tie, the chair has a casting vote.

The chair also sees to the smooth operation of the board committees.

27. The chair of the board of directors evaluates the performance of the other board members according to criteria established by the board.

The chair assumes any other function assigned by the board.

§3. — *President and chief executive officer*

28. The Government appoints the president and chief executive officer on the recommendation of the board of directors for a term of office not exceeding five years, taking into consideration the expertise and experience profiles the board has adopted.

The office of president and chief executive officer is a full-time position.

29. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 28, the Government may appoint the president and chief executive officer after notifying the board members.

30. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the institute's personnel to exercise the functions of that position.

31. The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

DIVISION II

RESPONSIBILITIES OF THE BOARD OF DIRECTORS

32. The board of directors determines the institute's strategic directions and sees to their implementation. The board inquires into any issue it considers important.

The board is accountable for its decisions and the chair is answerable to the Minister for those decisions.

33. The functions of the board of directors also include

(1) adopting the strategic plan, the three-year plan of activities and the annual updates of the plan of activities;

(2) adopting the financial statements, the annual management report and the annual budget of the institute;

(3) adopting the governance rules of the institute;

(4) adopting the code of ethics applicable to the board members, the code applicable to the officers appointed by the institute and to the employees of the institute, subject to a regulation made under sections 3.0.1 and 3.0.2 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), and the code applicable to any outside experts the board calls upon in the exercise of its functions;

(5) adopting the expertise and experience profiles to be used in appointing board members;

(6) adopting the criteria for evaluating the president and chief executive officer;

(7) adopting the criteria for assessing the performance of the board;

(8) adopting the policies for managing the risks associated with the conduct of the affairs of the institute;

(9) making sure the governance and ethics committee, the audit committee, the human resources committee and the other committees exercise their functions properly;

(10) determining delegations of authority; and

(11) adopting measures to evaluate the institute's effectiveness, efficiency and performance.

34. The members of the personnel of the institute are appointed in accordance with the staffing plan and the standards established by by-law of the institute.

Subject to a collective agreement, the institute determines, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions determined by the Government.

35. If a member of the board of directors is sued by a third party for an act carried out in the exercise of the functions of office, the institute assumes the member's defence and pays any damages awarded as compensation, unless the member committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the institute pays the defence costs of a member of the board only if the member is discharged or acquitted or if the institute judges that the member acted in good faith.

36. If the institute sues a member of the board of directors for an act done in the exercise of the functions of office and loses its case, it must pay the member's defence costs if the court so decides.

If the institute wins its case only in part, the court may determine the amount of the defence costs it must pay.

37. The institute may make by-laws concerning the exercise of its powers, its internal management and the rules relating to quorum.

The by-laws may provide, in particular, that non-attendance at a number of meetings of the board of directors determined in those by-laws constitutes a vacancy in the cases and circumstances specified in the by-laws.

DIVISION III

BOARD COMMITTEES

38. The board of directors must establish a governance and ethics committee, an audit committee and a human resources committee. Each committee must consist of a majority of independent directors. In addition, at least one member of the audit committee must have accounting or financial expertise.

The board may also establish other committees to examine specific issues and advise it.

The board determines the committees' terms of reference.

39. The chair of the board of directors may take part in committee meetings.

CHAPTER IV

ADVISORY PANEL

40. The institute must establish, by by-law, an advisory panel for the health and social services sectors and determine the profile of the persons who may sit on the panel. The composition of the panel must be representative of the providers and groups for whom the recommendations and practice guides drawn up under paragraph 2 of section 5 are intended. The by-law must be approved by the Minister.

The role of the panel is to advise the institute in determining the matters to be examined as a priority and to foster concerted approaches for implementing the institute's recommendations and practice guides.

CHAPTER V

MEDICAL STAFF

41. The institute must prepare and forward to the Minister a medical staffing plan adapted to the pursuit of its mission. The plan must specify the number of general practitioners, medical specialists by specialty, dentists in general practice and dentists in specialized practice the institute may employ.

The plan must also specify where the staff practise their profession.

In preparing the plan, the institute takes into consideration any growth or reduction objectives identified by the Minister.

42. The Minister approves the institute's medical staffing plan with or without amendment, taking into consideration the regional medical staffing plans prepared under the Act respecting health services and social services.

