

chapter I-13.03

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

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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.

2010, c. 15, s. 1.

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.

2010, c. 15, s. 2.

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*.

2010, c. 15, s. 3.

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.

2010, c. 15, s. 4.

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 (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 (chapter S-4.2) and section 150 of the Act respecting health services and social services for Cree Native persons (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.

2010, c. 15, s. 5.

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.

2010, c. 15, s. 6.

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.

2010, c. 15, s. 7.

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, except in the case of a recommendation about a medication that is the subject of negotiations to make a listing agreement under section 60.0.1 of the Act respecting prescription drug insurance (chapter A-29.01). In the latter case, the recommendation is published at the time determined by the Minister, but not later than 30 days after the end date of the exclusion provided for in section 60.0.2 of that Act.

2010, c. 15, s. 8; 2015, c. 8, s. 194.

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.

2010, c. 15, s. 9.

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.

2010, c. 15, s. 10.

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.

2010, c. 15, s. 11.

12. A public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (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.

2010, c. 15, s. 12.

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.

2010, c. 15, s. 13.

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.

2010, c. 15, s. 14.

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.

2010, c. 15, s. 15.

16. *(Repealed).*

2010, c. 15, s. 16; 2013, c. 16, s. 110; 2022, c. 19, s. 182.

17. *(Repealed).*

2010, c. 15, s. 17; 2022, c. 19, s. 182.

18. *(Repealed).*

2010, c. 15, s. 18; 2022, c. 19, s. 182.

19. *(Repealed).*

2010, c. 15, s. 19; 2022, c. 19, s. 182.

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.

2010, c. 15, s. 20; 2022, c. 19, s. 184.

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

2010, c. 15, s. 21; 2022, c. 19, s. 185.

22. *(Repealed).*

2010, c. 15, s. 22; 2022, c. 19, s. 186.

23. *(Repealed).*

2010, c. 15, s. 23; 2022, c. 19, s. 187.

24. *(Repealed).*

2010, c. 15, s. 24; 2022, c. 19, s. 187.

25. *(Repealed).*

2010, c. 15, s. 25; 2022, c. 19, s. 187.

26. *(Repealed).*

2010, c. 15, s. 26; 2022, c. 19, s. 187.

27. *(Repealed).*

2010, c. 15, s. 27; 2022, c. 19, s. 187.

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

2010, c. 15, s. 28; 2022, c. 19, s. 189.

29. *(Repealed).*

2010, c. 15, s. 29; 2022, c. 19, s. 190.

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.

2010, c. 15, s. 30.

31. *(Repealed).*

2010, c. 15, s. 31; 2022, c. 19, s. 190.

DIVISION II

RESPONSIBILITIES OF THE BOARD OF DIRECTORS

32. *(Repealed).*

2010, c. 15, s. 32; 2022, c. 19, s. 190.

33. The functions of the board of directors include

- (1) adopting the three-year plan of activities and its annual updates;
- (2) adopting the code of ethics applicable to outside experts the board calls upon in the exercise of its functions;
- (3) making sure the governance and ethics committee, the human resources committee and the other committees exercise their functions properly; and
- (4) adopting measures to evaluate the institute's effectiveness, efficiency and performance.

2010, c. 15, s. 33; 2022, c. 19, s. 191.

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.

2010, c. 15, s. 34.

35. *(Repealed).*

2010, c. 15, s. 35; 2022, c. 19, s. 192.

36. *(Repealed).*

2010, c. 15, s. 36; 2022, c. 19, s. 192.

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.

2010, c. 15, s. 37.

DIVISION III

Repealed, 2022, c. 19, s. 193.

2010, c. 15, Div. III; 2022, c. 19, s. 193.

38. *(Repealed).*

2010, c. 15, s. 38; 2022, c. 19, s. 193.

39. *(Repealed).*

2010, c. 15, s. 39; 2022, c. 19, s. 193.

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.

2010, c. 15, s. 40.

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.

2010, c. 15, s. 41.

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 (chapter S-4.2).

2010, c. 15, s. 42.

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

2010, c. 15, s. 43.

CHAPTER VI

FINANCIAL PROVISIONS AND REPORTS

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

2010, c. 15, s. 44.

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.

2010, c. 15, s. 45; 2022, c. 19, s. 194.

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.

2010, c. 15, s. 46.

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.

2010, c. 15, s. 47.

48. *(Repealed).*

2010, c. 15, s. 48; 2020, c. 5, s. 125.

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.

2010, c. 15, s. 49.

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.

2010, c. 15, s. 50.

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.

2010, c. 15, s. 51.

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.

2010, c. 15, s. 52.

53. Chapter II of the Public Administration Act (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.

2010, c. 15, s. 53.

CHAPTER VII

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

54. *(Amendment integrated into c. A-6.001, Schedule 1).*

2010, c. 15, s. 54.

