

Summary table of follow-up to recommendations to government departments, agencies and health network authorities by the Quebec ombudsman in its 2007-2008 and 2008-2009 annual reports

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| ALL GOVERNMENT DEPARTMENTS AND AGENCIES, AND ALL HEALTH AND SOCIAL SERVICE INSTITUTIONS Re-acquaintance with the principle of administrative justice and user rights (2007-2008 recommendation) That public service managers take measures to familiarize their staff with the fundamental principles in the Act respecting administrative justice and the Act respecting health services and social services, and the need to uphold them. These drawn up measures materialize among others, in: • The formulation of specific expectations for supervisory staff in applying these principles and rules; • Regular updates for staff, specifically those persons whose actions and decisions have a direct impact on citizens; • Systematic and appropriate training for all new employees, from the moment they are hired. | APPRECIATE the real positive impacts obtained in the first year of implementation. However, much remains to be done, and this will continue to be a core concern for the Québec Ombudsman in 2009-2010. It will continue to review the results in subsequent annual reports. | CONFIDENT that the proposed measures will be implemented gradually by the authorities concerned. |

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| THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT An impartial and credible complaint management system (2007-2008 recommendation) That the Ministère de l'Éducation, du Loisir et du Sport determine the most appropriate conditions for providing the school system with a manner for handling complaints capable of ensuring the impartiality and credibility necessary to meet the needs of parents, students and institutions. | SATISFIED with the progress made as a result of the recommendation, and in particular with the adoption of Bill 88 on October 29, 2008, providing for the creation of a Student Ombudsman. WILL MONITOR the forthcoming regulation and the impacts of not having a truly independent recourse. | NOTES that complaints have been made in this respect. WORRIED that the regulation as adopted does not sufficiently ensure the legitimacy and impartiality of the new recourse. WILL MONITOR the implementation of the complaint processing system. |
| LE MINISTÈRE DE LA SÉCURITÉ PUBLIQUE – CORRECTIONAL SERVICES A social reintegration plan (2007-2008 and 2008-2009 recommendations) That the Government of Québec oversee the development of an action plan, no later than December 2008, for the creation and management of social integration services. Note: The Government entrusted this task to the Ministère de la Sécurité publique. | WORRIED about the negative impacts of the accumulated delays. No action plan has yet been approved. | SATISFIED with the preparation of a Government action plan. WILL MONITOR its officialization and implementation, beginning in 2010-2011. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| Local funding activities to support social reintegration (2007-2008 recommendation) That the Ministère de la Sécurité publique cooperate with the Local Funds to Support Social Rehabilitation as well as the other actors involved, including private industry representatives, to develop a framework and rules to assist Local Funds in reaching agreements, and this while giving due consideration to the realities of private enterprise. Note: The Department has elected to incorporate follow-up to this recommendation with application of the social reintegration action plan, which is an appropriate course of action. | DISSATISFIED with the failure to resolve this issue, which could be addressed imme- diately with support from the business community, and which would have benefits for all the parties. | SATISFIED with the work done, despite the delay in applying these recommendations. WILL MONITOR the development of the local support funds in the coming years. |
| Utilization registry for isolation or seclusion cells (2007-2008 recommendation) That the Ministère de la Sécurité publique introduce a mandatory registry for the use of isolation or seclusion cells at all detention facilities. | DISSATISFIED with the follow-up to this recommendation. | SATISFIED with the implementa- tion of a registry in detention centres in the fall of 2009. |
| Requests for health services (2007-2008 recommendation) That the Ministère de la Sécurité publique evaluate in the near future options to make changes to the conditions governing written requests for health services. That it notify the Québec Ombudsman of the results of this review. | WORRIED about the slow progress with this matter. | CONFIDENT that follow-up action will be taken, given the progress made in reviewing the conditions applicable to written requests. WILL MONITOR the Depart- ment's ongoing efforts. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| Complaint handling system (2008-2009 recommendations) That the Ministère de la Sécurité publique, with immediate effect, require management to use the register on a regular basis and that the collected data be examined with a specific focus on improving respect for the fundamental rights of inmates and correcting, once and for all, the recurrent problems with the application of the complaint processing system in detention centres. That, as of August 2009, it submit quarterly reports to the Québec Ombudsman on its progress in using the register. | | SATISFIED with the follow-up to these recommendations. |
| Use of physical restraints (2008-2009 recommendation) That the Ministère de la Sécurité publique review the internal directives of detention facilities so that, in accordance with provincial guidelines, the use of physical restraints is based on the level of risk represented by the inmate and on the security context in the health facility. | | SATISFIED with the provisions of the new provin- cial instruction. WILL MONITOR its application by detention fa- cility managers. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| Confidentiality of information exchanged by inmates and medical staff (2008-2009 recommendations) That the Ministère de la Sécurité publique reassess the internal directives of individual institutions. That, in its directives, it emphasize the importance of respecting confidentiality and stipulate how this may be done. That it identify the necessary material conditions to allow for confidential consultations while limiting security risks, and that it report to the Québec Ombudsman by December 31, 2009, on the steps taken. That it undertake discussions with the health and social service institutions that most often receive inmates, in order to determine the conditions required to allow confidential medical consultations in a secure environment. | | WORRIED that the principle of confidentiality for discussions between medi- cal staff and inmates is not acknowledged in the new instruction. WILL MONITOR the corrective measures taken as a result of these recom- mendations. |
| COMMISSION QUÉBÉCOISE DES LIBÉRATIONS CONDITIONNELLES, MINISTÈRE DE LA SÉCURITÉ PUBLIQUE, MINISTÈRE DE LA JUSTICE, DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS Release on parole: Chronic postponement of hearings (2008-2009 recommendation) That the Ministère de la Justice, the Ministère de la Sécurité publique, the Director of Criminal and Penal Prosecutions and the Commission québécoise des libérations conditionnelles work together to analyze bottlenecks in the current parole release system, in order not only to improve existing practices but also to make suitable changes to the rules and simplify their operation, if possible. It also asks that they report to it on the changes made by January 2010. | | DISSATISFIED with the time taken to follow up on this recommendation, in view of the large number of postponements that have occurred since the recommendation was made. WILL MONITOR the results of the work done to correct the situation. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| CURATEUR PUBLIC Delays in launching protective supervision programs (2007-2008 recommendations) That the Curateur public provide the Québec Ombudsman, no later than September 1, 2009, accurate data on the delays for obtaining a judgment subsequent to the receipt of the director generals reports attesting to the need for a protective supervision program. In addition, the Québec Ombudsman asked the Curateur public for a copy of its action plan, including the measures it plans to introduce to limit to the greatest possible extent the intervention delays when a protective supervision program must be launched. | WORRIED about the results of the steps taken to follow up on this recommendation. There is no guarantee that satisfactory results will be achieved in the short term. | DISSATISFIED. The Québec Ombudsman feels that a permanent correction to this problem is required. |
| Delays in launching protective supervision programs (2008-2009 recommendation) That the Curateur public present a review of the measures it has introduced, and that it submit a report on its analysis of the results obtained as a result of the steps taken by other bodies. | | WORRIED about ongoing delays. WILL MONITOR progress carefully. |
| Consent for care for incapacitated individuals (2007-2008 recommendations) That the Curateur public measure the results of its efforts, primarily to ensure that its message has been heard and understood by the main stakeholders involved in the issue of consent for care. This measure should also allow the Curateur public to determine whether institutions or actors are failing to obtain its consent when necessary. That the Curateur public notify the Québec Ombudsman of the results obtained. | DISSATISFIED with the follow-up to this recommendation. A profile of the situation should be submitted to the Québec Ombudsman by June 2009. | DISSATISFIED with the delay in the follow-up to this recommendation. |

