



# SUMMARY OF RECOMMENDATIONS

## Summary of Recommendations in the 2009–2010 Annual Report

### PUBLIC SERVICE

#### COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES

- WHEREAS citizens are entitled to rely on the information provided by the Commission administrative des régimes de retraite et d'assurances;
- WHEREAS citizens are not responsible for mistakes by an agency that are not easily detected;
- WHEREAS in similar situations other Government departments and agencies have the means to remit the debt;
- WHEREAS the current regulations do not allow the CARRA to cancel debts caused by its own mistakes;
- WHEREAS delays in correcting the situation add to the risk that other individuals will suffer similar prejudice;

The Québec Ombudsman recommends that the Commission administrative des régimes de retraite et d'assurances take steps to obtain an amendment to the application regulation for the Act respecting the government and public employees retirement plan in order to include the possibility of remission of debts arising from errors that recipients cannot reasonably detect.

## CURATEUR PUBLIC

- WHEREAS the Shelter Allowance Program is a financial assistance program for low-income households that spend too high a percentage of their income on housing;
- WHEREAS the Curateur public's fee requirements greatly diminish, and in some cases cancel out, the benefits of the Allowance;

The Québec Ombudsman recommends that the Curateur public should cease the practice of including the amount of the Shelter Allowance in its calculation to determine whether its wards should pay fees.

## RÉGIE DU LOGEMENT

- WHEREAS a legislative amendment is needed to confirm the power of the Régie du logement to ensure the proper administration of justice;
- WHEREAS an administrative tribunal has only the powers granted by its constituting Act;
- WHEREAS a citizen should be able to enforce a decision when he or she has won the case;

The Québec Ombudsman makes the following recommendation to the Minister of Municipal Affairs, the Regions and Land Occupancy: That the Act respecting the Régie du logement be amended to explicitly stipulate that commissioners have the power to declare debarment<sup>1</sup> for citizens who abuse its procedures.

## HEALTH AND SOCIAL SERVICES: DEPARTMENT AND NETWORK INSTITUTIONS

### ADOPTION

- WHEREAS it is important to provide appropriate services for the adoption of children domiciled outside Québec;
- WHEREAS the Secrétariat à l'adoption internationale and its partners are expected to complete their work on the practical guide to international adoption in June 2010;
- WHEREAS the purpose of the guide is to clarify the responsibilities of the various international adoption stakeholders in the pre-adoption, adoption and post-adoption phases;
- WHEREAS the guide was prepared as a result of a consensus among the stakeholders on the need to reinforce the consistency of shared practices and ensure more efficient processing of adoption files for children domiciled outside Québec;
- WHEREAS the activities of international adoption stakeholders are governed by legal obligations;

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<sup>1</sup> A procedure by which a citizen is prevented from re-applying for revocation of a decision by the Régie.

- WHEREAS the Ministère de la Santé et des Services sociaux intends, between now and 2012, to introduce new orientations for the supply of domestic and international adoption and post-adoption services;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux ensure that an inter-sector agreement be entered into by the authorities responsible for providing services to applicants domiciled in Québec and, where applicable, to the children who are adopted, at the pre-adoption, adoption and post-adoption phases in the process of adopting a child domiciled outside Québec;

That this agreement reiterate the responsibilities of the authorities concerned, and in particular of the following:

- the Secrétariat à l'adoption internationale;
- Directors of Youth Protection;
- youth centres;
- health and social services centres;
- accredited agencies;

That this agreement define all the services that the authorities concerned undertake to provide to applicants and, where applicable, to the children adopted, at every step in the process of adopting a child domiciled outside Québec.

#### PHYSICAL DISABILITY, MENTAL DISABILITY AND PERVASIVE DEVELOPMENTAL DISORDERS

- WHEREAS the Ministère de la Santé et des Services sociaux decided not to apply the standards of the Access Plan to people on waiting lists before November 8, 2008;
- WHEREAS the waiting time has been shifted within the process leading to the provision of actual services;
- WHEREAS the first service provided and acknowledged by the Access Plan does not necessarily address the user's primary need;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux take the necessary steps to ensure that users enrolled on residual waiting lists be served as promised by November 1, 2010;

That it set acceptable wait times between the beginning of the needs evaluation process and the provision of actual rehabilitation services;

That it clearly define what is meant by "first service" to ensure that it addresses the user's priority need;

That it inform the Québec Ombudsman of the results of implementing these recommendations by February 1, 2011.

