



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 28

(2001, chapter 24)

**An Act to amend the Act respecting
health services and social services and
other legislative provisions**

Introduced 15 May 2001

Passage in principle 20 June 2001

Passage 21 June 2001

Assented to 21 June 2001

**Québec Official Publisher
2001**

EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to redefine the composition of the boards of directors of public institutions and regional boards. It amends various rules that apply to the grouping of certain institutions under the authority of one board of directors.

The bill provides for the creation of a regional nursing commission, a regional multidisciplinary commission and a people's forum for each region in Québec having a regional board created by the Government. The mandate of the people's forum will be to consult the population with a view to determining the level of satisfaction with available services and the needs of the population in terms of service organization.

Each regional board will be required to submit a three-year strategic service organization plan to the Minister for approval after it has consulted the people's forum. The Minister will be authorized to give a regional board a mandate to coordinate its services with those of surrounding regional boards. The bill grants the regional boards certain supervisory and inquiry powers to assist them in their superintendence of institutions.

The bill provides that the granting of privileges to physicians in an institution will require the approval of the regional board. It also proposes reducing the number of public meetings of the boards of directors of institutions to six per year.

The bill provides for management and accountability agreements to be entered into between a regional board and the Minister and between a regional board and public institutions.

As concerns public health matters, the bill proposes to modify the mandate of the regional public health director to specify that the director's scope of intervention will be limited solely to the activities carried on in the region concerned. In certain circumstances, the Minister will be able to confer the functions and powers of a regional public health director on another person.

The Act respecting Institut national de santé publique du Québec is amended to empower the institute to carry out the activities and duties assigned to it by the Minister under the public health program.

The Act respecting the Ministère de la Santé et des Services sociaux is amended to provide for the appointment of a national director of public health by the Government.

The Health Insurance Act is amended to allow for the communication of information in non-nominal form to the Minister and to a body with which the Minister has entered into an agreement, if the information is necessary for the implementation of the agreements.

The bill proposes amendments that make the regional boards subject to the provisions of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

Lastly, the bill contains technical, terminological and consequential amendments as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- 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 health services and social services (R.S.Q., chapter S-4.2).

Bill 28

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 43 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “executive director” in the second line by “president and executive director”.

2. Section 52 of the said Act is amended by replacing “executive director” by “president and executive director”.

3. Section 90 of the said Act is replaced by the following section :

“90. The Minister may, after consulting the Minister of Education and the Minister of Research, Science and Technology, designate as a university institute any centre operated by an institution which, in addition to carrying on the activities inherent in the mission of such a centre, meets the following conditions :

(1) it provides advanced services in a multidisciplinary field of intervention related to health and social services or to the social sector ;

(2) it contributes to the training, as the case may be, of health and social services professionals or human and social sciences professionals according to the terms of a contract of affiliation entered into under section 110 ;

(3) it disposes of a research structure recognized, as the case may be, jointly by the Fonds de la recherche en santé du Québec and an organization engaged in the development of social research, or exclusively by the latter organization ;

(4) it evaluates technologies or methods of intervention related to its advanced sector.”

4. Section 92 of the said Act is amended by striking out “, owing to the low population density and the size of the territory,”.

5. Section 126 of the said Act is amended

(1) by inserting “a general and specialized hospital centre with less than 50 beds,” after “operates” in the first paragraph;

(2) by inserting “general and specialized hospital centre with 50 beds or more or a psychiatric” after “which operates a” in the first line of the second paragraph;

(3) by adding the following paragraph at the end:

“However, a specific board of directors shall be established to administer an institution which operates a general and specialized hospital centre designated as a university hospital centre, a university institute or an affiliated university centre.”

6. Section 126.1 of the said Act, amended by section 199 of chapter 56 of the statutes of 2000, is again amended

(1) by striking out, in the tenth, eleventh and twelfth lines of the first paragraph, the portion after “centre”;

(2) by inserting the following paragraph after the first paragraph:

“The Minister may, if of the opinion that the circumstances warrant it, allow the measures provided for in the first paragraph to be applicable as well to an institution operating a general and specialized hospital centre with 50 beds or more.”

7. Section 126.2 of the said Act is amended by adding the following paragraphs:

“The Minister may, if of the opinion that the circumstances warrant it, allow that the measures provided for in the first paragraph be applicable even if one of the institutions operates a general and specialized hospital centre with less than 50 beds.

The first paragraph does not apply to an institution referred to in the third paragraph of section 126.”

8. The said Act is amended by inserting the following section after section 126.2:

“126.2.1. The Minister may, on the Minister’s own initiative and after consulting the regional board and the institutions concerned, apply, after the time fixed by the Minister, the measures provided for in sections 126.1 and 126.2.”

9. Section 126.3 of the said Act is amended by replacing “appointments” in the third line of the first paragraph by “designations”.

10. Section 126.4 of the said Act is amended

(1) by replacing “appointment” in the first line of the first paragraph by “designation”;

(2) by replacing “appointments” in the fifth line of the third paragraph by “designations”.

11. Section 126.5 of the said Act is amended by adding the following paragraph at the end:

“The elections and designations of persons referred to in sections 135 and 137 for the purpose of replacing the provisional members must take place not later than 30 days before the expiry of their terms.”

12. Section 129 of the said Act is replaced by the following section:

“**129.** The board of directors of the institutions referred to in section 119 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135;

(2) two persons designated by the users’ committees of the institutions;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory concerned;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) three persons designated by the regional board and having their principal residence in the territory concerned, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector;

(9) two persons designated by the members referred to in paragraphs 1 to 8, one being chosen from a list of names provided by the community organizations in the territory concerned and the other from a list of names provided by the socio-economic organizations of the territory;

(10) the executive director of the institutions concerned.”

13. The said Act is amended by inserting the following section after section 129:

“**129.1.** The board of directors of the institutions referred to in each of sections 120, 121 and 124 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) one person designated by the users’ committees of the institutions;

(3) one person designated by and from among the members of the multidisciplinary council of the institutions;

(4) one person designated by the boards of directors of the region’s institutions referred to in the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) three persons designated by the regional board, two practising a profession in the field of rehabilitation and the third exercising functions in the educational sector;

(9) three persons designated by the members referred to in paragraphs 1 to 8 and chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(10) the executive director of the institutions concerned.”

14. Section 130 of the said Act is replaced by the following section:

“**130.** The board of directors of the institutions referred to in section 125 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) one person designated by the users' committees of the institutions;

(3) one person designated by and from among the members of the multidisciplinary council of the institutions;

(4) one person designated by the boards of directors of the region's institutions referred to in the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) four persons designated by the regional board, one practising a profession specific to the youth sector, and the others being from the childcare services sector, the judicial sector and the school sector, respectively;

(9) three persons designated by the members referred to in paragraphs 1 to 8 and chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(10) the executive director of the institutions concerned.”