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| Consent for care for incapacitated individuals (2008-2009 recommendation) That the Curateur public complete its assessment of the results in the near future, and submit a profile of the situation no later than June 2009. | | SATISFIED with the measures introduced as follow-up to this recommendation. The Québec Ombudsman asks the Curateur public to continue its efforts. |
| Exchanges of information between the Curateur public and the Ministère de la Sécurité publique (2007-2008 recommendations) That the Curateur public establish an action plan to ensure that it can efficiently fulfil its responsibility towards the incarcerated incapacitated individuals it represents, both while they are in prison and after they are released. That a copy of the plan be forwarded to the Québec Ombudsman no later than December 31, 2008. | DELAY with this matter. The content of the action plan, now expected to be published in the spring of 2009, will be examined carefully. | SATISFIED with the results of the work performed jointly by the Curateur public and the Ministère de la Sécurité publique. |
| That the Curateur public demonstrate, by December 2008, that it has introduced, in conjunction with the Ministère de la Sécurité publique, concrete measures for the efficient dissemination of information and to ensure that it is immediately notified when a person under its supervision is kept or held in a detention centre. | DELAY with this matter. Imple- mentation is now planned for the summer of 2009. | SATISFIED with the information given to key people in de- tention facilities. |
| Understanding the clientele (2008-2009 recommendation) That, at one of the regular meetings between now and January 2010, the Curateur public submit a review of the steps taken to understand the clientele. | | WILL MONITOR the requested clarifications to confirm that the maximum target set by the Curateur public is realistic |