43. The plan must be revised every three years, and continues to have effect until the Minister has ruled on the revision.

CHAPTER VI

FINANCIAL PROVISIONS AND REPORTS

44. The institute's fiscal year ends on 31 March.

45. Not later than 15 July each year, the institute must file its financial statements with the Minister together with its annual management report for the preceding fiscal year.

The financial statements and the annual management report must contain all the information required by the Minister. The report must also give an account of the institute's use of the personal information communicated to it in accordance with this Act and an account of the attendance of the members of the board of directors at board meetings and of their remuneration, if applicable.

46. The Minister tables the financial statements and the annual management report in the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.

The financial statements and the annual management report are then published on the institute's website.

47. The books and accounts of the institute are audited by the Auditor General every year and whenever ordered by the Government.

The audit report must accompany the institute's financial statements.

48. Each year, the institute sends its budgetary estimates for the ensuing fiscal year to the Minister, on the date and in the form determined by the Minister. The estimates are submitted to the Conseil du trésor for approval before the beginning of the fiscal year concerned.

49. The institute may not accept or receive sums or property from sources likely to undermine its independence or place it in a conflict of interest situation.

50. The Government may, on the conditions and in the manner it determines,

(1) guarantee payment of the principal and interest on any loan contracted by the institute, and the execution of its obligations; and

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary to meet its obligations or pursue its mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

51. The institute may not, without the authorization of the Government,

(1) contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms determined by the Government;

(3) acquire or dispose of other assets in excess of the limits or in contravention of the terms determined by the Government; or

(4) accept a gift or legacy to which a charge or condition is attached.

52. The institute must provide the Minister with all the information required by the latter concerning its activities, within the time and in the form specified by the Minister.

53. Chapter II of the Public Administration Act (R.S.Q., chapter A-6.01) applies to the institute as if it were a body designated under the second paragraph of section 5 of that Act.

CHAPTER VII

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

54. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Agence d’évaluation des technologies et des modes d’intervention en santé” and “Conseil du médicament”.

55. Schedule 2 to the Act is amended by inserting “Institut national d’excellence en santé et en services sociaux” in alphabetical order.

HEALTH INSURANCE ACT

56. Section 66.0.1 of the Health Insurance Act (R.S.Q., chapter A-29) is repealed.

57. Section 67 of the Act is amended by replacing the eleventh paragraph by the following paragraphs:

“Nor does it prohibit the release to the Institut national d’excellence en santé et en services sociaux of information in non-nominative form obtained for the carrying out of this Act, if that information is necessary for the purposes of the Act respecting the Institut national d’excellence en santé et en services sociaux (2010, chapter 15).

Nor does it prohibit the release to the institute of personal information if that information is necessary for the purposes of the Act respecting the Institut national d’excellence en santé et en services sociaux and is in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).”

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

58. The heading of Division II of Chapter IV of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is replaced by the following heading:

“PRICE OF MEDICATIONS”.

59. Sections 53 to 56 of the Act are repealed.

60. Section 57 of the Act is replaced by the following section:

“**57.** The Board is responsible for making recommendations to the Minister on changes in the price of medications already entered on the list provided for in section 60.”

61. Sections 57.1 to 57.4 of the Act are repealed.

62. Section 58 of the Act is replaced by the following section:

“**58.** For the purposes of section 57, the Board may require accredited manufacturers and wholesalers, or manufacturers and wholesalers who have applied for accreditation, to provide information on the price of the medications they offer for sale.”

63. Sections 59 and 59.1 of the Act are repealed.

64. Division II.1 of the Act, comprising the heading and sections 59.2 and 59.3, is repealed.

65. Section 60 of the Act is amended by replacing “after consulting the Conseil du médicament” in the first paragraph by “after considering the recommendations made by the Institut national d’excellence en santé et en services sociaux established by the Act respecting the Institut national d’excellence en santé et en services sociaux (2010, chapter 15),”.

66. Section 60.1 of the Act is amended

- (1) by replacing “Conseil du médicament” by “Board”;
- (2) by striking out “shall notify the Board, which”.

67. Section 60.2 of the Act is amended

- (1) by replacing “Conseil du médicament” by “Board”;
- (2) by replacing “council” by “Board”;
- (3) by replacing “shall notify the Board. The Board shall make the necessary correction and specify its” by “shall make the necessary correction and specify the”.