15. Section 131 of the said Act is replaced by the following section:

“131. The board of directors of the institutions referred to in the first paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committee of the institution;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory served by the institution or, in the case of an institution which operates a hospital centre, in the territory of the regional county municipality or in the territory served by an

institution which operates a local community service centre and in which the head office of that institution is located;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by and from among the council of midwives of the institution;

(9) three persons designated by the regional board and having their principal residence in the territory determined in paragraph 3, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector;

(10) two persons designated by the members referred to in paragraphs 1 to 9, one being chosen from a list of names provided by the community organizations in the territory determined in paragraph 3 and the other from a list of names provided by the socio-economic organizations of the territory;

(11) the executive director of the institution.”

16. Section 131.1 of the said Act is replaced by the following section :

“131.1. The board of directors of the institutions referred to in section 126.1 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) five persons elected by the population at the election held under section 135;

(2) where applicable, two persons designated by the users’ committees of the institutions;

(3) one person designated by and from among the physicians of the regional department of general medicine practising in the territory concerned;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned ;

(7) where applicable, one person designated by the members of a legal person designated under section 139 ;

(8) where applicable, one person designated by and from among the council of midwives of the institutions ;

(9) three persons designated by the regional board and having their principal residence in the territory concerned, two being recognized for their experience and management skills and the third being from the professional community in the health and social services sector ;

(10) two persons designated by the members referred to in paragraphs 1 to 9, one being chosen from a list of names provided by the community organizations in the territory concerned and the other from a list of names provided by the socio-economic organizations of the territory ;

(11) the executive director of the institutions concerned.”

17. Section 132 of the said Act is replaced by the following section :

“132. The board of directors of an institution referred to in the second paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) three persons elected by the population at the election held under section 135 ;

(2) where applicable, one person designated by the users’ committee of the institution ;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institution ;

(4) one person designated by and from among the members of the council of nurses of the institution ;

(5) one person designated by and from among the members of the multidisciplinary council of the institution ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution ;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if the institution has a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(9) one person designated by the boards of directors of the region's institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(10) two persons recognized for their management skills and designated by the regional board;

(11) three persons designated by the members referred to in paragraphs 1 to 10 to ensure better representation on the board of directors of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution; however, in the case of an institution, other than an institution that operates a psychiatric hospital centre designated as a university institute, that has entered into a contract of affiliation with a university for the purpose of offering teaching or research services, a fourth person is to be designated from the university community;

(12) the executive director of the institution.”

18. Section 132.1 of the said Act is replaced by the following section:

“132.1. The board of directors of the institutions referred to in section 126.2 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committees of the institutions;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institutions;

(4) one person designated by and from among the members of the council of nurses of the institutions;

(5) one person designated by and from among the members of the multidisciplinary council of the institutions;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(9) one person designated by the boards of directors of the region's institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(10) two persons recognized for their management skills and designated by the regional board;

(11) three persons designated by the members referred to in paragraphs 1 to 10 to ensure better representation on the board of directors of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution; however, if one of the institutions has entered into a contract of affiliation with a university for the purpose of offering teaching or research services, a fourth person is to be designated from the university community;

(12) the executive director of the institutions concerned.”

19. Section 132.2 of the said Act is amended by replacing “5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131” by “6 of each of sections 129 to 132.1 and 133”.

20. The said Act is amended by inserting the following section after section 132.2:

“132.3. All the lists of names referred to in paragraph 9 of each of sections 129, 129.1 and 130 and in paragraph 10 of each of sections 131 and 131.1 must tend towards gender parity.”

21. Section 133 of the said Act is replaced by the following section:

“133. The board of directors of an institution referred to in the third paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) two persons elected by the population at the election held under section 135;

(2) where applicable, one person designated by the users' committee of the institution;

(3) one person designated by and from among the council of physicians, dentists and pharmacists of the institution;

(4) one person designated by and from among the members of the council of nurses of the institution;

(5) one person designated by and from among the members of the multidisciplinary council of the institution;

(6) where applicable, two persons or, if paragraph 7 cannot be applied, three persons designated by the boards of directors of the foundations of the institution;

(7) where applicable, two persons designated by the members of the legal person referred to in section 139;

(8) four persons or, where the institution operates a hospital centre designated as an affiliated university centre, three persons designated by the universities with which the institution is affiliated; one person must be from a faculty of medicine, another from another faculty or school in the health sector and the third person must be a medical resident and be designated by and from among the medical residents practising at the hospital centre;

(9) two persons recognized for their management skills, one designated by the regional board concerned and the other designated by the boards of directors of the regional boards of the other regions served by the institution;

(10) one person recognized for his or her management skills and designated by the Government;

(11) four persons designated by the members referred to in paragraphs 1 to 10 to provide the board of directors with better representation of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution;

(12) the executive director of the institution.”

22. Section 133.1 of the said Act is replaced by the following section:

“133.1. The composition of the board of directors of an institution, other than an institution referred to in the third paragraph of section 126, which operates a centre designated as a university institute or an affiliated university centre shall continue to be governed by the relevant provisions of sections 129 to 132.

Such a board of directors shall also include

(1) where the institution operates a centre designated as a university institute, two persons designated by the universities with which the institution is

affiliated; those persons must be from faculties or schools in the fields concerned by the mission of the centre operated by the institution and designated as a university institute;

(2) where the institution operates a centre designated as an affiliated university centre, one person designated by the universities with which the institution is affiliated; that person must be from a faculty or school in the field concerned by the mission of the centre operated by the institution and designated as an affiliated university centre.

In addition, those persons shall participate in the cooptation provided for in paragraph 9 of sections 129, 129.1 and 130, paragraph 10 of sections 131 and 131.1 or paragraph 11 of section 132, as the case may be.”

23. Section 133.2 of the said Act is amended

(1) by replacing “elected, appointed or coopted” in the first line of the first paragraph by “designated”;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) the provisions of section 133.1 apply following the designation, by the Minister, of a centre as a university institute or an affiliated university centre;”;

(3) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) paragraph 7 of section 133 cannot be applied, thereby enabling a member to be added under paragraph 6 of that section.”;

(4) by replacing the second paragraph by the following paragraph:

“The designation of such persons shall be carried out in accordance with the procedure set out in section 137.”;

(5) by replacing “elected, appointed or coopted” in the third paragraph by “designated”.