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| Reassessment of protective programs (2008-2009 recommendation) That the Curateur public report to the Québec Ombudsman by May 2010 on the implementation of its plan of action. | | SATISFIED with the plan of action that has been introduced. WILL MONITOR its results to ensure that the problem regarding delays has been permanently corrected. |
| Final report and accounting (2008-2009 recommendation) That the Curateur public produce explanatory documents with a generalized version of its final report and accounts, based on the principles set out in the Act respecting administrative justice, and that it submit these documents to it by January 2010. | | SATISFIED with the follow-up to this recommen- dation. |
| RÉGIE DU LOGEMENT Legislative amendments to reduce wait times (2007-2008 recommendations) That the legal framework under which the Régie du logement addresses cases involving the non-payment of rent be modified so as to incorporate a new procedure for improving the availability of decision-makers in this area while jointly hearing all cases within a reasonable timeframe. That measures are taken to ensure that these changes are designed so as to respect the fundamental rights of all the parties, particularly with regard to procedures involving lease cancellation and the eviction of a tenant. | CONFIDENT that the Ministère des Affaires municipales plans to begin work in 2009, amending the legislation and regulations to reduce hearing delays, but notes that no real results have yet been achieved as a result of the recommendation. | DISSATISFIED with the delays, which are depriving citizens of the opportunity to obtain justice within a reasonable time. The work announced in 2009 has not yet been completed. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| MINISTÈRE DE LA JUSTICE Simplification of the process of revising child support payments (2006-2007 and 2007-2008 recommendations) In its 2006-2007 annual report, the Québec Ombudsman had recommended that the Civil Code and the Code of Civil Procedure be modified to relax the process for reviewing child support. | WORRIED by the fact that, after two years, no progress has been made and the Department has done nothing to move forward with an issue that had already stagnated for too long. | CONFIDENT that, in view of the priority granted by the Minister to the question of access to justice, simplified, low- cost measures will be imple- mented by 2011- 2012. |
| SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC Issuing of medical reports (2008-2009 recommendation) That the SAAQ should set targets for improvement so as to be able to assess the impacts of its reorganization on the time taken to issue medical reports, and that it inform the Québec Ombudsman of those impacts by June 30, 2009. | _ | SATISFIED with the follow-up to this recommen- dation. |
| Overhaul of the computer system (2008-2009 recommendations) That the SAAQ should overhaul its computer systems so as to allow for a quick review of the licence and registration files of every citizen who effects a licence or registration transaction at a service centre, and also to avoid requirements that are contrary to the Act. That the SAAQ should treat the overhaul as a priority, and inform the Québec Ombudsman of the outcome of its timeframe review by September 30, 2009. That, in the meantime, the SAAQ should introduce the necessary administrative measures, regardless of the constraints involved. That the SAAQ should submit an action plan to the Québec Ombudsman by June 30, 2009, detailing these measures. | | CONFIDENT that the computer system overhaul that the SAAQ intends to perform in 2011 will allow it to provide a service in accordance with the require- ments of the Highway Safety Code, given the concern demonstrated by the agency's managers in this matter. |

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| COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL – CRIME VICTIMS COMPENSATION DIRECTORATE Telephone access (2008-2009 recommendation) That the Crime Victims Compensation Directorate should provide it with a plan of action by June 30, 2009, which should then be implemented without delay to bring the average waiting time as close as possible to the standard recommended by the Centre d'expertise des grands organismes. | | APPRECIATES the results obtained, in particular the fact that the ave- rage waiting time has been reduced from more than six minutes to approximately one minute. CONFIDENT that effort will continue to be made to reduce the waiting time even further. |
| COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES (CARRA) Information (2008-2009 recommendation) That the CARRA should inform it of the results of the steps taken to improve the quality of the information provided when it implements its 2009-2010 action plan. | | WORRIED that the anticipated improvement has not taken place. |
| RÉGIE DES RENTES DU QUÉBEC Combination of benefits with no negative effects (2008-2009 recommendation) That, as part of the pension plan review that will take place in the fall of 2009, steps should be taken to ensure that the rules applicable to benefit combinations paid to citizens receiving compensation from the Société de l'assurance automobile du Québec do not have the effect of reducing their income from its original level. | | SATISFIED with the measures introduced to minimize the impacts for citizens. WILL MONITOR the legislative amendments to be proposed in the coming months. |