55. *(Amendment integrated into c. A-6.001, Schedule 2).*

2010, c. 15, s. 55.

HEALTH INSURANCE ACT

56. *(Omitted).*

2010, c. 15, s. 56.

57. *(Amendment integrated into c. A-29, s. 67).*

2010, c. 15, s. 57.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

58. *(Amendment integrated into c. A-29.01, heading of Division II of Chapter IV).*

2010, c. 15, s. 58.

59. *(Omitted).*

2010, c. 15, s. 59.

60. *(Amendment integrated into c. A-29.01, s. 57).*

2010, c. 15, s. 60.

61. *(Omitted).*

2010, c. 15, s. 61.

62. *(Amendment integrated into c. A-29.01, s. 58).*

2010, c. 15, s. 62.

63. *(Omitted).*

2010, c. 15, s. 63.

64. *(Omitted).*

2010, c. 15, s. 64.

65. *(Amendment integrated into c. A-29.01, s. 60).*

2010, c. 15, s. 65.

66. *(Amendment integrated into c. A-29.01, s. 60.1).*

2010, c. 15, s. 66.

67. *(Amendment integrated into c. A-29.01, s. 60.2).*

2010, c. 15, s. 67.

68. *(Amendment integrated into c. A-29.01, s. 63).*

2010, c. 15, s. 68.

69. *(Amendment integrated into c. A-29.01, s. 65).*

2010, c. 15, s. 69.

ACT RESPECTING THE HEALTH AND WELFARE COMMISSIONER

70. *(Amendment integrated into c. C-32.1.1, s. 4).*

2010, c. 15, s. 70.

VETERINARY SURGEONS ACT

71. *(Amendment integrated into c. M-8, s. 9).*

2010, c. 15, s. 71.

OPTOMETRY ACT

72. *(Amendment integrated into c. O-7, s. 19.4).*

2010, c. 15, s. 72.

PHARMACY ACT

73. *(Amendment integrated into c. P-10, s. 37.1).*

2010, c. 15, s. 73.

PODIATRY ACT

74. *(Amendment integrated into c. P-12, s. 12).*

2010, c. 15, s. 74.

PUBLIC PROTECTOR ACT

75. *(Amendment integrated into c. P-32, s. 15).*

2010, c. 15, s. 75.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

76. *(Amendment integrated into c. R-5, s. 2).*

2010, c. 15, s. 76.

77. *(Amendment integrated into c. R-5, s. 2.0.3).*

2010, c. 15, s. 77.

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

78. *(Amendment integrated into c. R-8.2, Schedule C).*

2010, c. 15, s. 78.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

79. *(Amendment integrated into c. R-10, Schedule I).*

2010, c. 15, s. 79.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

80. *(Amendment integrated into c. R-12.1, Schedule II).*

2010, c. 15, s. 80.

MIDWIVES ACT

81. *(Amendment integrated into c. S-0.1, s. 9).*

2010, c. 15, s. 81.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

82. *(Amendment integrated into c. S-4.2, s. 19).*

2010, c. 15, s. 82.

83. *(Amendment integrated into c. S-4.2, s. 116).*

2010, c. 15, s. 83.

84. *(Amendment integrated into c. S-4.2, s. 118).*

2010, c. 15, s. 84.

85. *(Amendment integrated into c. S-4.2, s. 436.6).*

2010, c. 15, s. 85.

86. *(Amendment integrated into c. S-4.2, s. 436.8).*

2010, c. 15, s. 86.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

87. *(Amendment integrated into c. S-5, s. 150).*

2010, c. 15, s. 87.

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.

2010, c. 15, s. 88.

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 (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.

2010, c. 15, s. 89.

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 (chapter A-29.01), as amended by sections 60 and 62, until the date set by the Government.

2010, c. 15, s. 90.

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.

2010, c. 15, s. 91.

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.

2010, c. 15, s. 92.

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 18 January 2011 ends on 19 January 2011.

2010, c. 15, s. 93.

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.

2010, c. 15, s. 94.

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.

2010, c. 15, s. 95.

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.

2010, c. 15, s. 96.

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 promotion selection process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

2010, c. 15, s. 97; 2013, c. 25, s. 34; 2021, c. 11, s. 49.

98. Section 35 of the Public Service Act (chapter F-3.1.1) applies to an employee described in section 97 who enters a promotion selection process for a position in the public service.

2010, c. 15, s. 98; 2013, c. 25, s. 34; 2021, c. 11, s. 49.

99. An employee described in section 97 who applies for a transfer or enters a promotion selection process 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.

2010, c. 15, s. 99; 2013, c. 25, s. 34; 2021, c. 11, s. 49.

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.

2010, c. 15, s. 100.

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.

2010, c. 15, s. 101.

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

2010, c. 15, s. 102.

103. *(Omitted).*

2010, c. 15, s. 103.