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**2**

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## **Laws and Regulations**

Volume 147

### **Summary**

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 887-2015, 7 October 2015

An Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1)

An Act respecting end-of-life care (chapter S-32.0001)

Functions, powers or responsibilities assumed by bodies representing institutions for the purposes of the Act respecting Héma-Québec and the biovigilance committee and the Act respecting end-of-life care

WHEREAS, under section 7 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1), at least one but not more than 3 members of the board of directors of Héma-Québec are, under subparagraph 2 of the second paragraph of section 7, identified with the Association québécoise d'établissements de santé et de services sociaux, and appointed by the Government after consultation with the association;

WHEREAS, under subparagraph 5 of the first paragraph of section 39 of the Act respecting end-of-life care (chapter S-32.0001), the Commission sur les soins de fin de vie is composed in particular of one member appointed by the Government after consultation with bodies representing institutions;

WHEREAS section 218 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) provides that if an employers' association in the health and social services network or a group of institutions ceases its activities, the Government may, after consulting with the public institutions concerned, determine, with regard to any text, who is to assume the functions, powers or responsibilities that such a text entrusts to the association or group;

WHEREAS the bodies representing institutions offering in particular end-of-life care, including the Association québécoise d'établissements de santé et de services sociaux, cease their activities and no other body representing those institutions has been established to date;

WHEREAS it is expedient to determine, for the purposes of section 7 of the Act respecting Héma-Québec and the biovigilance committee, that the president and executive directors and the executive directors, as the case may be, of a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) constitute the category referred to in subparagraph 2 of the second paragraph of section 7;

WHEREAS it is expedient to determine, for the purposes of section 39 of the Act respecting end-of-life care, that the member referred to in subparagraph 5 of the first paragraph of section 39 be appointed after consultation with president and executive directors and executive directors, as the case may be, of a public institution within the meaning of the Act respecting health services and social services;

WHEREAS the consultation required by law was carried out;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT, for the purposes of section 7 of the Act respecting Héma-Québec and the biovigilance committee (chapter H-1.1), the president and executive directors and the executive directors, as the case may be, of a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) constitute the category referred to in subparagraph 2 of the second paragraph of section 7;

THAT, for the purposes of section 39 of the Act respecting end-of-life care (chapter S-32.0001), the member referred to in subparagraph 5 of the first paragraph of section 39 be appointed after consultation with president and executive directors and executive directors, as the case may be, of a public institution within the meaning of the Act respecting health services and social services.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

102320

Gouvernement du Québec

## O.C. 888-2015, 7 October 2015

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies

WHEREAS the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) was made;

WHEREAS, under section 9 of the Act, and subject to section 10 of the Act, the affairs of an integrated health and social services centre are administered by a board of directors composed in particular, pursuant to paragraphs 1 to 8, of six persons designated by various departments, councils or committees, a person appointed by the Minister from a list of names provided by the bodies identified by the education community as representing that community, and nine independent persons appointed in accordance with sections 15 and 16 of the Act;

WHEREAS, under section 10 of the Act, the affairs of an unamalgamated institution, and those of an integrated health and social services centre that is located in a health region where a university offers a complete undergraduate program in medicine, or that operates a centre designated as a university institute in the social sector, are administered by a board of directors composed in particular, pursuant to paragraphs 1 to 8, of six persons designated by various departments, councils or committees, two persons appointed by the Minister from a list of names provided by the bodies identified by the universities with which the institution is affiliated, if applicable, and ten independent persons appointed in accordance with sections 15 and 16 of the Act;

WHEREAS, under paragraph 9 of sections 9 and 10 of the Act, the president and executive director of the institution, appointed by the Government on the recommendation of the Minister from a list of names provided by the members referred to in paragraphs 1 to 8 of those sections is also a member of the board of directors;

WHEREAS section 12 of the Act provides in particular that the Minister determines, by regulation, the procedure for designating the persons referred to in paragraphs 1 to 6 of sections 9 and 10 of the Act and that the designations are made on the date determined by the Minister;

WHEREAS, under section 146 of the Act, the Government must approve the decision of the Minister that two or more institutions in the same region are to be administered by the same board of directors, composed in accordance with section 9 or 10 of the Act as specified by the Minister;

WHEREAS, by Order in Council 785-2015 dated 2 September 2015, the Government approved the decision of the Minister of Health and Social Services to the effect that the Centre hospitalier de l'Université de Montréal and the Centre hospitalier universitaire Sainte-Justine are to be administered by one board of directors;

WHEREAS the Minister determined the date of designation of the members of that board of directors referred to in paragraphs 1 to 6 of section 10 of the Act to be 23 October 2015, that date terminating a designation process spanning a period of 50 days in accordance with the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions (chapter O-7.2, r. 1);

WHEREAS the Act does not provide for any measure where a board of directors administers two or more institutions pursuant to section 146 of the Act, and the members of the committees or councils of the institutions referred to in paragraphs 2 and 4 to 6 of section 9 or 10 of the Act have designated a different person to act as a member of the council;

WHEREAS section 217 of the Act provides in particular that the Government may, by regulation, take any measure necessary or useful for carrying out the Act and fully achieving its purpose, and that such a regulation is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1);

WHEREAS, under Order in Council 700-2015 dated 11 August 2015, the Government made the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, r. 0.2);

WHEREAS it is expedient to amend the Regulation to provide the manner of designating the members of a board of directors that is to administer two or more institutions referred to in paragraphs 2 and 4 to 6 of section 9 or 10 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies, before the board of directors of the Centre hospitalier de l'Université de Montréal and the Centre hospitalier universitaire Sainte-Justine is formed;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies, attached to this Order Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies**

Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, s. 217)

**1.** The Regulation respecting the application of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, r. 0.2) is amended by adding the following after section 2:

“**2.1.** Where a board of directors administers two or more institutions pursuant to section 146 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies and the members of the committees or councils of the institutions referred to in paragraphs 2 and 4 to 6 of section 9 or 10 of the Act have designated a different person to act as a member of the council, each designated member is to act alternately for a period of six months. The term of office of all the members of the same designating college is not to exceed three years.

A designated member, during the period that the member is not sitting on the board of directors, may participate in that board's meetings, but may not vote.”.

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

102321

**M.O., 2015**

**Order number 2015 014 of the Minister of Health and Social Services dated 1 October 2015**

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2)

Regulation to amend the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), was assented to on 9 February 2015;

CONSIDERING the first paragraph of section 12 of the Act which provides that the Minister determines, by regulation, the procedure for designating the persons referred to in paragraphs 1 to 6 of sections 9 and 10;

CONSIDERING that the Minister made the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions (chapter O-7.2, r. 1) by Ministerial Order 2015-005 dated 27 March 2015 and the Regulation came into force on the date of its publication in the *Gazette officielle du Québec*, on 8 April 2015;

CONSIDERING section 146 of the Act which provides that the Government may approve the decision of the Minister of Health and Social Services that two or more institutions in the same region are to be administered by the same board of directors, composed in accordance with section 9 or 10 of the Act as specified by the Minister;

CONSIDERING that, by Order in Council 785-2015 dated 2 September 2015, the Government approved the decision of the Minister of Health and Social Services to the effect that the Centre hospitalier de l'Université de Montréal and the Centre hospitalier universitaire Sainte-Justine are to administered by one board of directors;

CONSIDERING that the Minister determined the date of designation of the members of that board of directors to be 23 October 2015, that date terminating a designation process spanning a period of 50 days;