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| MINISTÈRE DE LA SANTÉ ET DES SERVICES SO-CIAUX Extend certification to residences for drug abusers and persons who are mentally ill or have an intellectual disability (2007-2008 recommendation) That private residential facilities serving drug addicts, the mentally ill or the intellectually disabled be subject to a certification program and application of the complaint management system set forth in the Act respecting health services and social services. | DISSATISFIED that no date has been set for implementation of the follow-up to this recom- mendation. There is an urgent need for legislation in this area. | SATISFIED with the legislation adopted on November 19, 2009. WILL MONITOR the follow-up to its implemen- tation. |
| Inspection of facilities and quality indicators (2007-2008 recommendations) That the MSSS continue and intensify its efforts to inspect institutions. | WORRIED by slow progress with the number of inspection visits. | DISSATISFIED with the follow-up to this recommendation. |
| That notably inspection programs, as additional security measures, be developed for private residential facilities serving vulnerable persons, and that these facilities be constrained to a certification program and complaint management system. | WORRIED by the impacts for vulnerable people of extending the certification time. | DISSATISFIED with the delay in the process of certifying private seniors' residences. |
| That the MSSS, in view of its role and obligations regarding quality of care and services, encourage each institution to implement quality indicators. | SATISFIED with the follow-up to this recommendation. AWAITING the results to be published by December 31, 2009. | DISSATISFIED that the Department is still at the planning stage, and that no indi- cators have yet been designed. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| That the MSSS prepare an annual progress report on quality indicators developed and used by institutions. | AWAITING the annual monitoring and reporting mechanism to be given priority with agencies by December 31, 2009. | DISSATISFIED with the follow-up to this recommendation. |
| Quality assurance (2008-2009 recommendations) That the Ministère de la Santé et des Services sociaux step up the pace of its quality assessment visits in order to offer CHSLD residents a quality living environment. | _ | DISSATISFIED with the follow-up to this recommendation. |
| That private seniors' residences be included in the resources that must undergo priority ministerial assessment visits. | _ | DISSATISFIED with delays in the certification process. |
| That quality indicators be included in management agreements between agencies and institutions, and that the contracts made with private resources explicitly set out the level of quality expected and the means of quality control. | _ | DISSATISFIED that the Department is still at the planning stage, and that no indicators have yet been designed. |
| That the capacity of the resources to meet the specific needs of their residence be ascertained. | _ | DISSATISFIED with the follow-up to this recommendation. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| Adequate information, resources and facilities for the complaint management system (2007-2008 recommendation) That boards of directors of institutions in the health and social services network and regional agencies make sure that local and regional complaints and service quality commissioners have at their disposal adequate resources and operating conditions to carry out their responsibilities in an effective and efficient manner. | AWAITING follow-up by the institutions in the coming year. | DISSATISFIED with the follow-up to this recommendation. |
| 2005-2010 Mental Health Action Plan: Evaluation of services and quality of life (2007-2008 recommendation) That the follow-up of the action plan under the responsibility of the Ministère de la Santé et des Services sociaux include an evaluation of the quality of services and the quality of life of users, regardless of the site of service delivery or type of services. | DISSATISFIED with the lack of effort on the part of the Ministère de la Santé et des Services sociaux in response to this recom- mendation. | WILL MONITOR the progress and anticipated results of the evaluation of action plan im- plementation. |
| 2005-2010 Mental Health Action Plan: Do more to fight the stigmatization of those with mental health problems (2007-2008 recommendation) That the Ministère de la Santé et des Services sociaux, based on the impact of this campaign, continue its initiative in this vein, and even intensify its efforts, particularly in those environments that the department considers the most prejudiced with regard to mental health problems. | AWAITING follow-up to this recommendation. Reminds the Ministère de la Santé et des Services sociaux of the importance of continuing its effort in response to this recommendation. | SATISFIED with the follow-up to this recommen- dation. |

RECOMMENDATION MADE TO

Québec Ombudsman's 2008-2009

Québec 2009-2010

2005 - 2010 Mental Health Action Plan: Giving precedence to respect for human rights above all else (2007-2008 recommendations)

That the Ministère de la Santé et des Services confirm that respect for users' rights has priority over all other considerations except those provided for in the Act respecting health services and social services and the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (P-38), notably by preparing and releasing guidelines with regard to chemical substances as a control mechanism, as announced in the Orientations ministérielles relatives à l'utilisation exceptionnelle des mesures de contrôle : contention, isolement et substances chimiques.

That this statement be clear and unambiguous, like that prohibiting sectorization practices that violate mental health users' rights to choose their provider of services.

AWAITING this action promised by the Ministère de la Santé et des Services sociaux to promote respect for rights.

DISSATISFIED with the follow-up to this recommendation.