24. Section 134 of the said Act is repealed.

25. Section 135 of the said Act is amended

(1) by inserting “and 133” after “132.1” in the third line of the first paragraph;

(2) by adding the following subparagraph at the end of the second paragraph:

“(6) one of the elections held in the region to elect the members of the board of directors of an institution referred to in section 133.”

26. Section 137 of the said Act is amended

(1) by replacing all that follows “for” in the first, second, third, fourth and fifth lines of the first paragraph by “designating the persons referred to in paragraphs 2 to 7 of each of sections 129, 129.1 and 130, paragraphs 2 to 8 of each of sections 131, 131.1 and 133, paragraphs 2 to 9 of each of sections 132 and 132.1 or the second paragraph of section 133.1, as the case may be.”;

(2) by replacing “Elections or appointments” in the first line of the second paragraph by “Designations”;

(3) by replacing the fourth line of the second paragraph by the following : “designations under paragraph 4 of each of sections 129.1 and 130 and paragraph 9 of each of sections 132 and 132.1 shall take place”.

27. Section 138 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“138. Once the persons referred to in paragraph 8 of each of sections 129, 129.1 and 130, paragraph 9 of each of sections 131 and 131.1, paragraph 10 of each of sections 132 and 132.1, paragraphs 9 and 10 of section 133 and in sections 135 and 137 are designated, those persons shall, within the next thirty days, proceed with cooptation provided for in paragraph 9 of each of sections 129, 129.1 and 130, paragraph 10 of each of sections 131 and 131.1 or paragraph 11 of each of sections 132, 132.1 and 133, as the case may be.”;

(2) by replacing the third paragraph by the following paragraph :

“The cooptation provided for in paragraph 9 of section 130 shall, in particular, enable at least one person who is under 35 years of age to become a member of the board of directors, should there be no such person on the board.”

28. Section 139 of the said Act is amended by replacing “appointment of the persons referred to in paragraph 4 of section 129 or 130, paragraph 3.1 of section 131 or paragraph 4 of each of sections 131.1 to 132.1” in the fourth, fifth and sixth lines of the first paragraph by “designation of the persons referred to in paragraph 7 of each of sections 129 to 132.1 and 133”.

29. Section 149 of the said Act is amended by replacing “reappointed” in the second paragraph by “designated again”.

30. Section 151 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs :

“A person employed by an institution or practising a profession in a centre operated by an institution may be designated as member of the board of directors of the institution only in accordance with the provisions of paragraphs 3 to 5 of sections 129, 129.1, 130, 132, 132.1 and 133 and paragraphs 3 to 5 and 8 of sections 131 and 131.1, respectively. The person may be designated as member of the board of directors of any other institution.

No member of a legal person designated under paragraph 7 of each of sections 129 to 132.1 and 133 may be elected during the election held under section 135.”

31. Section 152 of the said Act is amended by replacing “appointment” in the second line of the first paragraph by “designation”.

32. Section 156 of the said Act is amended

(1) by replacing “appointment” in the first line of the first paragraph by “designation”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) in the case of a member referred to in paragraph 8 of sections 129, 129.1 and 130, paragraph 9 of sections 131 and 131.1, paragraph 10 of sections 132 and 132.1 and paragraphs 9 and 10 of section 133, in accordance with the procedure described for the designation of that member;

“(2) in the case of a member referred to in paragraphs 2 to 5 of sections 129, 132, 132.1 and 133, paragraphs 2 and 3 of sections 129.1 and 130 and in paragraphs 2 to 5 and 8 of sections 131 and 131.1, every vacancy occurring less than two years after a designation shall be filled in accordance with the procedure prescribed for the designation of that member;

“(3) in every other case, the members of the board of directors remaining in office shall fill the vacancy by resolution provided the person thus designated has the qualifications required to be a member of the board of directors in the same capacity as the member being replaced, and provided the designation, where applicable, takes into account the cases of ineligibility set out in the first and fourth paragraphs of section 151. The board of directors shall inform the regional board of the designation.”;

(3) by inserting “in accordance with subparagraph 2 or 3 of the first paragraph” after “vacancy” in the first line of the second paragraph.

33. Section 176 of the said Act is amended by replacing “ten” by “six”.

34. Section 181.2 of the said Act is amended by inserting “133,” after “132.1,”.

35. The said Act is amended by inserting the following after section 182 :

“DIVISION II.1

“MANAGEMENT AND REPORTING

“§1. — *Management and accountability agreement*

“182.1. Each public institution must enter into a management and accountability agreement with the regional board.

In the case of an institution referred to in the third paragraph of section 126, however, the Minister must be a party to the agreement.

“182.2. A management and accountability agreement must contain

- (1) a definition of the mission and strategic directions of the institution ;
- (2) an annual action plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis ;
- (3) the main indicators to be used in measuring the results ;
- (4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

“182.3. A management and accountability agreement is a public document which the regional board shall transmit to the Minister.

“182.4. The executive director of the institution having entered into a management and accountability agreement must ensure that the mission and strategic directions of the institution are complied with, and that the institution achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

“182.5. The regional board is, after entering into a management and accountability agreement, empowered to exercise supervision and control over the achievement of the objectives of the institution.

The board of directors of the institution and, in the case of an agreement under the second paragraph of section 182.1, the Minister are also empowered to exercise supervision and control.

“182.6. A board of directors of an institution that considers that the executive director has not complied with the management and accountability agreement may take measures such as suspending the appointment of the executive director for a determined term, reducing the term of appointment or dismissing or replacing the executive director.

In addition, the regional board may suspend or cancel the management and accountability agreement. The regional board shall notify the Minister immediately of the suspension or cancellation.

“§2. — *Reporting*

“**182.7.** Every institution must prepare an annual management report.

The report must include

- (1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement ;
- (2) a statement by the executive director of the institution concerning the reliability of the data and of the monitoring mechanisms ;
- (3) any other particular or information determined by the Minister.

The annual management report of the institution shall be transmitted to the regional board, which shall communicate it to the Minister.

“**182.8.** The annual management report shall replace the annual report of activities that is required under section 278 if the annual management report contains the information required to be included in the annual report of activities.”

36. Section 193 of the said Act is amended

- (1) by adding “, after consulting the regional board” at the end of the first sentence ;
- (2) by adding the following paragraph :

“Where the executive director is absent or unable to act, the person designated for that purpose by the board of directors shall exercise the functions and powers of the executive director.”