CONSIDERING that the Regulation does not provide for any measure for the designation of members referred to in paragraphs 2 and 4 to 6 of section 9 or 10 of the Act where a board of directors administers two or more institutions pursuant to section 146 of the Act, and the members of the committees or councils of the institutions have designated a different person to act as a member of the council;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING section 11 of the Regulations Act (chapter R-18.1) which provides that no proposed regulation may be made or submitted for approval before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

CONSIDERING section 12 de that Act which provides that a proposed regulation may be made without having been published, in particular if the authority making or approving it is of the opinion that the urgency of the situation warrants it;

CONSIDERING section 13 of that Act which provides that the reason justifying the absence of such publication must be published with the regulation;

CONSIDERING that, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

CONSIDERING that, under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the urgency of the situation warrants it;

CONSIDERING that, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

CONSIDERING that, in the Minister's opinion, the urgency owing to the date of designation of the members of the unified board of directors of the Centre hospitalier de l'Université de Montréal and the Centre hospitalier universitaire Sainte-Justine, set at 23 October 2015, warrants the making of the Regulation to amend the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions and its coming into force on the date on which it is published;

CONSIDERING that it is expedient to make the Regulation which will come into force on the date of its publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions, attached to this Order, is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and  
Social Services*

### **Regulation to amend the Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions**

An Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2, s. 12)

**1.** The Regulation respecting the procedure for designating certain members of the board of directors of integrated health and social services centres and unamalgamated institutions (chapter O-7.2, r. 1) is amended by adding the following after section 41:

“§4. *Board of directors of two or more institutions*

**41.1.** If a member has been designated by and from among the members of the council of physicians, dentists and pharmacists of each institution administered by the board of directors, the officer, immediately after the designation, must immediately hold a drawing of lots between the members to determine the member who is to sit on the board for the first six months.



The officer must enter the result of the drawing of lots on the designation certificate.”.

**2.** The Regulation is amended by adding the following after section 48:

“**48.1.** If a member has been designated by and from among the members of the users’ committee of each institution administered by the board of directors, the officer, immediately after the designation, must immediately hold a drawing of lots between the members to determine the member who is to sit on the board for the first six months.

The officer must enter the result of the drawing of lots on the designation certificate.”.

**3.** Schedule IV to the Regulation is replaced by the following:

“**SCHEDULE IV**  
(Section 12)

DESIGNATION

**Designation Certificat**

Institution(s): \_\_\_\_\_

Designation college: \_\_\_\_\_

I, the undersigned, the officer in charge of the designation process, declare that on \_\_\_\_\_ the following candidate was designated to the position of member of the board of directors of the above-mentioned institution(s):

Name

\_\_\_\_\_

Only one candidate filed his or her candidacy or filed a valid candidacy;

More than one candidate filed his or her candidacy and the designated candidate received the greatest number of votes;

Due to a tie vote, the candidate was designated in a drawing of lots held on \_\_\_\_\_.

For members designated by and from among the members of the council of physicians, dentists and pharmacists, the council of nurses, the multidisciplinary council or the users’ committee of the institutions administered by one board of directors pursuant to section 146 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies:

Following a drawing of lots:

the member will sit on the board of directors for the first six months;

the member will not sit on the board of directors for the first six months.

Signed at \_\_\_\_\_, this \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Name of officer in charge of the designation process \_\_\_\_\_.”.

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

102317

**M.O., 2015**

**Order number 2015 016 of the Minister of Health and Social Services dated 5 October 2015**

An Act respecting health services and social services (chapter S-4.2)

Regulation respecting the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 137 of the Act respecting health services and social services (chapter S-4.2), which provides that the Minister determines, by regulation, the procedure for designating certain members of the boards of directors of public institutions and sets the date on which the designations take place;

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

CONSIDERING section 11 of the Regulations Act (chapter R-18.1), which provides that no proposed regulation may be made or submitted for approval before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

CONSIDERING section 12 of that Act, which provides that a proposed regulation may be made without having been published, if the authority making or approving it is of the opinion that the urgency of the situation requires it;

CONSIDERING section 13 of that Act, which provides that the reason justifying the absence of such publication is to be published with the regulation;

CONSIDERING that the Minister is of the opinion that the urgency of the situation is due to the fact that, in accordance with the first paragraph of section 135 of the Act respecting health services and social services, every four years, on the day of the month of October or November that the Minister determines, every institution must invite the public to elect certain members of the boards of directors of public institutions and that that date expires on 30 November 2015 and the designations of members of the boards of directors of the institutions must be made following the elections;

CONSIDERING that the urgency of the situation is also due to the fact that the implementation of the Regulation respecting the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services requires the application of various preliminary steps within certain time limits spanning a period of 50 days before designations are made;

CONSIDERING that the Minister is of the opinion that those reasons justify that the Regulation be made without a prior 45-day publication;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation respecting the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services, attached to this Order, is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and  
Social Services*

## **Regulation respecting the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services**

An Act respecting health services and social services (chapter S-4.2, s. 137)

### **CHAPTER I GENERAL**

#### **DIVISION I SCOPE**

**1.** This Regulation establishes the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services (chapter S-4.2), which must be determined pursuant to the first paragraph of section 137 of the Act.

#### **DIVISION II DATE OF DESIGNATIONS**

**2.** The designations referred to in this Regulation are held on the date determined by the Minister in accordance with the second paragraph of section 137 of the Act.

The designated members take office on that date.

#### **DIVISION III DESIGNATION OFFICER AND DEPUTY OFFICERS**

**3.** Not later than 50 days before the date of the designations, the Minister or any person designated by the Minister appoints an officer in charge of the designation process. If the designation officer is unable to act, the Minister or the person designated by the Minister appoints a new officer.

The officer may appoint one or more deputy officers for assistance in the performance of the officer's duties. The president and executive director and the assistant executive director of the institution may not act as officer or deputy officer.

The officer and deputy officers may not run as candidates and are not entitled to vote in any designation referred to in this Regulation.

Unless otherwise indicated, the word “officer” used in this Regulation means the officer in charge of the designation process appointed in accordance with this section.

**4.** The officer is responsible for carrying out the designation process and ensuring compliance with the rules set out in this Regulation. The duties include the following, depending on the circumstances:

- (1) obtain the lists of bodies or persons to be involved in the designation process;
- (2) give notice of the designation process;
- (3) receive the candidate nomination papers and accept or refuse nominations;
- (4) inform voters of the voting procedure if there are more valid nominations than positions to be filled in a designation college;
- (5) appoint all scrutineers necessary for assistance in the performance of the officer’s duties;
- (6) supervise the conduct of the designation process;
- (7) be present for the counting of the votes;
- (8) declare candidates designated in accordance with this Regulation;
- (9) report the results of the designation process to the Minister and the president and executive director of the institution.

**5.** The duties of a deputy officer, performed under the authority of the officer, are to

- (1) receive the candidate nomination papers and send them to the officer;
- (2) inform voters of the voting procedure if there are more valid nominations than positions to be filled in a designation college;
- (3) appoint all scrutineers necessary for assistance in the performance of the deputy officer’s duties;
- (4) supervise the conduct of the designation process;
- (5) be present for the counting of the votes; and
- (6) send the vote count report and the ballot papers to the officer.

#### **DIVISION IV** **PRESIDENT AND EXECUTIVE DIRECTOR OF** **THE INSTITUTION**

**6.** The president and executive director of the institution provides the officer and deputy officers with the technical and administrative support required for the performance of their duties.

The president and executive director keeps the original documents received from the officer and completed in accordance with Schedules I to V under seal for a period of at least 180 days from the date on which the designations are made.