68. Section 63 of the Act is amended by replacing “following a report of the Conseil du médicament” in the first paragraph by “on the recommendation of the Board”.

69. Section 65 of the Act is amended by replacing “following a report of the Conseil du médicament” by “on the recommendation of the Board”.

ACT RESPECTING THE HEALTH AND WELFARE COMMISSIONER

70. Section 4 of the Act respecting the Health and Welfare Commissioner (R.S.Q., chapter C-32.1.1) is amended by replacing “Agence d’évaluation des technologies et des modes d’intervention en santé created by Order in Council 855-2000 dated 28 June 2000 and with the Conseil du médicament” in subparagraph *f* of paragraph 2 by “Institut national d’excellence en santé et en services sociaux”.

VETERINARY SURGEONS ACT

71. Section 9 of the Veterinary Surgeons Act (R.S.Q., chapter M-8) is amended by replacing “Conseil du médicament” in the first paragraph by “Institut national d’excellence en santé et en services sociaux”.

OPTOMETRY ACT

72. Section 19.4 of the Optometry Act (R.S.Q., chapter O-7) is amended by replacing “Conseil du médicament” in the first and second paragraphs by “Institut national d’excellence en santé et en services sociaux”.

PHARMACY ACT

73. Section 37.1 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by replacing “Conseil du médicament” by “Institut national d’excellence en santé et en services sociaux”.

PODIATRY ACT

74. Section 12 of the Podiatry Act (R.S.Q., chapter P-12) is amended by replacing “Conseil du médicament” by “Institut national d’excellence en santé et en services sociaux”.

PUBLIC PROTECTOR ACT

75. Section 15 of the Public Protector Act (R.S.Q., chapter P-32) is amended by adding the following paragraph after paragraph 6:

“(7) the Institut national d’excellence en santé et en services sociaux.”

ACT RESPECTING THE RÉGIE DE L’ASSURANCE MALADIE DU QUÉBEC

76. Section 2 of the Act respecting the Régie de l’assurance maladie du Québec (R.S.Q., chapter R-5) is amended by adding the following subparagraph at the end of the second paragraph:

“(k) make recommendations to the Minister of Health and Social Services on changes in the price of medications already entered on the list provided for in section 60 of the Act respecting prescription drug insurance (chapter A-29.01).”

77. Section 2.0.3 of the Act is amended by striking out the second paragraph.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

78. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by inserting “The Institut national d’excellence en santé et en services sociaux” in alphabetical order.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

79. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting “the Institut national d’excellence en santé et en services sociaux” in paragraph 1 in alphabetical order.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

80. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by inserting “the Institut national d’excellence en santé et en services sociaux” in paragraph 1 in alphabetical order.

MIDWIVES ACT

81. Section 9 of the Midwives Act (R.S.Q., chapter S-0.1) is amended by replacing “Conseil du médicament” in the first paragraph by “Institut national d’excellence en santé et en services sociaux”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

82. Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by adding the following paragraph after paragraph 11:

“(12) for the purposes of the Act respecting the Institut national d’excellence en santé et en services sociaux (2010, chapter 15).”

83. Section 116 of the Act is amended by replacing “after consultation with the Conseil du médicament established under section 53 of the Act respecting prescription drug insurance (chapter A-29.01)” in the first paragraph by “after considering the recommendations of the Institut national d’excellence en santé et en services sociaux”.

84. Section 118 of the Act is amended by replacing “Conseil du médicament” by “Institut national d’excellence en santé et en services sociaux”.

85. Section 436.6 of the Act is amended

(1) by replacing “agency evaluating health care technologies and methods of intervention known as the Agence d’évaluation des technologies et des modes d’intervention en santé” in subparagraph 7 of the first paragraph by “institute for excellence in health and social services known as the Institut national d’excellence en santé et en services sociaux”;

(2) by replacing “Agence d’évaluation des technologies et des modes d’intervention en santé in order to ensure the agency’s” in subparagraph 9 of the first paragraph by “Institut national d’excellence en santé et en services sociaux in order to ensure the institute’s”.