37. Section 194 of the said Act is amended

- (1) by adding the following at the end of the first paragraph: “and is responsible for the day-to-day management of its activities and resources. The executive director shall account for his management to the board of directors.” ;
- (2) by replacing “He” at the beginning of the second paragraph by “The executive director”.

38. Section 201 of the said Act is amended by inserting, in the second line of the second paragraph, “the reduction of the term of his appointment,” after “his dismissal,”.

39. Section 213 of the said Act is amended by replacing “may” in the second line of the third paragraph by “must”.

40. Section 219 of the said Act is amended by replacing “may” in the third paragraph by “must”.

41. Section 225.1 of the said Act is amended by replacing “second paragraph of section 126.1 may” in the third paragraph by “third paragraph of section 126.1 must”.

42. Section 226 of the said Act is amended by replacing “may” in the second line of the fifth paragraph by “must”.

43. Section 239 of the said Act is amended by striking out “240,”.

44. Section 240 of the said Act is replaced by the following sections :

“240. Except in the cases provided for in sections 243.1 and 248, the board of directors must, before granting a physician’s or dentist’s application for privileges, obtain the approval of the regional board; the regional board must approve the application if it is in conformity with the medical and dental staffing plan of the institution, approved in accordance with section 378.

“240.1. Where the regional board has reason to believe that privileges have been granted to a physician by an institution in contravention of section 240, the regional board shall conduct an inquiry in accordance with section 414; the regional board shall communicate the results of its inquiry to the Minister, the institution and the physician concerned.

“240.2. Where the results of the inquiry show that the institution contravened section 240, the regional board may, for each month during which the physician is granted privileges in contravention of that section, reduce the operating budget of that institution by an amount equivalent to one-twelfth of the annual average remuneration paid to a general practitioner or a medical specialist, as the case may be, by the Régie de l’assurance maladie du Québec in the preceding year.

Moreover, if the results of the inquiry show that the physician is a party to a contravention under section 240, the regional board may bring a proceeding to annul pursuant to section 239.”

45. The said Act is amended by inserting the following section after section 242 :

“242.1. The resolution of the board of directors accepting a physician’s or dentist’s application for appointment must also specify that the appointment of the physician or dentist is in conformity with the medical and dental staffing plan of the institution approved by the regional board, that the regional

board has approved the application of the physician or dentist in accordance with section 240 and that the physician or dentist has been informed of that approval.”

46. Section 319 of the said Act is amended by replacing “133.1” in the second paragraph by “132.1 and 133”.

47. Section 319.1 of the said Act is amended

(1) by inserting “or 129.1” after “129” in the first line of subparagraph 2 of the first paragraph;

(2) by inserting “or 129.1” after “129” in the first line of subparagraph 3 of the first paragraph;

(3) by replacing “or 132” in subparagraph 4 of the first paragraph by “, 132 or 133”.

48. Section 340 of the said Act is amended by adding the following subparagraph after subparagraph 7 of the second paragraph:

“(8) carrying out any mandate entrusted to it by the Minister.”

49. Section 341 of the said Act is amended by replacing “the expression “regional board”” by “the expression “Santé et Services sociaux-Québec””.

50. The said Act is amended by inserting the following sections after section 343:

“343.1. A people’s forum whose activities are coordinated by the president and executive director of the regional board is hereby established for each region of Québec where the Government institutes a regional board.

The forum shall be composed of 15 to 20 members designated by the board of directors of the regional board. The term of office of those members is three years.

To take into account the regional particularities, the regional board shall enter into an agreement with the regional development council on

(1) the specific composition of the people’s forum;

(2) the modes of consultation of the various socio-economic organizations of the region to draw up a list of names from which the members of the forum will be designated.

“343.2. The people’s forum is responsible to the board of directors of the regional board

(1) for setting up different modes of consultation of the population on issues regarding health and well-being ;

(2) for making recommendations on the means to put in place so as to improve satisfaction of the population as regards available health and social services and to better respond to the needs in terms of service organization.

“343.3. The people’s forum shall establish its own operating rules and submit them for approval to the board of directors of the regional board.

“343.4. The people’s forum shall meet with the board of directors of the regional board at least twice a year, and the meetings shall be open to the public.

“343.5. The board shall place at the disposal of the people’s forum the resources the board considers necessary for the exercise of the forum’s responsibilities.

“343.6. The regional board must report on the activities of the people’s forum at the time of the presentation of its annual report of activities to the population of its territory, according to the procedure determined pursuant to the second paragraph of section 384.”

51. The said Act is amended by inserting the following section before section 347 :

“346.1. The regional board must, after consulting the people’s forum, submit a three-year strategic service organization plan to the Minister for approval. The plan must indicate the financial implications of the measures it contains and take into account the financial resources at the disposal of the regional board.”

52. Section 347 of the said Act is amended by inserting “in accordance with its three-year strategic service organization plan and” after “must,” in the first line of the first paragraph.

53. Section 350 of the said Act is amended by adding “The allocation must be carried out in accordance with a plan approved beforehand by the Minister as provided for in the third paragraph of section 463.” at the end of the first paragraph.

54. The said Act is amended by inserting the following section after section 353 :

“353.1. The Minister may give a regional board instituted for a region the mandate to take the necessary measures to coordinate its services with the services of the regional boards instituted for neighbouring regions.”

55. Section 367 of the said Act is amended

- (1) by replacing “elected” in subparagraphs 1 and 2 of the second paragraph by “designated”;
- (2) by replacing “appointed” in subparagraph 3 of the second paragraph by “designated”;
- (3) by replacing “executive director” in the third paragraph by “president and executive director”;
- (4) by replacing “appoint”, “appointment” and “appointments” in the fourth paragraph by “designate”, “designation” and “designations” respectively;
- (5) by replacing “appoint” in the second line of the fifth paragraph by “designate not more than”;
- (6) by replacing “six” in the third line of the fifth paragraph by “not more than six”;
- (7) by replacing “elected” in the sixth paragraph by “designated”.

56. Section 368 of the said Act is amended by replacing “appointment or election” by “designation”.

57. The said Act is amended by inserting the following sections after section 370:

“370.1. A regional nursing commission is hereby instituted for each region of Québec where the Government institutes a regional board.

The commission is composed of

- (1) four persons designated by and from among the members of the executive committees of the council of nurses of the institutions of the region, including one person working for an institution referred to in section 119 or the first paragraph of section 126 and one person working for an institution referred to in section 120, 121, 124 or 125 or the second or third paragraph of section 126;
- (2) two persons designated by the directors of nursing care of the institutions of the region from among their number and referred to in section 206;
- (3) one person designated by the representatives of general and vocational colleges from among their number;
- (4) one person designated by the dean or director of the university nursing program, where applicable;

(5) one person designated by and from among the members of the committees of nursing assistants of the councils of nurses of the institutions of the region ;

(6) one person designated by the members referred to in subparagraphs 1 to 5, recognized for leading-edge expertise as a nurse or nurse practitioner.