#### **CHAPTER II** **DESIGNATIONS BY AND FROM AMONG THE** **MEMBERS OF THE USERS’ COMMITTEE**

##### **DIVISION I** **INITIATION OF THE DESIGNATION PROCESS**

**7.** Not later than 45 days before the date of the designations, the president and executive director must send contact information for the users’ committee of the institution and the list of its members to the officer.

**8.** Not later than 40 days before the date of the designations, the officer sends a notice to the users’ committee to invite members to participate in the designation of 2 persons as members of the board of directors.

The notice must mention the restrictions set out in the second paragraph of section 129 and section 150 of the Act and indicate the terms and conditions that must be followed in the designation process.

##### **DIVISION II** **DESIGNATION**

**9.** The designation of 2 persons must be made at a meeting at which the majority of members of the users’ committee are present.

The officer must receive a copy of the resolution, indicating the names of the members designated at the meeting not later than 5:00 p.m. on the day before the date of the designations. The copy must be accompanied by the original nomination paper provided in Schedule I, duly completed and signed by each nominated candidate and the information sheet provided in Schedule II.

After ensuring that each candidate nomination paper has been duly completed and signed, the officer completes the certificate of designation provided in Schedule III and sends copies of the certificate, all nomination papers, and the users' committee resolution to the Minister within 3 working days. Within the same period, the officer sends the original documents to the president and executive director of the institution.

The president and executive director posts a copy of the certificate of designation in a location accessible to the members of the users' committee in each of the institution's facilities. The president and executive director must also publish it on the website of the institution.

**10.** The members of the users' committee may, if they all agree, hold the meeting referred to in section 9 by any means allowing all the participants to immediately communicate with each other.

**11.** If at the end of the nomination period there is no candidate or valid candidate, the officer completes the declaration of designation not held provided in Schedule IV and sends a copy to the Minister within 3 working days. Within the same period, the officer sends the original declaration, as well as any original nomination papers completed by a member whose nomination has been rejected, the completed candidate information sheet and a copy of the users' committee resolution to the president and executive director of the institution.

### CHAPTER III DESIGNATION BY THE BOARDS OF DIRECTORS OF FOUNDATIONS

#### DIVISION I INITIATION OF THE DESIGNATION PROCESS

**12.** Not later than 45 days before the date of the designations, the president and executive director must send the name and address of every foundation of the institution within the meaning of section 132.2 of the Act, as well as the name of the chair of the board of directors of such a foundation to the officer.

**13.** Not later than 40 days before the date of the designations, the officer sends to the board of directors of each foundation concerned a notice of their right to participate in the designation of a person as a member of the institution's board of directors.

The notice must mention the restrictions set out in the second paragraph of section 129 and section 150 of the Act and indicate the terms and conditions that must be followed in the designation process.

#### DIVISION II NOMINATION

**14.** The officer must receive nominations not later than 5:00 p.m. the day before the date of the designations. To submit a nomination, the foundation's board of directors must send to the officer a copy of a board resolution indicating the name of the candidate nominated, along with the original nomination paper provided in Schedule I, duly completed and signed by the candidate, and the information sheet provided in Schedule II.

**15.** The officer draws up the list of candidates nominated by the foundations concerned, if applicable.

#### DIVISION III DESIGNATION

##### §1. *Absence of designation*

**16.** Section 11 applies, with the necessary modifications, where at the end of the nomination period no candidate has been nominated or no nomination is valid.

##### §2. *Designation by acclamation*

**17.** If the officer has received only 1 valid nomination by the end of the nomination period, the officer declares the candidate designated. The officer then completes the certificate of designation provided in Schedule III and sends a copy of the certificate, nomination paper of the member designated, the completed candidate information sheet and any resolution received pursuant to section 14 to the Minister within 3 working days.

Within the same period, the officer sends the original documents to the president and executive director of the institution.

Not later than 10 days before the date of the designations, the president and executive director must post a copy of the certificate of designation in a location accessible to the public in each of the institution's facilities. The president and executive director must also publish the certificate on the website of the institution within the same period.

##### §3. *Designation with competitors*

**18.** If the officer has received more than 1 valid nomination by the end of the nomination period, the officer declares the candidate having received the most nominations from the foundations designated.

If candidates have received the same number of nominations and this would result in more than 1 candidate being designated, the officer immediately draws lots from among the candidates who obtained the greater number of nominations to determine who is designated.

**19.** The officer completes the certificate of designation provided in Schedule III and sends a copy of the certificate, the designated member's nomination paper, the completed candidate information sheet and any resolution received under section 14 to nominate a candidate to the Minister within 3 working days.

Within the same period, the officer sends the original documents, the nomination papers for undesignated candidates, the completed candidate information sheets and all resolutions received under section 14, to the president and executive director of the institution.

The president and executive director posts a copy of the certificate of designation in a location accessible to the public in each of the institution's facilities. The president and executive director must also publish the certificate on the website of the institution.

## CHAPTER IV DESIGNATION BY UNIVERSITIES WITH WHICH AN INSTITUTION IS AFFILIATED

### DIVISION I INITIATION OF THE DESIGNATION PROCESS

**20.** Not later than 45 days before the date of the designations, the president and executive director must send the names and addresses of the universities with which the institution is affiliated and the name of the chair of the board of directors of those universities to the officer.

**21.** Not later than 40 days before the date of the designations, the officer sends a notice to the chair of the board of directors of each university with which an institution is affiliated mentioning the university's right, alone or with another university, to designate 2 persons to the institution's board of directors.

The notice must mention the restrictions set out in the second paragraph of section 129 and section 150 of the Act, and the terms and conditions that must be followed in the designation process.

### DIVISION II NOMINATION

**22.** The officer must receive nominations not later than 5:00 p.m. the day preceding the date of the designations, submitted by means of a copy of a resolution of the board

of directors of the university indicating the names of the candidates nominated, along with the original nomination paper provided in Schedule I duly completed and signed by the candidates and the completed candidate information sheets.

**23.** The officer draws up the list of the candidates nominated by the foundations concerned, if any.

### DIVISION III DESIGNATION

#### §1. *Absence of designation*

**24.** Section 11 applies, with the necessary modifications, where at the end of the nomination period no candidate has been nominated or no nomination is valid.

#### §2. *Designation by acclamation*

**25.** If the officer has received only 2 valid nominations by the end of the nomination period, the officer declares the candidates designated. The officer then completes the certificate of designation provided in Schedule III and sends a copy of the certificate, the nomination papers of the members designated, the completed candidate information sheet and any resolution received pursuant to section 22 to the Minister within 3 working days.

Within the same period, the officer sends the original documents to the president and executive director of the institution.

Not later than 10 days before the date of the designations, the president and executive director must post a copy of the certificate of designation in a location accessible to the public in each of the institution's facilities. The president and executive director must also publish the certificate on the website of the institution within the same period.

#### §3. *Designation with competitors*

**26.** If the officer has received more than 2 valid nominations by the end of the nomination period, the officer declares the candidates having received the most nominations from the universities designated.

If candidates have received the same number of nominations and this would result in more than 2 candidates being designated, the officer immediately draws lots from among the candidates who obtained the greatest number of nominations to determine the designated persons.

**27.** The officer completes the certificate of designation provided in Schedule III and sends a copy of the certificate, the nomination papers of the designated members and any resolution received under section 22 to nominate a candidate to the Minister within 3 working days.

Within the same period, the officer sends the original documents, the nomination papers for undesignated candidates and all resolutions received under section 22 to the president and executive director of the institution.

The president and executive director posts a copy of the certificate of designation in a location accessible to the public in each of the institution's facilities. The president and executive director must also publish a copy of the certificate on the website of the institution.