Residential and long-term care centres (CHSLDs): Encourage quality of life (2007-2008 recommendation)

That the Ministère de la Santé et des Services sociaux advise the Québec Ombudsman with regard to the measures it will adopt to ensure the implementation of the department orientations regarding the living environment in all CHSLDs.

SATISFIED with the follow-up to this recommendation. The Québec Ombudsman will monitor implementation of the departmental orientations during the year.

DISSATISFIED with implementation of the measures, and in particular with the time taken to implement measures to improve living conditions in the centres.

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| CHSLD: Environments that allow privacy and respect (2007-2008 recommendation) That residential and long-term care centres provide an appropriate environment to allow users to spend time with their loved ones in private, and ensure that bodies are treated with respect at all times, up until they are taken away by the undertaker. | AWAITING follow-up by the institutions in the coming year. | WORRIED that no guarantee has been given to the effect that a portion (albeit small) of the budget granted for functional renovations will be used to develop a suitable environment that provides users with privacy at the end of their lives. |
| CHSLD: Code of conduct and aggressive or violent individuals (2007-2008 recommendations) That residential and long-term care centres communicate their code of ethics and rules of behaviour to agents and legal representatives. | AWAITING the follow-up to this recommendation. | SATISFIED with the follow-up to this recommen- dation. |
| That they develop and institute a policy and methods for controlling individuals who are violent and aggressive with residents, employees or managers. | WORRIED about the follow-up to this recommenda- tion, since many of the interven- tion plans prepa- red for residents are not up-to- date and do not encourage family involvement. | DISSATISFIED with delays in circulating guidelines for addressing violent behaviour by third parties or relatives of residents. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| CHSLD: Filing reports in confidentiality and without fear of reprisals (2007-2008 recommendation) That residential and long-term care centres develop mechanisms to enable employees to confidentially blow the whistle on any situations where users' rights are compromised, while also advising staff members that they can contact the Québec Ombudsman, who will confidentially handle their report, should they fear reprisals. | AWAITING follow-up by the institutions in the coming year. | DISSATISFIED with the follow- up to this re- commendation. |
| Hospital centres: Emergency services (2008-2009 recommendation) That the Ministère de la Santé et des Services sociaux plan temporary solutions for the interim period, so that users whose state of health is evaluated at priority level 4 or 5 can gain access to front-line services. | | DISSATISFIED at receiving no real response as follow-up to this recommendation. |
| Local community service centres: Follow-up on waiting lists (2007-2008 recommendation) That social services centres establish timeframes for communicating with users to update their status, notify them of their position on the waiting list, and advise them of the approximate delay before services will be available. | WORRIED that the Ministère de la Santé et des Services sociaux has not undertaken to ask the health and social service network for a commitment regarding information on waiting times. | DISSATISFIED with the delay in beginning work on the standards governing access to home support services. |

| RECOMMENDATION MADE TO | Québec Ombudsman's assessment in 2008-2009 | Québec Ombudsman's assessment in 2009-2010 |
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| Local community service centres: Homecare services and home support programs (2008-2009 recommendations) That, in the home support service access plan it is about to develop, the Ministère de la Santé et des Services sociaux specify the prioritization criteria for access to service and that it instruct institutions to apply them with timelines and specific accountability, in order to ensure consistent handling of requests for home support, no matter which institution is approached by a person in need of such services. That the MSSS inform the Québec Ombudsman, no later than September 30, 2009, of the timeframe in which it plans to submit the access plan and the related implementation schedules to the institutions in question. | | DISSATISFIED that the Department's efforts to follow up on these re- commendations have not yet produced any real results. |
| Child protection and youth centres: International adoption in Québec (2008-2009 recommendations) That services for parents of children adopted from Québec or from abroad be harmonized, to achieve equity. That the Ministère de la Santé et des Services sociaux submit a progress report and share the results for each region of Québec in order to harmonize the services available to local and international adoption applicants. That the MSSS report to the Québec Ombudsman no later than January 2010. | | DISSATISFIED that, despite the efforts of the Secrétariat and its partners, the supply of services for international adoption applicants has not been har- monized with the supply of services for domestic adop- tion applicants. |

Québec Québec 2008-2009 2009-2010 WORRIED that **AWAITING** Rehabilitation centres: Availability of speech therapy (2007-2008 recommendation) implementation the waiting time (in the coming has simply been That the Ministère de la Santé et des Services year) of the shifted to sociaux take the necessary measures to service access another position implement special access mechanisms for plan for in the process. making speech therapy services available within speech-impaired WORRIED that a reasonable timeframe. people which was the standards circulated in June of the service 2008. access plan are not applied to people who were on the waiting list before November 8, 2008, and that the first service does not necessarily correspond to the user's

priority needs.