The president and executive director of the regional board or the nurse designated by the president and executive director for that purpose shall also be a member of the regional nursing commission.

On the recommendation of the regional nursing commission, the regional board may designate four resource persons as observers. Such persons shall participate in the discussions of the commission but shall be without voting rights.

The chair of the regional nursing commission shall be designated by the members referred to in the second paragraph from among their number.

“370.2. The procedure of designation of the members of the regional nursing commission and of its chair, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

“370.3. The regional nursing commission is responsible to the board of directors of the regional board

(1) for advising it on the organization, distribution and integration of nursing care in the territory and on the nursing care staffing plan, on the basis of the regional service organization plans referred to in section 347 ;

(2) for advising it on certain matters relating to the accessibility and coordination of services in the region which involve nursing care ;

(3) for advising it on innovative approaches in nursing care and their incidence on the health and well-being of the population ;

(4) for carrying out any other mandate entrusted to it by the board of directors and submitting periodic reports thereon.

“370.4. The regional nursing commission may establish the committees necessary for the pursuit of its objects.

“370.5. A regional multidisciplinary commission is hereby instituted for each region of Québec where the Government institutes a regional board.

The commission is composed of

(1) three professionals in the social sector, including one manager and two persons designated by and from among the members of the multidisciplinary councils of the institutions of the region ;

(2) three professionals in the rehabilitation sector and in the health sectors, other than medicine and nursing care, including one manager and two persons designated by and from among the members of the executive committees of the multidisciplinary councils of the institutions of the region ;

(3) three persons in the technical sectors designated by and from among the members of the executive committees of the multidisciplinary councils of the institutions of the region ;

(4) one person designated by and from among the representatives of general and vocational colleges ;

(5) one person designated by and from among the representatives of university-level schools and faculties in the health sectors ;

(6) one person designated by and from among the representatives of university-level schools and faculties in the social sectors.

The president and executive director of the regional board or the person designated by the president and executive director for that purpose shall also be a member of the regional multidisciplinary commission.

On the recommendation of the regional multidisciplinary commission, the regional board may designate not more than four resource persons as observers. Such persons shall participate in the discussions of the commission but shall be without voting rights.

The chair of the regional multidisciplinary commission shall be designated by and from among the members referred to in the second paragraph.

“370.6. The procedure of designation of the members of the regional multidisciplinary commission and of its chair, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

“370.7. The regional multidisciplinary commission is responsible to the board of directors of the regional board

(1) for advising it on the organization, distribution and integration of services in the territory and on the staffing plan, on the basis of the regional service organization plans referred to in section 347 ;

(2) for advising it on certain matters relating to the accessibility and coordination of services in the region ;

(3) for advising it on innovative approaches in services and their incidence on the health and well-being of the population;

(4) for carrying out any other mandate entrusted to it by the board of directors of the regional board and submitting periodic reports thereon.

“370.8. The regional multidisciplinary commission may establish the committees necessary for the pursuit of its objects.”

58. Section 372 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“The Minister may require that a person representing the Minister participate in the process of selection of the public health director.

The public health director must be a physician trained in community health care and shall be appointed for a term of not more than four years. At the expiry of the term, the public health director shall remain in office until replaced or reappointed.”

59. The said Act is amended by inserting the following section after section 372 :

“372.1. The Minister may, if a public health director is unable to act, is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, entrust the functions and powers vested in that public health director to another public health director, Québec’s national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) or a physician the Minister designates, for the time and on the conditions the Minister considers appropriate.

The Minister shall forthwith notify the president and executive director and the board of directors of the regional board of the decision.”

60. Section 373 of the said Act is amended

(1) by inserting “, in the region,” after “responsible” in the first line ;

(2) by replacing paragraph 3 by the following paragraphs :

“(3) ensuring expertise in preventive health and health promotion and advising the regional board on prevention services conducive to reducing mortality and avoidable morbidity ;

“(4) identifying situations where intersectorial action is necessary to prevent diseases, trauma or social problems which have an impact on the health of the population, and, where the public health director considers it appropriate, taking the measures considered necessary to foster such action.” ;

(3) by adding the following paragraph:

“The public health director shall assume, in addition, any other function entrusted to him by the Public Health Protection Act (chapter P-35).”

61. Section 375 of the said Act is replaced by the following sections:

“375. The director must, without delay, inform Québec’s national public health director of any emergency or of any situation posing a threat to the health of the population.

“375.0.1. Québec’s national public health director may request a public health director to report on the decisions or advice made or given in the exercise of the public health director’s functions.”

62. The said Act is amended by inserting the following after section 385:

“DIVISION II.1

“MANAGEMENT AND REPORTING

“§1. — *Management and accountability agreement*

“385.1. The Minister shall determine, within the scope of a management and accountability agreement entered into with a regional board, the objectives to be achieved by the regional board.

“385.2. Such a management and accountability agreement must also contain

(1) a definition of the mission and strategic directions of the regional board;

(2) an annual plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis;

(3) the main indicators to be used in measuring the results;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

“385.3. A management and accountability agreement is a public document.

“385.4. The president and executive director of a regional board having entered into a management and accountability agreement must ensure that the mission and strategic directions of the regional board are complied with, and

that the regional board achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

“385.5. The Minister is empowered to exercise supervision and control over the achievement of the objectives of a regional board with which the Minister has entered into a management and accountability agreement.

The board of directors of the regional board is also empowered to exercise supervision and control.

“385.6. Where the Minister ascertains that the annual objectives of a regional board have not been achieved or that the regional board has not complied with its management and accountability agreement, the Minister may suspend or cancel the management and accountability agreement.

“§2. — Reporting

“385.7. Every regional board must prepare an annual management report.

The report must include

(1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement ;

(2) a statement by the president and executive director of the regional board concerning the reliability of the data and of the monitoring mechanisms ;

(3) any other particular or information determined by the Minister.

The annual management report of a regional board shall be transmitted to the Minister, who shall table it in the National Assembly.

“385.8. The annual management report shall replace the annual report of activities that is required under section 391 if the annual management report contains the information required to be included in the annual report of activities.

“385.9. Sections 8 to 29 and 58 to 63 of the Public Administration Act (2000, chapter 8) do not apply to a regional board.”

63. Section 387 of the said Act is amended by replacing “executive director” in the first paragraph by “president and executive director”.