86. Section 436.8 of the Act is amended by replacing “Agence d’évaluation des technologies et des modes d’intervention en santé” in subparagraph 5 of the first paragraph by “Institut national d’excellence en santé et en services sociaux”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

87. Section 150 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by replacing “after consultation with the Conseil du médicament established pursuant to section 53 of the Act respecting prescription drug insurance (chapter A-29.01)” in the first paragraph by “after considering the recommendations of the Institut national d’excellence en santé et en services sociaux established by the Act respecting the Institut national d’excellence en santé et en services sociaux (2010, chapter 15)”.

CHAPTER VIII

MISCELLANEOUS AND FINAL PROVISIONS

88. For the first board of directors of the Institut national d’excellence en santé et en services sociaux, the Government appoints four members for a term of office of three years and five members for a term of office of two years.

In addition, except for the consultation required by the first paragraph of section 20, the other formalities prescribed in that paragraph and the first paragraph of section 28 do not apply.

89. The Institut national d’excellence en santé et en services sociaux succeeds to the functions of the Conseil du médicament established under section 53 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) and the Agence d’évaluation des technologies et des modes d’intervention en santé created by Order in Council 855-2000 (2000, G.O. 2, 5248, French only) that are entrusted to it. The institute acquires the rights and property and assumes the obligations of the Conseil du médicament and the Agence d’évaluation des technologies et des modes d’intervention en santé, and proceedings to which either is a party may be continued by the institute without continuance of suit.

The order in council referred to in the first paragraph, and the amendments made to it, are repealed.

90. The Régie de l’assurance maladie du Québec succeeds to the functions of the Conseil du médicament that are entrusted to it.

However, the institute exercises the functions of the Conseil du médicament entrusted to the Régie de l’assurance maladie du Québec under sections 57 and 58 of the Act respecting prescription drug insurance, as amended by sections 60 and 62, until the date set by the Government.

- 91.** The records and documents of the Agence d'évaluation des technologies et des modes d'intervention en santé become records and documents of the institute.
- 92.** The records and documents of the Conseil du médicament become records and documents of the institute or the Régie de l'assurance maladie du Québec, depending on the functions concerned.
- 93.** The term of office of the members of the Conseil du médicament and of the Agence d'évaluation des technologies et des modes d'intervention en santé in office on (*insert the date preceding the date of coming into force of this section*) ends on (*insert the date of coming into force of this section*).
- 94.** The employees of the Conseil du médicament and of the Agence d'évaluation des technologies et des modes d'intervention en santé, as well as the employees of the Ministère de la Santé et des Services sociaux assigned to functions entrusted to the institute by this Act, in office on 10 June 2010, become, subject to the conditions of employment applicable to them, employees of the institute to the extent that a decision of the Conseil du trésor providing for their transfer is made before 11 June 2012.
- 95.** The conditions of employment of the employees described in section 94 continue to apply, to the extent that they are applicable to them, until they are amended in accordance with the law.
- 96.** An employee described in section 94 occupies the position and exercises the functions assigned by the institute, subject to the conditions of employment applicable to the employee.
- 97.** An employee of the institute described in section 94 who, when appointed to the institute, was a public servant with permanent tenure, may apply for a transfer to a position in the public service or enter a competition for promotion to such a position in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).
- 98.** Section 35 of the Public Service Act applies to an employee described in section 97 who enters a competition for promotion to a position in the public service.
- 99.** An employee described in section 97 who applies for a transfer or enters a competition for promotion may apply to the chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into consideration the classification that the employee had in the public service on the date on which the employee left the public service, as well as the years of experience and the formal education acquired while employed by the institute.

If the employee is transferred subsequent to the application of section 97, the deputy minister of the department or chief executive officer of the body assigns to the employee a classification compatible with the assessment provided for in the first paragraph.

If promoted pursuant to section 97, the employee must be given a classification on the basis of the criteria set out in the first paragraph.

100. On or before 11 June 2015 and every five years after that, the Minister must ensure that the carrying out of this Act is the subject of an independent report.

The Minister tables the report in the National Assembly within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

101. Until an order is made under the fourth paragraph of section 10 of this Act, the provisions of Order in Council 399-2007 (2007, G.O. 2, 2320, French only) applicable to consultants and experts apply with regard to the members of the committees set up under that section.

102. The Minister of Health and Social Services is responsible for the administration of this Act.

103. This Act comes into force on 11 June 2010, except sections 4 to 9, 12, 13, 54, 56 to 74, 76, 77, 81 to 87 and 89 to 93, which come into force on the date or dates to be set by the Government.