## CHAPTER V DESIGNATION BY AND FROM AMONG THE MEMBERS OF THE COUNCIL OF PHYSICIANS, DENTISTS, AND PHARMACISTS

### DIVISION I INITIATION OF THE DESIGNATION PROCESS

**28.** Not later than 45 days before the date of the designations, the president and executive director of the institution must send the list of members of the institution's council of physicians, dentists, and pharmacists to the officer. The list must include an address where each physician, dentist, and pharmacist can be reached.

**29.** Not later than 40 days before the date of the designations, the officer gives notice of the designation process by posting the notice in a location accessible to the members of the institution's council of physicians, dentists, and pharmacists in each of the institution's facilities. The notice must be accompanied by the list referred to in section 28. The notice and the list must also be published on the website of the institution.

Any physician, dentist, or pharmacist whose name does not appear on the list or who notices an error on the list may contact the officer for the appropriate correction. Where the officer modifies the list, the officer replaces the posted and published list by a new list.

The notice must mention the restrictions set out in section 150 of the Act and indicate the nomination period and the terms and conditions that must be followed in the designation process.

### DIVISION II NOMINATION

**30.** Nominations are made by means of nomination papers provided in Schedule I.

The original, duly completed nomination paper must be signed by the candidate and received by the officer not later than 30 days before the date of the designations at 5:00 p.m.

To provide more information to the members of the council of physicians, dentists, and pharmacists, candidates must also complete the information sheet provided in Schedule II and send it along with their nomination papers.

**31.** The officer accepts or refuses a nomination paper not later than 2 working days after receiving it and gives written notice of acceptance or refusal to the person who filed the paper. In the case of a refusal, the officer also informs the candidate of the reasons for the decision. The officer completes the corresponding section of the nomination paper.

The officer must not, before the end of the nomination period, divulge the name of any candidate or person whose nomination has been rejected. The officer must not, in any case, divulge the name of a person whose nomination has been rejected.

### DIVISION III DESIGNATION

#### §1. *Absence of designation*

**32.** Section 11 applies, with the necessary modifications, where at the end of the nomination period no candidate has been nominated or no nomination is valid.

Not later than 10 days before the date of the designations, the president and executive director must post a copy of the certificate of absence of designation in a location accessible to the members of the council of physicians, dentists, and pharmacists in each of the institution's facilities. The president and executive director must also publish the certificate on the website of the institution within the same period.

#### §2. *Designation by acclamation*

**33.** If the officer has received only 1 valid nomination by the end of the nomination period, the officer declares the member designated. The officer then completes the certificate of designation provided in Schedule III and sends a copy of the certificate, the nomination paper of the member designated and the information sheet completed by the member of the council of physicians, dentists, and pharmacists whose nomination has been accepted to the Minister within 3 working days.

Within the same period, the officer sends the original documents to the president and executive director of the institution.

Not later than 10 days before the date of the designations, the president and executive director must post a copy of the certificate of designation in a location accessible to the members of the council of physicians, dentists, and pharmacists in each of the institution's facilities. The president and executive director must also publish the certificate on the website of the institution within the same period.

### §3. *Designation by ballot*

**34.** If the officer has received more than 1 valid nomination by the end of the nomination period, the officer draws up the list of candidates.

**35.** Not later than 20 days before the date of the designations, the officer sends a polling notice to each member of the council of physicians, dentists, and pharmacists. The notice must indicate the date, time and place of the vote count and the list of candidates.

The polling notice is also posted by the officer in each location where the notice of the designation process was posted in accordance with section 29 and published on the website of the institution.

**36.** The polling notice that the officer sends to all members must be accompanied by

- (1) the candidate information sheet provided in Schedule II and completed by each candidate;
- (2) a ballot paper initialed by the officer;
- (3) a vote envelope with no markings identifying the member, in which the ballot paper will be inserted;
- (4) a return envelope bearing the member's name and addressed to the officer.

**37.** The member must use the ballot paper and envelopes received from the officer.

Members insert ballot papers in the vote envelopes provided, which they then insert in their return envelopes.

To be valid, ballot papers must be received at the office of the officer not later than 5:00 p.m. on the day before the designations are to be made.

**38.** The officer or a deputy officer, accompanied by scrutineers, opens return envelopes.

Only return envelopes bearing a member's name are considered and checked against the voters list.

**39.** First, the vote envelopes containing the ballot paper are removed from the envelopes bearing a member's name.

If a return envelope does not contain a vote envelope, the situation is noted on the vote count report provided in Schedule V.

If a return envelope contains 2 or more vote envelopes, the votes are not counted and the situation is noted on the vote count report.

**40.** On the date, at the time and place indicated in the polling notice, the scrutineers count the votes in the presence of the officer or a deputy officer.

The vote count is public.

The officer or the deputy officer cancels any ballot paper that

- (1) has not been provided by the officer;
- (2) does not bear the initials of the officer;
- (3) has not been marked;
- (4) has been marked in favor of more than 1 candidate;
- (5) has been marked in favor of a person who is not a candidate;
- (6) has been marked elsewhere than in the spaces reserved for that purpose;
- (7) bears fanciful or injurious entries;
- (8) bears a mark by which the member can be identified.

The officer or the deputy officer cancels a ballot paper by writing "Void" on it and initialing the paper. The number of rejected ballot papers is noted on the vote count report provided for in Schedule V.

**41.** The candidate who receives the most votes is declared designated by the officer.

If candidates have received the same number of votes and this would result in more than 1 candidate being designated, the officer immediately draws lots from among the candidates who obtained the greater number of votes to determine the person who is designated.

**42.** The officer completes the certificate of designation provided in Schedule III and sends a copy of the certificate, the nomination paper of the member designated and the candidate information sheet completed by the candidates to the Minister within 3 working days.

Within the same period, the officer sends the original of those documents, the nomination papers of undesignated candidates, all candidate information sheets completed by the candidates, the ballot papers, and the vote count report to the president and executive director of the institution.

The president and executive director posts a copy of the certificate of designation in a location accessible to the members of the council of physicians, dentists, and pharmacists in each of the institution's facilities. The president and executive director must also publish a copy of the certificate on the website of the institution.

#### **CHAPTER VI** DESIGNATION BY AND FROM AMONG THE MEMBERS OF THE COUNCIL OF NURSES

**43.** Chapter V applies, with the necessary modifications, to designations to the board of directors of an institution of a member chosen by and from among the members of the council of nurses.

#### **CHAPTER VII** DESIGNATION BY AND FROM AMONG THE MEMBERS OF THE MULTIDISCIPLINARY COUNCIL

**44.** Chapter V applies, with the necessary modifications, to designations of 1 to 3 persons, according to the number required under the law, to the board of directors by and from among the members of the institution's multidisciplinary council, including persons who perform nursing assistant activities for the institution.

The notice required under section 29 must indicate, if applicable, the prescriptions applicable under subparagraph *c* of paragraph 6 of section 129 of the Act.

#### **CHAPTER VIII** DESIGNATION BY AND FROM AMONG THE MEMBERS OF THE COUNCIL OF MIDWIVES

**45.** Chapter V applies, with the necessary modifications, to designations to the board of directors of an institution of a member chosen by and from among the members of the council of midwives.

#### **CHAPTER IX** DESIGNATION BY AND FROM AMONG THE STAFF MEMBERS WHO ARE NOT MEMBERS OF THE COUNCIL OF PHYSICIANS, DENTISTS, AND PHARMACISTS, THE COUNCIL OF NURSES OR THE MULTIDISCIPLINARY COUNCIL OF THE INSTITUTION

**46.** Chapter V applies, with the necessary modifications, to designations to the board of directors of an institution of a member chosen by and from among the staff members of the institution referred to in this Division.