64. Section 395 of the said Act is amended

(1) by replacing “and 288 to” by “, 288 and”;

(2) by striking out “and the audit it must cause to be carried out”, at the end.

65. Section 397 of the said Act, amended by section 200 of chapter 56 of the statutes of 2000, is replaced by the following section :

“397. The board of directors of a regional board shall consist of 16 or 17 members, appointed by the Government as follows :

(1) four persons recognized for their management skills, who are representative of the various parts of the territory of the regional board and chosen from a list of names provided by the socio-economic organizations, the regional county municipalities, the municipalities and the members of the people’s forum ; in the case of the regional board instituted for the Montréal Centre region, a fifth person from the university community is added ;

(2) three persons recognized for their management skills and their experience in the health and social services sector chosen from a list of names provided by the institutions of the region, one person being from the social sector ; in regions where there is a faculty of medicine, one of those persons must be from the research sector ;

(3) one person chosen from a list of names provided by the organizations representative of the community sector ;

(4) one person chosen from a list of names provided by the organizations representative of the public education sector ;

(5) one person chosen from a list of names provided by the organizations representative of the union sector ;

(6) one member of the regional medical commission chosen from a list of names provided by the commission ;

(7) one member from the regional nursing commission chosen from a list of names provided by the commission ;

(8) one member from the regional multidisciplinary commission chosen from a list of names provided by the commission ;

(9) two persons recognized for their management skills and chosen from a list of names provided by the members of the board of directors of the regional board referred to in paragraphs 1 to 8 ;

(10) the president and executive director of the regional board, after consultation with the other members of the board of directors.”

66. The said Act is amended by inserting the following section after section 397 :

“397.0.1. All the lists of names referred to in section 397 must tend towards gender parity.”

67. Section 397.2 of the said Act, amended by section 201 of chapter 56 of the statutes of 2000, and section 397.3 are replaced by the following sections :

“397.2. The Minister may determine, for each region that the Minister indicates, the composition of each group referred to in paragraphs 1 to 5 of section 397 in order to ensure an equitable representation of institutions, reflecting the mission of the centres they operate, and of socio-economic organizations, community organizations, regional county municipalities, municipalities, educational institutions and union groups.

“397.3. In making the appointments referred to in section 397, the Government must take into account the representation of the various parts of the territory of the regional board, the sectors of activity and the sociocultural, linguistic and demographic groups as well as the most equitable representation possible of men and women and of different age groups.”

68. Sections 398 and 398.0.1 of the said Act are repealed.

69. Section 398.1 of the said Act is amended

(1) by replacing “a director of a private institution, the executive director of the regional board and the chairman” in the first and second lines of the second paragraph by “the president and executive director of the regional board, the member of the regional nursing commission, the member of the regional multidisciplinary commission and the member”;

(2) by striking out “elected or” in the fourth paragraph;

(3) by replacing “2 of the first paragraph” in the fourth paragraph by “3”.

70. Section 398.2 of the said Act is amended

(1) by striking out “or election” in the first paragraph;

(2) by striking out the second paragraph.

71. Section 399 of the said Act is replaced by the following section :

“399. The president and executive director shall be appointed for a term of not more than five years ; the other members shall be appointed for a term of not more than three years.

At the expiry of their terms, the president and executive director and the other members shall remain in office until replaced or reappointed.”

72. Section 400 of the said Act is amended by adding the following paragraph :

“The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and executive director.”

73. Section 401 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraph :

“**401.** Any vacancy on the board of directors, other than in the position of president and executive director, shall be filled in accordance with the rules of appointment set out in section 397 for the unexpired portion of the term of the member to be replaced.”

74. Section 403 of the said Act is amended by replacing “executive director” in the first line by “president and executive director”.

75. Section 405 of the said Act is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph :

“(3) appointing the senior management officers and confirming the designation, made by the president and executive director, of the complaints officer responsible for implementing the users’ complaint examination procedure provided for in section 43;”.

76. Section 407 of the said Act is amended by replacing “and 181” by “, 181, 234 and 235”.

77. Section 410 of the said Act is amended

(1) by replacing “Subject to section 201, which applies, with the necessary modifications to the regional board, decisions” in the first paragraph by “The decisions”;

(2) by replacing “the chairman or, in his absence, the vice-chairman” in the second paragraph by “the person chairing the meeting”.

78. The said Act is amended by inserting the following after section 413 :

“DIVISION IV.1

“PRESIDENT AND EXECUTIVE DIRECTOR

“**413.1.** The president and executive director shall be responsible for the administration and direction of the regional board within the scope of its by-laws.

The office of president and executive director is a full-time position. The president and executive director shall see that the decisions of the board of directors are carried out and that all the information the board of directors requires or needs in order to assume its responsibilities is transmitted to it.”

79. Division V of Chapter I of Title I of Part III of the said Act, including sections 414 to 417, is replaced by the following division :

“DIVISION V

“INQUIRY AND SUPERVISION

“414. The regional board may exercise a supervisory power in the manner provided in section 489, conduct an inquiry or direct a person it designates to conduct an inquiry in the following cases :

- (1) where an institution is not complying with the law ;
- (2) where an institution tolerates a situation that could pose a threat to the health or well-being of the persons served by the institution ;
- (3) where the regional board becomes aware, at any time in a financial year, that the expenditures of a public institution exceeds its revenues and that the maintenance of its budgetary balance is threatened ;
- (4) where the regional board considers that there has been grave misconduct, such as embezzlement, in the management of the institution.

The regional board or the person designated by it to conduct the inquiry is vested, for the purposes of the inquiry, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

“415. Following the inquiry, the regional board may require the institution concerned to submit an action plan in response to the recommendations made by the board.”

80. Section 417.2 of the said Act is amended by replacing the words “executive director” wherever they appear in that section by “president and executive director”.

81. Section 417.3 of the said Act is amended by replacing “executive director” in paragraph 3 by “president and executive director”.

82. Section 431 of the said Act is amended by inserting “national and” before “inter-regional” in subparagraph 8 of the second paragraph.

83. Section 463 of the said Act is amended by adding “pursuant to the first paragraph of section 350” at the end of the third paragraph.

84. Section 530.18 of the said Act is amended by replacing the portion after “set out in” by “subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 and 3 of section 530.13, and in subparagraph 3 of the first paragraph of section 156 in any other case.”

85. Section 530.26 of the said Act is amended by adding the following sentence at the end: “In addition, sections 370.1 to 370.4 respecting the regional nursing commission and sections 370.5 to 370.8 respecting the regional multidisciplinary commission do not apply.”

