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Regulations and other acts

M.O., 2006

Order number 2006-020 of the Minister of Health and Social Services dated 6 September 2006

An Act respecting health services and social services (R.S.Q., c. S-4.2; 2005, c. 32)

Regulation to amend the Regulation respecting the election by the public of certain members of the board of directors of a public institution

CONSIDERING that, under the first paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2), amended by section 78 of chapter 32 of the Statutes of 2005, every public institution shall, every three years, on such day as the Minister determines, invite the population to elect certain members of the board of directors of the institution;

CONSIDERING that, under the third paragraph of section 135, the mechanisms whereby candidates may address the population before an election, as well as the election procedure to be followed and the standards relating to advertising, financing, the powers and duties of election officers and campaign literature, shall be determined by a regulation of the Minister, made after consulting the Chief Electoral Officer;

CONSIDERING that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec*;

CONSIDERING that the Regulation respecting the election by the public of certain members of the board of directors of a public institution was made on 27 July 2006 by Minister's Order 2006-016;

CONSIDERING that the Nomination Paper appearing in Schedule I to the Regulation contains a condition, in its Section III under the title Conditions required to be a member of an institution's board of directors, that should not have appeared in that section;

CONSIDERING that it is necessary to replace Schedule I to the Regulation;

CONSIDERING that, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

CONSIDERING that, under section 13 of that Act, the reason justifying the absence of publication of the proposed regulation shall be published with the regulation;

CONSIDERING that the urgency of the situation is due to the fact that section 10 of the Regulation respecting the election by the public of certain members of the board of directors of a public institution requires a nomination paper to be submitted to the returning officer or deputy returning officer no later than 25 September 2006 before 5:00 p.m., that date being 30 days before the date of the election which the Minister has determined pursuant to sections 135 and 137 of the Act respecting health services and social services to be 23 October 2006;

CONSIDERING that the Minister is of the opinion that that reason justifies the making of the Regulation to amend the Regulation respecting the election by the public of certain members of the board of directors of a public institution without a 45-day prior publication period;

CONSIDERING that the Chief Electoral Officer has been consulted in relation to the amendment;

THEREFORE, the Minister of Health and Social Services orders as follows:

The Regulation to amend the Regulation respecting the election by the public of certain members of the board of directors of a public institution, attached to this Order, is hereby made.

PHILIPPE COUILLARD,
Minister of Health and Social Services

**Regulation to amend the Regulation
respecting the election by the public
of certain members of the board of
directors of a public institution ***

An Act respecting health services and social services
(R.S.Q., c. S-4.2, s. 135; 2005, c. 32, s. 78)

1. Schedule I to the Regulation respecting the election by the public of certain members of the board of directors of a public institution is replaced by the Schedule attached to this Regulation.

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

* The Regulation respecting the election by the public of certain members of the board of directors of a public institution, made by Minister's Order 2006-016 dated 27 July 2006, has not been amended since it was made.

SCHEDULE I

(s. 10)

PUBLIC ELECTION**Nomination Paper**

Institution(s)			I.D. No.		
Health and social service region : _____			RLSSSS territory : _____		
Section I – Nomination			Section II – Nominators		
Candidate's last and first name			1- Nominator's last and first name		
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D		Address		
Address			Phone		
Municipality	Province	Postal code	Nominator's signature *		
Area code	Home phone	Area code	Work phone	Ext.	2- Nominator's last and first name
Occupation			Address		
Employer			Phone		
* By signing below, the nominator attests that he or she is of the age of majority, does not work for any of the above institutions or at a center operated by any of said institutions, and has his or her principal residence in the health and social service region and, as the case may be, the above local service network territory.			Nominator's signature *		
Section III – Candidate's consent					
CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS					
<ol style="list-style-type: none"> 1. Not be a candidate in any election other than for the institution indicated above; 2. Québec resident; 3. Age of majority (18 or over); 4. Not be under wardship or guardianship; 5. Not found guilty in the past five years of a crime punishable by three or more years of incarceration; 6. Not have been dismissed as the member of an institution's, regional board's, or health and social service agency's board of directors in the past three years; 7. Not have been declared guilty in the past three years of an infraction of the Act respecting health services and social services or the regulations; 8. Not be a member of the corporate body if any of the above institutions is so designated by the minister in accordance with Section 139 of the Act respecting health services and social services or considered to be so in accordance with Section 601.1 of said Act; 9. Not be employed by the Ministère de la Santé et des Services sociaux, an agency, or an institution and not be employed by or receive remuneration from the Régie de l'assurance maladie du Québec; 10. Not be employed by any other body providing health or social services and receiving funding from an agency or minister; 11. Not have signed a service contract with an institution as a midwife. <p>I hereby acknowledge that I have read this information and declare that I meet the above conditions for candidacy. I also authorize the disclosure of the information on this form to the health and social service board and Ministère de la Santé et des Services sociaux (MSSS) if I am elected a member of the board of directors. Information disclosed to the agency and MSSS is governed by the Act respecting access to documents held by public bodies and the protection of personal information.</p> <p>In witness whereof, I have signed in _____ on _____</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Candidate's signature</p>					

Section IV – Acceptance by returning officer			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection: _____			

_____		_____	
Returning officer's signature		Date	
PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION			
1. The information on this form is gathered for the institution concerned and, if the candidate is elected, for the health and social service agency and Ministère de la Santé et des Services sociaux.	2. The information transmitted to the agency and MSSS is used to make up records for management and control purposes of members of health and social service institution boards.	3. The following persons will have access to this information : • Employees of the institution in question, the agency, and MSSS in the performance of their duties; • Any other user meeting the requirements of the abovementioned act.	4. All information on the form is required.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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