The list of persons concerned by the designations that must be sent by the president and executive director to the officer is drawn up from the contact information contained in the personnel records of the institution.

#### **CHAPTER X** FINAL

**47.** The Regulation respecting the procedure for designating certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services (chapter S-4.2, r. 22) is repealed.

**48.** The Regulation respecting the designation procedure for certain members of the board of directors of a public institution (chapter S-4.2, r. 21) is repealed.

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



**SCHEDULE I**

(section 9)

**DESIGNATION  
Candidate nomination paper**

Name of institution			
<b>Designation college:</b>			
<b>Section I – Nomination</b>			
Last name and first name of candidate			
Sex M <input type="checkbox"/> F <input type="checkbox"/>		Date of birth Y M D	
Address			
Municipality		Province	Postal code
Area code Home telephone		Area code Work telephone	Extension
Occupation		Employer	
<b>Section III – Candidate's consent</b>			
<b>CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS</b>			
<ol style="list-style-type: none"> <li>1. Be a Québec resident;</li> <li>2. Be of full age (18 or over);</li> <li>3. Not be under tutorship or curatorship;</li> <li>4. Not have been convicted in the past five years of a crime punishable by three or more years of incarceration;</li> <li>5. Not have been dismissed as the member of the board of directors of an institution, regional board, or health and social service agency in the past three years;</li> <li>6. Not have been convicted in the past three years of an offence against the Act respecting health services and social services or the regulations;</li> <li>7. Not be employed by the institution or practise therein, for a designation by and from among the members of the users' committee or the foundations of the institution or the universities affiliated with the institution;</li> <li>8. Be qualified to sit as a member of the board of directors of the college for which the candidate is nominated.</li> </ol>			
<p>I hereby acknowledge that I have read the information and declare that I meet the above conditions for candidacy. I also authorize the disclosure of the information on this form to the Minister of Health and Social Services if I am designated a member of the board of directors. Information disclosed to the Minister 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: right;">_____ Signature of candidate</p>			
<b>Section IV – Acceptance by designation officer</b>			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection:			
_____			
_____			
_____ Signature of designation officer		_____ Date	
<small>PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION</small>			
<small>1. The information on this form is gathered for the institution concerned and, if the candidate is designated, for the Minister of Health and Social Services.</small>			
<small>2. The information sent to the Minister is used to make up records for management and control purposes of the members of health and social service institution boards.</small>			
<small>3. The following persons will have access to this information:</small> <ul style="list-style-type: none"> <li>• employees of the institution concerned and the department in the performance of their duties;</li> <li>• any other user meeting the requirements of the abovementioned Act.</li> </ul>			
<small>4. All information on the form is required.</small>			

**SCHEDULE II***(section 9)***DESIGNATION  
Candidate information sheet**

PHOTO (optional)

Institution:  
  
\_\_\_\_\_Name of candidate:  
  
\_\_\_\_\_Place of work or of practice:  
  
\_\_\_\_\_Profile of candidate (training, occupation, experience):Reasons for candidacy:Social, community, volunteer involvement, etc.:Other relevant information:

Candidate's consent: I hereby authorize the disclosure of the information on this sheet as part of the designation process in which I am a candidate.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of candidate\_\_\_\_\_  
Date\_\_\_\_\_  
Signature of designation officer

**SCHEDULE III***(section 9)***DESIGNATION  
Certificate of designation**

Institution: \_\_\_\_\_

Designation college: \_\_\_\_\_

I, the undersigned, officer in charge of the designation process, declare that on \_\_\_\_\_ the following candidate or candidates were designated to the position of member of the board of directors of the above institution:

Name(s)

\_\_\_\_\_  
\_\_\_\_\_

- The number of valid candidates was lower than or equal to the number of positions to be filled.
- The number of candidates was higher than the number of positions to be filled, and the designated candidate received the greatest number of votes.
- Due to a tie vote, the candidate or candidates were designated in a draw held on \_\_\_\_\_.

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Name of designation officer

**SCHEDULE IV***(section 11)***DESIGNATION****Declaration of designation not made**

Institution: \_\_\_\_\_

Designation college: \_\_\_\_\_

I, the undersigned, officer in charge of the designation process, hereby declare that no designation was made for the above institution, for the following reason:

No nominations were received No valid nominations were received 

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Name of designation officer

**SCHEDULE V**  
(section 39)

**DESIGNATION**  
**Vote count report**

Institution: \_\_\_\_\_

Designation college: \_\_\_\_\_

In accordance with the polling notice, the vote count took place on:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

Number of envelopes with member identified: \_\_\_\_\_

Number of envelopes with member not identified: \_\_\_\_\_

Number of identified envelopes containing a valid ballot: \_\_\_\_\_

Number of identified envelopes containing an invalid ballot: \_\_\_\_\_

	<b>Candidates</b>	<b>Number of votes</b>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of designation officer or deputy officer

\_\_\_\_\_  
\_\_\_\_\_  
Name(s) of scrutineer(s)

**M.O., 2015****Order number 2015 017 of the Minister of Health and Social Services dated 5 October 2015**

An Act respecting health services and social services (chapter S-4.2)

Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 135 of the Act respecting health services and social services (chapter S-4.2), which provides that every 4 years, on the day that the Minister determines, every public institution must invite the public to elect certain members of the board of directors of the institution;

CONSIDERING the third paragraph of section 135 of the Act, which provides that 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, are determined by a by-law 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 section 11 of the Regulations Act (chapter R-18.1), which provides that no proposed regulation may be made or submitted for approval before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

CONSIDERING section 12 of that Act, which provides that a proposed regulation may be made without having been published, if the authority making or approving it is of the opinion that the urgency of the situation requires it;

CONSIDERING section 13 of that Act, which provides that the reason justifying the absence of such publication is to be published with the regulation;

CONSIDERING that the Minister is of the opinion that the urgency of the situation is due to the fact that, in accordance with the first paragraph of section 135 of the Act respecting health services and social services, every four years, on the day of the month of October or

November that the Minister determines, every institution must invite the public to elect certain members of the boards of directors of public institutions and that that date expires on 30 November 2015;

CONSIDERING that the urgency of the situation is also due to the fact that the implementation of the Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services requires the application of various preliminary steps within certain time limits spanning a period of 50 days before elections are held;

CONSIDERING that the Minister is of the opinion that those reasons justify that the Regulation be made without the prior 45-day publication;

CONSIDERING that the chief electoral officer was consulted regarding the Regulation;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

The Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services, attached to this Order, is hereby made.

GAÉTAN BARRETTE,  
*Minister of Health and Social Services*

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**Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services**

An Act respecting health services and social services (chapter S-4.2, s. 135)

**CHAPTER I**  
**GENERAL**

**DIVISION I**  
**SCOPE**

**1.** This Regulation applies to the procedure for the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services (chapter S-4.2), which must be determined pursuant to the third paragraph of section 135 of the Act.

## DIVISION II ELECTION DATE

**2.** The election referred to in this Regulation is held on the date determined by the Minister in accordance with the first paragraph of section 135 of the Act.

The elected members take office as and when they are elected.

## DIVISION III POLLING LOCATIONS

**3.** Not later than 55 days before the election date, the president and executive director of the institution determines the polling locations and informs the Minister thereof.

However, if circumstances so warrant, the president and executive director of the institution may designate another polling location before the beginning of the polling period. The president and executive director must then inform the Minister.