86. Section 530.28 of the said Act is amended by replacing “411” by “409”.

87. The said Act is amended by inserting the following after section 530.31 :

“**530.31.1.** The executive director of the regional board may not be elected chair or vice-chair of the board of directors.

“DIVISION III.1

“EXECUTIVE DIRECTOR

“**530.31.2.** The members of the board of directors of the regional board shall appoint the executive director of the regional board.

“**530.31.3.** The executive director is responsible, under the authority of the board of directors, for the management and operation of the regional board within the scope of its by-laws.

The executive director shall see that the decisions of the board of directors are implemented and ensure that any information it requires or needs to assume its responsibilities is transmitted to it.

“**530.31.4.** Sections 197 to 200, with the necessary modifications, apply to the executive director.

“DIVISION III.2

“AUDIT

“**530.31.5.** The regional board is, as regards the audits it must cause to be carried out, subject to sections 289 to 294, with the necessary modifications.”

88. Section 530.45 of the said Act is replaced by the following :

“**530.45.** Notwithstanding section 339, a public institution to which this Part applies is deemed to act as a regional board where it exercises the various powers and responsibilities conferred on it by the special provisions enacted by this Part.”

89. The French text of section 530.50 of the said Act is amended by inserting “du deuxième alinéa” after “3°” in the second paragraph.

90. The said Act is amended by inserting the following section after section 530.50:

“530.50.1. The provisions of sections 343.1 to 343.6 relating to the people’s forum apply, with the necessary modifications, in the territory to which this Part applies.

For that purpose, the expression “regional board” means the institution. The reference to the procedure determined pursuant to the second paragraph of section 384 is a reference to the procedure applicable pursuant to the third paragraph of section 177.”

91. Section 530.52 of the said Act is amended by replacing “347” in the first paragraph by “346.1”.

92. The said Act is amended by inserting the following sections after section 530.58:

“530.58.1. The council of nurses of the institution shall exercise the powers and perform the duties of the regional nursing commission described in section 370.3; for the purposes of that provision, the expression “the regional board” refers to the institution.

“530.58.2. The multidisciplinary council of the institution shall exercise the powers and perform the duties of the regional multidisciplinary commission described in section 370.7; for the purposes of that provision, the expression “the regional board” refers to the institution.”

93. The said Act is amended by inserting the following section after section 530.61:

“530.61.1. Sections 385.1 to 385.8 apply, with the necessary modifications, to the institution with respect to management and reporting.”

94. Section 530.62 of the said Act is replaced by the following section:

“530.62. The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) five persons elected by the population at the election held under section 135 and coming from each part of the territory served by the institution;

(2) two persons designated by the users’ committee of the institution;

(3) one person designated by and from among the members of the council of physicians, dentists and pharmacists of the institution ;

(4) one person designated by and from among the members of the council of nurses of the institution ;

(5) one person designated by and from among the members of the multidisciplinary council of the institution ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution and chosen from among the members of those boards ;

(7) two persons designated by the Minister, recognized for their experience and management skills and having their principal residence in the territory served by the institution ;

(8) five persons designated by the members referred to in paragraphs 1 to 7, one being chosen from a list of names provided by the organizations representative of the community sector, another from a list of names provided by the organizations representative of the public education sector, another from a list provided by organizations representative of the union sector and the other two from a list of names provided by the municipalities, regional county municipalities and socio-economic organizations of the territory served by the institution to provide the board of directors with better representation of the characteristics of that territory and the communities therein ;

(9) the president and executive director of the institution, appointed by the Government after consultation with the other members of the board of directors.”

95. The said Act is amended by inserting the following section after section 530.62 :

“530.62.1. All the lists of names referred to in paragraph 8 of section 530.62 must tend towards gender parity.”

96. Section 530.63 of the said Act is amended by replacing “la personne visée” in the French text of the second line of the first paragraph by “les personnes visées”.

97. Section 530.64 of the said Act is amended

(1) by replacing “the election or appointment” in the second line of the first paragraph by “the designation” ;

(2) by replacing “election is to be held or appointment made” in the second paragraph by “designation is to be made”.

98. Section 530.65 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“530.65. Once the members referred to in paragraphs 1 to 7 of section 530.62 have been elected or designated, the members shall, within the following 30 days, designate the persons referred to in paragraph 8 of that section.”;

(2) by striking out the third paragraph.

99. Section 530.69 of the said Act is amended

(1) by replacing “appointed” in the second line by “designated”;

(2) by replacing “6” in the third line by “8”.

100. Section 530.70 of the said Act is replaced by the following section:

“530.70. In section 156, the expression “the regional board” designates “the Minister”. The vacancy shall be filled in the manner set out in subparagraph 1 of the first paragraph of section 156, in the case of a member referred to in paragraph 7 of section 530.62, in subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 to 5 of section 530.62, and in subparagraph 3 of the first paragraph of section 156, in any other case.”

101. The said Act is amended by inserting the following after section 530.72:

“CHAPTER IV

“PRESIDENT AND EXECUTIVE DIRECTOR

“530.72.1. The provisions of this Act applicable to the executive director of a public institution and the provisions of sections 399, 400, 403 and 413.1 apply, with the necessary modifications, to the president and executive director of the institution to which this Part applies.”

102. Section 530.75 of the said Act is amended by replacing “regional board” in the fourth line of the second paragraph by “Minister”.

103. Section 530.78 of the said Act is amended by replacing “shall be given to the institution by the Minister” in the first and second lines by “does not apply to the institution”.

104. Section 530.98 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is repealed.

105. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended

(1) by inserting the following paragraph after the first paragraph:

“The Board is bound to disclose to the Minister and to the body with which the Minister has made an agreement under section 19, in non-nominative form, the information required for the making and carrying out of such an agreement, the management of staff subject to the application of the agreement, and the monitoring of the cost of the measures provided for therein.”;

(2) by replacing “and the Commission des normes du travail” at the end of the fifth paragraph by “, the Commission des normes du travail and the Public Curator”.

106. Section 4 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) is amended by adding the following paragraph at the end:

“A further function of the institute shall be to carry out the activities and perform all the tasks entrusted to it by the Minister in the public health program established under section 431 of the Act respecting health services and social services (chapter S-4.2).”

107. Section 3 of Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “or 530.67” in paragraph 11 by “, 530.67 or 530.97”.

108. The Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by inserting the following section after section 5:

“**5.1.** The Government shall appoint the Québec national public health director who shall hold a position of assistant deputy minister, to advise and assist the Minister and the Deputy Minister in the exercise of their responsibilities in public health.

Québec’s national public health director must be a physician who holds a specialist’s certificate in community health.”