## ACCOMMODATION OF PEOPLE WITH AGE-RELATED LOSS OF INDEPENDENCE

- WHEREAS the certification process has been delayed and is not complete;
- WHEREAS the certification process cannot, on its own, provide all the necessary guarantees for service quality;
- WHEREAS residents are especially vulnerable and may be easy targets for abuse;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux ensure that the certification process for private seniors' residences is completed by December 31, 2010;

That private seniors' residences be included in its quality assessment visits.

- WHEREAS benefits have resulted from the assessment visits for the implementation of a quality living environment;
- WHEREAS there is a threat to the quality of life and the safety of residents arising from the presence of users with behavioural problems in an environment that is unprepared for this reality;
- WHEREAS current evaluation tools are limited in that they do not adequately assess the needs of clients with disruptive behavioural problems;
- WHEREAS residents are extremely vulnerable and susceptible to abuse;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux step up assessment visits in order to enforce the implementation, by December 2011, of its departmental guidelines concerning a quality living environment for residents;

That it report the measures it intends to take, in addition to assessment visits, to ensure that work and services are organized so as to adequately meet the needs of the residents and respect their rhythm and lifestyle;

That it design guides, tools and quality standards for institutions to follow in order to reorganize their work and services to truly meet the needs of the seniors they house, including those with cognitive deficits combined with disruptive behavioural disorders, while respecting their rhythm and lifestyle;

That it report, by April 2011, on the measures it intends to adopt to guarantee to all users with behavioural disorders, even before they are referred and admitted to a residential resource, that the institution that accepts them will be able immediately to provide all the services required by their condition, especially in terms of organization and environment, without infringing on the other residents' right to privacy, security and dignity;

That it report, by April 2011, on the steps it intends to take to follow up on the recommendations issued in the national report on quality assessment visits carried out from September 2004 to June 2007.

## MENTAL HEALTH

- WHEREAS the Act respecting the protection of persons whose mental state presents a danger to themselves or to others applies to exceptional situations;
- WHEREAS there is a gap between the rights granted by law and respect for those rights in practice;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux formulate guidelines to direct and standardize the application of the legal framework governing all types of forced confinement;

That it provide practitioners and workers with a standardized form to avoid the abusive interpretation of the rule of law and ensure it is able to monitor practices;

That it require institutions to report on their practices, including the annual number of confinements, the reasons for them, and their duration;

That it inform the Québec Ombudsman by December 31, 2010, of how it intends to implement these recommendations.

- WHEREAS overly frequent or inappropriate application of control measures may infringe upon a person's right to freedom and integrity;
- WHEREAS the use of restraint, isolation and chemical substances must be exceptional;
- WHEREAS the Québec Ombudsman has noted many shortcomings in this regard in recent years;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux review the notion of isolation to define it more clearly in order to avoid abuse;

That it supervise the use of chemical substances as a control measure;

That it ensure that institutions obtain consent from users or their representatives in instances where planned control measures are used;

That it ensure that institutions fulfill their duty to provide users and their families with information on the use of control measures;

That it ensure that professionals write down the reasons for the use of control measures in the user's file;

That, as set out in its action plan, it design and implement a standardized data collection tool that must be completed by professionals every time a control measure is used, and that it suggest a method for data compilation and monitoring;

That it develop guidelines to direct the health and social services agencies in the approval of the institutions' protocols for use of control measures;

That it ensure that the institutions' boards of directors receive all the information they need to enforce respect for users by monitoring the use of control measures within their institutions;

That it assess the impact of implementing its guidelines.

The Québec Ombudsman asks to be informed, by December 31, 2010, of the measures that the Ministère de la Santé et des Services sociaux intends to take in response to these recommendations, and the schedule for their implementation.

## PHYSICAL HEALTH

- WHEREAS the population is ageing;
- WHEREAS people at the end of their lives are fragile, and they and their families have specific needs;
- WHEREAS the Palliative Care Policy has already been in effect for six years;
- WHEREAS there is a lack of training on the recommended approach to palliative care when the death occurs outside a palliative care unit;

The Québec Ombudsman recommends that the Ministère de la Santé et des Services sociaux submit a report, by December 2010, outlining the steps it intends to take to implement its End-of-Life Palliative Care Policy, particularly in terms of training;

That it inform the Québec Ombudsman of its results by December 1, 2011.



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