## DIVISION IV RETURNING OFFICER AND DEPUTY RETURNING OFFICERS

**4.** Not later than 50 days before the election date, the Minister appoints a returning officer. If the returning officer is unable to act, the Minister appoints a new officer.

The returning officer appoints a deputy returning officer for each polling location. The president and executive director and the assistant executive director of the institution may not act as officer or deputy officer.

The officer and deputy officers may not run as candidates or countersign a nomination paper and are not entitled to vote in the election.

In this Regulation, «officer» means the returning officer and «deputy officer» means a deputy returning officer.

**5.** The officer is responsible for carrying out the election procedure and ensuring compliance with the rules set out in this Regulation. The duties of the officer are to

(1) receive the candidate nomination papers and accept or refuse the candidates;

(2) send the list of candidates to the president and executive director of the institution;

(3) inform the voters and candidates of the election procedure where more than 2 persons have submitted a valid nomination;

(4) appoint all scrutineers necessary for assistance in the performance of the officer's duties;

(5) implement the mechanisms chosen by the president and executive director of the institution enabling candidates to address the public;

(6) supervise the conduct of the election;

(7) check voter eligibility;

(8) be present for the counting of the votes;

(9) cancel irregular ballot papers in accordance with section 28;

(10) report the result of the election procedure to the Minister and the president and executive director of the institution; and

(11) complete the certificates of election by acclamation, declarations of election not held, vote count report and certificates of election referred to in sections 13, 14, 29 and 33 and send them to the Minister and the president and executive director of the institution.

**6.** The duties of a deputy officer, performed under the authority of the officer, are to

(1) receive the candidate nomination papers and send them to the officer;

(2) inform the voters and candidates of the election procedure where more than 2 persons have submitted a valid nomination;

(3) appoint all scrutineers necessary for assistance in the performance of the deputy officer's duties;

(4) supervise the conduct of the election;

(5) check voter eligibility;

(6) be present for the counting of the votes;

(7) cancel irregular ballot papers in accordance with section 28; and

(8) complete the vote count report referred to in section 29 and send it along with the ballot papers to the officer.

## **DIVISION V**

### **PRESIDENT AND EXECUTIVE DIRECTOR OF THE INSTITUTION**

**7.** The president and executive director of the institution provides the officer and deputy officers with the technical and administrative support required for the performance of their duties.

The president and executive director keeps the original of the documents completed in accordance with Schedules I to X under seal for a period of at least 180 days from the date on which the votes are counted or recounted, as the case may be, or, where an election is contested, until such time as the decision of the Tribunal administratif du Québec is rendered and has become final.

## **CHAPTER II**

### **ELECTION PROCEDURE**

#### **DIVISION I**

##### **NOTICE OF ELECTION**

**8.** Not later than 50 days before the election date, the president and executive director of the institution gives notice of the election by mail or regular advertising inserts. The notice of election must mention the restrictions set out in sections 131, 135 and 150 of the Act and describe the nomination procedure provided for in sections 9 and 10 of this Regulation.

The notice of election must be posted, within the same period, in a location accessible to the public in each of the institution's facilities and published on the website of the institution.

The president and executive director must send a copy of the notice of election to the officer and deputy officers not later than 5 days after having forwarded it.

#### **DIVISION II**

##### **NOMINATION**

**9.** Candidates are nominated by means of a nomination paper provided in Schedule I.

The original of the nomination paper must be signed by the candidate and countersigned by 2 nominators. The nominators must be members of the electoral college. It must be received by the officer or the deputy officer not later than 30 days before the election date and not later than 5:00 p.m.

**10.** The candidate must also complete the information sheet provided in Schedule II and submit it to the officer or the deputy officer with the nomination paper.

**11.** The deputy officer who receives a nomination paper and an information sheet must send them immediately to the officer.

**12.** Not later than 2 working days after having received a nomination paper, the officer must accept or refuse the nomination and give written notice of acceptance or refusal to the person who filed the paper. The officer completes the corresponding section of the nomination paper.

The officer may not divulge the name of any candidate before the end of the nomination period. The officer may not, in any case, divulge the name of a person whose nomination has been rejected.

#### **DIVISION III**

##### **ELECTION**

###### *§1. Election not held*

**13.** At the end of the nomination period, if there is no candidate or no valid candidate, the officer completes the declaration of election not held provided in Schedule III and sends a copy to the Minister within 3 working days. Within the same period, the officer sends the original of the declaration along with the nomination papers and information sheets completed by the candidates whose nominations have been refused to the president and executive director of the institution.

Not later than 20 days before the election date, the president and executive director of the institution must, by mail or regular advertising inserts, publish the declaration of election not held. The president and executive director must also post the declaration, within the same period, in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

###### *§2. Election by acclamation*

**14.** At the end of the nomination period, if the officer has received only 1 or 2 valid nominations, the officer declares the candidates elected. The officer then completes the certificate of election by acclamation provided in Schedule IV and sends a copy of the certificate, nomination papers and information sheet completed by the candidates whose nominations have been accepted to the Minister within 3 working days. Within the same period, the officer sends the original documents and any original nomination papers and information sheets completed by the candidates whose nominations have been refused to the president and executive director of the institution.

Not later than 20 days before the election date, the president and executive director of the institution must publish the certificate of election by acclamation by mail



or regular advertising inserts. The president and executive director must also post the certificate, within the same period, in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

### §3. *Election by ballot*

**15.** At the end of the nomination period, if there are more than 2 valid nominations, the officer draws up the list of candidates and sends it to the president and executive director of the institution within 3 working days.

Not later than 20 days before the election date, the president and executive director must, by mail or regular advertising inserts, give a notice indicating the date, period, polling locations and the list of candidates. The polling period indicated in the notice must extend from at least noon to 8 p.m. The polling notice must also indicate that no advance polling will be held and that proxy voting is prohibited. The notice is accompanied by a copy of the information sheets.

The president and executive director must also, within the same period, post the notice and a copy of the information sheets in a location accessible to the public in each of the institution's facilities and publish them on the website of the institution.

Where information appearing in the published polling notice is modified, the president and executive director of the institution must publish a notice on the website of the institution. The notice must also be posted in each of the institution's facilities.

**16.** Within 5 days following the end of the nomination period, the president and executive director of the institution sends the number of candidates for the election held for the institution, according to their sex and age group, to the Minister.

The president and executive director of the institution must also inform the Minister of the choice of one or more mechanisms provided in Schedule V enabling the candidates to address the public. The president and executive director also informs the public in the polling notice given in accordance with section 15.

**17.** The officer must, between the time the polling notice is published and polling day, implement the mechanism or mechanisms chosen in accordance with section 16.

**18.** The institution pays the cost of implementing the mechanisms provided for in section 17. All other advertising or promotional expenses are paid exclusively by the candidates.

**19.** On polling day, all candidate advertising is prohibited on the premises where the poll is held, except the posting of copies of the information sheets completed by the candidates. The building in which the election is held and any neighbouring location where advertising may be seen or heard by voters are considered to be the premises where the poll is held.

**20.** A candidate may observe the conduct of the poll or may, in writing, appoint a representative to do so. Such appointment must be sent to the officer or the deputy officer before the polling period begins.

**21.** The officer or the deputy officer initiates the polling period on the date, at the time, and in one of the locations indicated in the polling notice.

If the polling period cannot begin at the scheduled time or is interrupted due to a superior force, it continues until it lasts at least 8 hours.

**22.** The officer, a deputy officer, or a scrutineer must provide assistance to any person requesting it to exercise the right to vote.

The scrutineer must provide a template to any voter with a visual impairment who so requests in order to enable the voter to vote without assistance. The scrutineer informs the voter of the order in which the candidates are listed on the ballot paper.