109. Section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended

(1) by replacing “and every regional board referred to” in subparagraph 5 of the first paragraph by “referred to”;

(2) by striking out “, board” in the third paragraph.

110. Section 1 of 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

(1) by inserting “a regional board,” after “includes” in the first line of the fourth paragraph;

(2) by replacing “includes” in the fifth paragraph by “includes a health and social services council,”.

111. Section 36 of the said Act is amended

(1) by replacing “six” in the first paragraph by “seven”;

(2) by adding the following subparagraph at the end of the third paragraph :

“(7) regional boards governed by the Act respecting health services and social services and a health and social services council governed by the Act respecting health services and social services for Cree Native persons.”

112. Schedule C to the said Act is amended by striking out the following :

“– The Conseil de la santé et des services sociaux de Lanaudière et des Laurentides

– The Conseil de la santé et des services sociaux de la région de Montréal métropolitain

– The Conseil de la santé et des services sociaux de la région de Québec

– The Conseil de la santé et des services sociaux de la région de Trois-Rivières

– The Conseil de la santé et des services sociaux de la région d’Abitibi-Témiscamingue”.

113. A pay equity or relativity plan within the meaning of the Pay Equity Act (R.S.Q., chapter E-12.001) which applies in the public and parapublic sectors also applies to a regional board governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) and to a health and social services council governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

114. From 21 June 2001, notwithstanding section 401 of the Act respecting health services and social services, and until the coming into force of section 65 of this Act, where the office of a member of the board of directors of a regional board is vacant, the vacancy shall be filled by the Minister.

115. Sections 240 to 240.2 and 242.1 of the Act respecting health services and social services, enacted by sections 44 and 45 of this Act, have effect notwithstanding section 619.17 of the Act respecting health services and social services.

116. The provisions enacted by sections 35, 62 and 93 of this Act shall have effect in respect of the fiscal year beginning on 1 April 2002.

117. Every regional board must ensure that the regional nursing commission instituted under section 370.1 of the Act respecting health services and social services, enacted by section 57 of this Act, is in a position to exercise its functions not later than 1 October 2001. The same applies with respect to the regional multidisciplinary commission instituted under section 370.5 of the Act respecting health services and social services, enacted by section 57 of this Act.

For the purposes of subparagraph 1 of the second paragraph of section 370.1, the provisions enacted by section 4 of this Act are deemed to be in force. The expression “president and executive director”, used in the third paragraph of section 370.1 or 370.5, designates the executive director until the coming into force of section 65 of this Act.

118. Notwithstanding the coming into force of section 65 of this Act, the board of directors of a regional board already formed to administer the affairs of the regional board shall continue in office until a new board of directors is formed pursuant to the provisions enacted by that section, and shall continue to be governed by the rules that were applicable to it.

The first board of directors shall be deemed to be formed when the members referred to in paragraphs 1 to 8 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act, have been appointed by the Government.

119. To ensure the rotation of the members of the board of directors of the regional boards and notwithstanding the first paragraph of section 399 of the Act respecting health services and social services, replaced by section 71 of this Act, five of the members of the first board of directors, other than the president and executive director, shall be appointed by the Government for not more than one year and five others of those members shall be so appointed for not more than two years.

In addition, for the first nominations of the persons referred to in paragraph 1 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act, the outgoing members of the boards of directors of the regional boards are called upon to provide, in the place and stead of the people’s forum, a list of names from which those persons will be chosen.

120. The person who, at the time when the first board of directors of a regional board shall be deemed to be formed in accordance with the second paragraph of section 118 of this Act, holds the office of executive director of that regional board remains in office until the Government appoints the president and executive director of the regional board.

The executive director shall call a meeting of the board of directors to enable the members already appointed to elect the chair, the vice-chair and the secretary of the board of directors from among their number and shall draw up a list of names from which the Government may appoint the persons referred to in paragraph 9 of section 397 of the Act respecting health services and social services, replaced by section 65 of this Act.

121. The Minister is responsible for taking the necessary steps to ensure that, as soon as possible after the first boards of directors of the regional boards are formed pursuant to the provisions enacted by section 65 of this Act, the first boards of directors of the public institutions be formed in accordance with the provisions of the Act respecting health services and social services as enacted or amended by this Act.

The orders of the Government made under sections 126.3 and 128 of the Act respecting health services and social services remain valid for the purposes of the first paragraph.

122. The Minister shall determine the day and month when the first elections are to take place pursuant to section 135 of the Act respecting health services and social services, amended by section 25 of this Act. For that purpose, the Minister shall take into account the obligation on the part of the regional boards to determine by by-law the procedure to be observed at the time the first elections take place as well as the procedure required for the purposes of section 137 of the Act respecting health services and social services.

123. The first designations pursuant to section 137 of the Act respecting health services and social services, amended by section 26 of this Act, and the designations pursuant to section 138 of that Act, amended by section 27 of this Act, must be made in relation to the day fixed by the Minister pursuant to section 122.

Notwithstanding any inconsistent legislative provision, the board of directors of a public institution already formed to manage the affairs of an institution shall continue in office until the first designations pursuant to section 137 of the said Act are made.

124. The term of office of the members of the first boards of directors elected or designated in accordance with the provisions of sections 122 and 123 is effective, notwithstanding section 149 of the Act respecting health services and social services, until the month of October or November of the year following the year of the second anniversary of the formation of the boards of directors.

125. On the formation of the first boards of directors of the public institutions in accordance with the provisions of sections 122 and 123, the person holding the office of executive director of the institution or institutions concerned remains in office until the expiry of his or her contract.

The board of directors may renew the employment contract of the executive director only after it has consulted the regional board.

126. The provisions of sections 121 to 124 apply, with the necessary modifications, to the institution to which Part IV.2 of the Act respecting health services and social services applies.

The person who, at the time when the first board of directors of that institution is formed in accordance with the provisions enacted by this Act, holds the office of executive director of that institution shall continue in office until the Government appoints the president and executive director of that institution under paragraph 9 of section 530.62 of the Act respecting health services and social services, replaced by section 94 of this Act.

127. The Government may, by regulation made before 21 December 2002, enact any other transitional measure required for the purposes of this Act.

Such regulation is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1). In addition, it may, once published and if it so provides, apply from any date not prior to 21 June 2001.

128. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 3, 4, 35, 43, 44, 45, 48, 53, 54, 57, 62, 79, 83, 86, 88, 89, 93, 102, 103, 105 and 110 to 127, and section 397.2 of the Act respecting health services and social services replaced by section 67, which come into force on 21 June 2001.