A voter who is hearing or speech impaired may be accompanied by a sign language interpreter in order to communicate with the officer, a deputy officer, scrutineers and candidates or their representatives.

**23.** Before voting, each voter must complete a declaration provided in Schedule VI and submit it to the scrutineer.

**24.** The scrutineer gives the voter a ballot paper drawn up in accordance with the model provided in Schedule VII after initialing the ballot paper in the space reserved for that purpose and explains the voting procedure.

Proxy voting is prohibited.

**25.** The voter goes into the polling booth and marks the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the voter allows the scrutineer and any candidates or candidate representatives who so desire to verify the number of the stub and the initials of the scrutineer on the ballot.

Once so verified, the voter tears off the stub and gives it to the scrutineer, who destroys it. The voter then deposits the ballot paper in the ballot box.

**26.** After the end of the polling period, the scrutineers count the votes in the presence of the officer or a deputy officer.

**27.** Any candidates or candidate representatives may be present for the counting of the votes.

**28.** The officer or the deputy officer cancels every ballot paper that

- (1) has not been provided by the scrutineer;
- (2) does not bear the initials of the scrutineer;
- (3) has not been marked;
- (4) has been marked in favor of more than 2 candidates;
- (5) has been marked in favor of a person who is not a candidate;
- (6) has been marked elsewhere than in the spaces reserved for that purpose;
- (7) bears fanciful or injurious entries; and
- (8) bears a mark by which the voter can be identified.

Despite the foregoing, no ballot paper may be rejected under subparagraph 2 of the first paragraph where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of the declarations by voters who voted, were placed in it. The scrutineer then initials the back of the ballot paper and adds a note indicating the correction.

The officer or the deputy officer cancels a ballot paper by writing «Void» on it and initialing it. The number of rejected ballot papers is noted in the vote count report provided in Schedule VIII.

**29.** The officer or a deputy officer completes a vote count report for each polling location.

Deputy officers must immediately inform the officer of the results of the vote count and forward the original vote count report within 2 working days, along with the original voters' declarations and ballot papers.

**30.** The officer compiles the counts in accordance with Schedule IX and, subject to section 33, declares elected, on polling day, the candidates who obtained the greatest number of votes.

If there is a tie and more than 2 candidates are elected, the officer immediately draws lots from among the candidates who obtained the same number of votes. The officer then completes the corresponding section of Schedule IX.

**31.** The officer sends, on the day the poll is held, the names of the persons elected, their sex and age group, the number of cases for which there was a drawing of lots and the number of persons who voted to the Minister.

**32.** The officer must recount the votes at the request of any candidate or representative.

Such request must be justified, made in writing, and received by the officer not later than 5 days after the poll is held.

The officer must recount the votes within 5 days of receipt of such request. The candidates and their representatives may be present for the recounting.

The officer compiles again the counts in accordance with Schedule IX.

**33.** The officer completes the election certificate provided in Schedule X and sends a copy of the certificate and each elected candidate's nomination papers to the Minister within 10 working days following the polling date.

Within the same period, the officer sends the president and executive director of the institution the originals of those same documents, the nomination papers of unelected candidates, all information sheets completed by the candidates, the voters' declarations, the ballot papers and the documents completed in accordance with Schedules VIII and IX.

Not later than 15 days after the polling date, the president and executive director of the institution must, by mail or regular advertising inserts, publish the election certificate. Within the same period, the president and executive director must also post a copy of the election certificate in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

**CHAPTER III****FINAL**

**34.** The Regulation respecting the election by the public of certain members of the board of directors of a public institution (chapter S-4.2, r. 11) is repealed.

**35.** The Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services (chapter S-4.2, r. 12) is repealed.

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

**SCHEDULE I**  
(section 9)

**PUBLIC ELECTION**  
**Candidate nomination paper**

Name of institution			
<b>Section I – Nomination</b>		<b>Section II – Nominators</b>	
Last name and first name of candidate		1- Last name and first name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D	Address	
Address		Telephone	
Municipality	Province	Postal code	Signature of nominator *
Area code Home telephone	Area code	Work telephone Extension	2- Last name and first name of nominator
Email address		Address	
Occupation		Telephone	
Employer		Signature of nominator*	
*By signing below, the nominator attests being of full age, not being employed by the above institution or not practising at a centre operated by the institution, and having his or her principal residence in the health region in which the institution is located.			
<b>Section III – Candidate's consent</b>			
<p><b>CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS</b></p> <ol style="list-style-type: none"> <li>1. Be a candidate only for the election concerning the institution indicated above;</li> <li>2. Be a Québec resident;</li> <li>3. Be of full age (18 or over);</li> <li>4. Not be under tutorship or curatorship;</li> <li>5. Not have been convicted in the past five years of a crime punishable by three or more years of incarceration;</li> <li>6. Not have been dismissed as the member of a board of directors of an institution or agency in the past three years;</li> <li>7. Not have been convicted in the past three years of an offence against the Act respecting health services and social services or the regulations;</li> <li>8. Not be or have been employed by the institution and not practise or have practised in the institution in the three years preceding the election date;</li> <li>9. Not have a member of the immediate family who is president and executive director, assistant executive director or a senior management officer of the institution. Member of the immediate family means the person's spouse or child, the spouse's child, the person's mother or father, the spouse of the person's mother or father, the spouse of the person's child or the spouse of the child of the person's spouse;</li> <li>10. Not provide goods or services for valuable consideration to the institution;</li> <li>11. Not be employed by the Ministère de la Santé et des Services sociaux and not be employed by or receive remuneration from the Régie de l'assurance maladie du Québec;</li> <li>12. Not be a member of the board of directors of the Régie de l'assurance maladie du Québec;</li> <li>13. Not be a user lodged in the institution;</li> <li>14. Not have any direct or indirect relation or interest, in particular of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the person's decisions as regards the interests of the institution.</li> </ol> <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 Minister of Health and Social Services if I am elected a member of the board of directors. Information sent to the Minister is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).</p> <p>In witness whereof, I have signed in _____ on _____</p> <p style="text-align: center;">_____ Signature of candidate</p>			
<b>Section IV – Acceptance by returning officer</b>			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection: _____			
_____ Signature of returning officer		_____ Date	
<p>PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION</p> <ol style="list-style-type: none"> <li>1. The information on this form is gathered for the institution concerned and, if the candidate is elected, for the Minister of Health and Social Services.</li> <li>2. The information sent to the Minister is used to make up records for management and control purposes of members of health and social service institution boards.</li> <li>3. The following persons will have access to the information: <ul style="list-style-type: none"> <li>• employees of the institution concerned and of the Ministère de la Santé et des Services sociaux in the performance of their duties;</li> <li>• any other user meeting the requirements of the abovementioned Act.</li> </ul> </li> <li>4. All information on the form is required.</li> </ol>			

**SCHEDULE II**  
(section 10)

**PUBLIC ELECTION**  
Candidate information sheet

PHOTO

Institution: \_\_\_\_\_

Name of candidate: \_\_\_\_\_

Municipality or locality of  
residence: \_\_\_\_\_

Municipality or locality of  
work: \_\_\_\_\_

Profile of candidate (training, occupation, experience):

Reasons for candidacy:

Social, community, volunteer involvement, etc.:

Candidate's consent: I hereby authorize the disclosure of the information on this sheet as part of the election in which I am a candidate.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of candidate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of returning officer

**SCHEDULE III**  
(section 13)

**PUBLIC ELECTION**  
**Declaration of election not held**

Institution: \_\_\_\_\_

I, the undersigned, returning officer, declare that no election will be held for the above institution, for the following reason:

No nominations were received ( )

No valid nominations were received ( )

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of returning officer

**SCHEDULE IV**  
(section 14)

**PUBLIC ELECTION**  
**Certificate of election by acclamation**

I, the undersigned, returning officer, hereby declare that I have received and accepted the nominations below for the following board of directors positions to be filled by public election:

Institution: \_\_\_\_\_

Name

(1) \_\_\_\_\_

(2) \_\_\_\_\_

The candidates have been declared elected.

Number of nominations rejected, if any: \_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of returning officer

**SCHEDULE V**  
(*section 16*)

**PUBLIC ELECTION**  
**Mechanisms enabling candidates to address the public**

Institution: \_\_\_\_\_

Pursuant to section 17 of the Regulation respecting the election by the public of certain members of the board of directors of a public institution referred to in Part IV.2 of the Act respecting health services and social services, the president and executive director hereby selects the following mechanism(s):

One or more public meetings enabling candidates to address the public

Number of public meetings: \_\_\_\_\_ ( )

Publication, on one or more occasions, of information the candidates wish to provide to the public in a newspaper distributed in the region

Number of publication(s): \_\_\_\_\_ ( )

Use of one or more means of communication—technical, electronic, or other—enabling candidates to address the public (e.g., radio, TV, Internet)

Specify means: \_\_\_\_\_ ( )

\_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Name of president and executive director



**SCHEDULE VI**  
(section 23)

**PUBLIC ELECTION**  
**Voter declaration**

Institution:

\_\_\_\_\_

Health region:

\_\_\_\_\_

**DECLARATION**

I hereby declare that

- I am 18 years of age or over;
- my principal residence is situated at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I am not employed by the above institution or practise at a centre operated by the institution;
- I did not vote in another polling location for the above institution.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

SCRUTINEER: \_\_\_\_\_

**SCHEDULE VII**  
(section 24)

**PUBLIC ELECTION**  
**Ballot paper template**

No.		
No.		Names of candidates
	Initials of scrutineer	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
Date		<input type="checkbox"/>
Back		Front

**NOTE:** List names of candidates in alphabetical order.

**SCHEDULE VIII**  
(section 29)

**PUBLIC ELECTION**  
**Vote count report**

Institution: \_\_\_\_\_

Polling location: \_\_\_\_\_

Polling date: \_\_\_\_\_

Polling time: \_\_\_\_\_

Persons present during vote count and duties:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Candidates	Number of valid votes
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

Total of valid votes \_\_\_\_\_

Number of ballots rejected \_\_\_\_\_

Reasons for rejecting ballots:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of returning officer or deputy returning officer

**SCHEDULE IX***(section 30)***PUBLIC ELECTION  
Compilation of vote counts and  
draw results**

Institution: \_\_\_\_\_

Polling date: \_\_\_\_\_

Count

Recount

## 1. Compilation of vote counts

Candidates	Number of valid votes
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

2. Draw results *(to be completed only if there is a tie)*

The following candidates received the same number of votes:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

A draw was held on \_\_\_\_\_,  
in \_\_\_\_\_.

The following name or names were drawn:

\_\_\_\_\_  
 \_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Name of returning officer

**SCHEDULE X**  
(section 33)

**PUBLIC ELECTION**  
**Certificate of election**

To the president and executive director of

\_\_\_\_\_

Institution

I, the undersigned, returning officer, declare that the following candidates were elected to the board of directors of the above institution in the election held on \_\_\_\_\_:

Name

1. \_\_\_\_\_

2. \_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Name of returning officer



## Draft Regulations

### Draft Regulation

Educational Childcare Act  
(chapter S-4.1.1)

#### Educational childcare — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation requires that persons who must hold an attestation establishing that no impediment exists must submit a copy of the consent to investigation. The draft Regulation indicates the annual rate of adjustment of the fees payable for permit applications and renewals. It also sets out certain obligations imposed on a permit holder who has recourse to an organization or an enterprise providing replacement childcare staff members.

The draft Regulation provides for the installation of carbon monoxide detectors on the premises where childcare is provided by the childcare providers covered by the Regulation. It sets out certain requirements concerning the maintenance and safe use of outdoor play spaces and the elements located therein. It also provides for the retention period for certain documents.

Lastly, the draft Regulation contains provisions to ensure better coherence between certain provisions of the current Regulation and their practical application, and harmonizes the vocabulary used.

The regulatory amendments have no significant impact on enterprises in Québec.

Further information may be obtained by contacting Katherine Ferguson, Direction de l'accessibilité et de la qualité des services de garde, Ministère de la Famille, 600, rue Fullum, 6<sup>e</sup> étage, Montréal (Québec) H2K 4S7; telephone: 514 873-6741; fax: 514 864-6736; email: katherine.ferguson@mfa.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jacques Robert, Assistant Deputy Minister, Direction générale des services de garde éducatifs à l'enfance, Ministère de la Famille, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

FRANCINE CHARBONNEAU,  
*Minister of Families*  
*Minister responsible for Seniors*  
*Minister responsible for Anti-Bullying*

### Regulation to amend the Educational Childcare Regulation

Educational Childcare Act  
(chapter S-4.1.1, s. 106)

**1.** The Educational Childcare Regulation (chapter S-4.1.1, r. 2) is amended in section 2

(1) by replacing “an attestation” in the first paragraph by “a copy of the consent to investigation and the attestation”;

(2) by inserting “of the consent to investigation and” after “communication” in the second paragraph.

**2.** Section 6 is amended by inserting “a new consent to investigation and” after “provide” in the second paragraph.

**3.** Section 13 is amended by replacing the second paragraph by the following:

“That amount is adjusted on 1 April of each year based on a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.”

**4.** The following is inserted after section 20:

“**20.1.** A permit holder who has recourse to an organization or enterprise providing replacement childcare staff members must ensure that the replacement staff member has in his or her possession the certificate provided for in section 20 and, where applicable, proof that the replacement staff member holds the qualification provided for in section 22 before allowing the replacement staff member to work in the facility.”

**5.** Section 23.1 is amended by adding the following paragraph at the end:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”

**6.** Section 23.2 is amended by adding the following paragraph:

“If the number of childcare staff members is less than 3, at least 1 of the members must be qualified.”

**7.** Section 34 is amended by adding the following after paragraph 3:

“(4) at least 1 carbon monoxide detector on each storey.”

**8.** The following is inserted after section 39:

“**39.1.** A permit holder must ensure, where the outdoor play space is that referred to in subparagraph 1 of the first paragraph of section 39, that all the elements located therein are in good condition, kept clean and used safely and do not present any potential dangers by reason of their nature, the place where they are used and the presence of children.”

**9.** Section 48 is amended by replacing “sections 5 and 82” in subparagraph *a* of paragraph 5 by “section 5”.

**10.** Section 54.1 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the assistant.” at the end of the second paragraph.

**11.** Section 60 is amended by replacing “the attestation” in paragraph 13 by “a copy of the consent to investigation of the information required to establish that no impediment exists and the attestation”.

**12.** Section 82.2 is amended by adding “The home childcare provider must keep the documents for 3 years after the end of the employment relationship with the occasional replacement.” at the end of the second paragraph.

**13.** Section 91 is amended by inserting the following after paragraph 3:

“(3.1) at least 1 carbon monoxide detector on each storey;”.

**14.** Section 123 is amended by replacing “The card must be” in the second paragraph by “The card must be accessible on the premises where the childcare is provided and”.

**15.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 7 and 13, which come into force on (insert the date occurring 6 months after the date of coming into force of this Regulation).

102322



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

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