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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

## Bill 116

(1996, chapter 36)

### **An Act to amend the Act respecting health services and social services**

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**Passage in principle 7 June 1996**  
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**Assented to 20 June 1996**

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## EXPLANATORY NOTES

*This bill amends various provisions of the Act respecting health services and social services relating to the establishment and composition of the boards of directors of public institutions and regional boards.*

*The bill proposes a new procedure for establishing the board of directors responsible for administering all the institutions that operate, in the territory of a given regional board, a rehabilitation centre for persons with physical impairments. It also provides that a regional board will be able to propose to the Minister of Health and Social Services that a single board of directors be established for the administration of certain institutions in the circumstances specified in the bill. For example, where an institution operating a residential and long-term care centre has its head office in the territory served by an institution operating a local community service centre, both institutions could, under the bill, be administered by the same board of directors, as could two or more institutions operating general and specialized hospital centres with 50 or more beds that have their head offices in the territory of the same regional board. The Minister's decision accepting a proposal put forward by a regional board must be ratified by a government order tabled in the National Assembly.*

*In addition to defining the composition of a board of directors established in the circumstances described above, the bill introduces changes to the composition of the various other boards of directors established under the Act, particularly as regards the cooptation of new members to reflect the regional or supra-regional vocation of certain institutions.*

*The bill redefines the procedure for the election or appointment of the members of the boards of directors of public institutions, and the eligibility requirements to be met by future members.*

*The bill abolishes the regional assemblies whose main function was to elect, from among their members, a group of persons to serve on the boards of directors of the regional boards, and, consequentially, amendments are introduced to redefine the rules and procedures governing the establishment and composition of the boards of directors of regional boards.*

*Lastly, the bill includes amendments of a technical, terminological or consequential nature, as well as transitional provisions.*



## Bill 116

### **An Act to amend the Act respecting health services and social services**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing sections 121 to 123 by the following section:

**“121.** A board of directors shall be established to administer all the institutions having their head offices in the territory of a regional board and operating a rehabilitation centre for persons with a physical impairment.

However, for the application of this section as regards the territory of the regional board established for the Montréal Centre region, the Minister may, on a proposal of the regional board, determine the organization referred to in the first paragraph otherwise than on the basis of the territory of the regional board.”

**2.** The said Act is amended by inserting, after section 126, the following sections:

**“126.1** In order to develop a network of continuous service for users while protecting the mission of the institutions concerned, a regional board may, after consulting the institutions concerned, propose to the Minister that the following institutions be administered by the same board of directors: an institution operating a local community service centre and one or more institutions operating either a residential and long-term care centre or both a residential and long-term care centre and a hospital centre with less than 50 beds providing only emergency care and general care and related consultations, or only such a hospital centre, if all the institutions have their head offices in the territory of the institution

operating the local community service centre and if that territory does not form part of the territory of the Montréal or Québec urban communities.

Where warranted by circumstances, such as the density of the population served or the organization of the services established on the basis of policies determined by the Minister, a regional board may, after consulting the institutions concerned, propose to the Minister that two or more institutions operating a local community service centre be administered by the same board of directors if they have their head offices in the territory of the same regional county municipality.

**“126.2** A regional board may, after consulting the institutions concerned, propose to the Minister that two or more institutions operating a general and specialized hospital centre with 50 or more beds and having their head offices in the territory of the regional board, be administered by the same board of directors.

**“126.3** Every decision made by the Minister pursuant to section 126.1 or 126.2 must be approved by the Government, which shall determine the day and month when the elections and appointments of the persons referred to in sections 135 and 137 are to take place.

The Minister shall table every order made under the first paragraph before the National Assembly within 30 days of the day on which it is made or, if the National Assembly is not sitting, within 30 days of resumption.

**“126.4** If the election or appointment of a member pursuant to section 126.3 does not take place, the regional board shall make the appointment within the following 30 days.

The invitation to the population to attend the public meeting held under section 135 shall be made jointly by the boards of directors of the institutions concerned.

Notwithstanding the first paragraph of section 149, the terms of office of the members of the first board of directors established pursuant to section 126.1 or 126.2 shall, for certain members, run only until the month of October or November of the year in which a public meeting is normally held under section 135, and for the remaining members, until elections, appointments and cooptations have taken place under sections 137 and 138.

From the thirtieth day following the day on which the cooptation referred to in section 138 is completed, the institutions concerned by a decision of the Minister made pursuant to section 126.1 or 126.2 shall cease to be administered by the boards of directors established pursuant to section 119 or 126, as the case may be, and shall begin to be administered by the first boards of directors established pursuant to section 126.1 or 126.2, as the case may be.

**“126.5** The Government may, if it considers that the circumstances so require and in order to ensure that a decision made by the Minister under section 126.2 is implemented in the best possible conditions, allow the Minister to designate provisional members for a maximum period of two years after consulting the institutions concerned.

From the tenth day following the day on which the provisional members are designated, the institutions concerned shall cease to be administered by the boards of directors established pursuant to section 126 and shall be administered by the provisional members.

Section 193.1, adapted as required, applies to the appointment of the director generals of the institutions concerned by the provisional members.”

**3.** Section 128 of the said Act is amended by inserting the words “the type of clientele served,” after the word “territory,” in the fourth line of the first paragraph.

**4.** Section 129 of the said Act is amended

(1) by replacing the words “corporation” and “corporations” in the first, second and fourth lines of paragraph 4 by the words “legal person” and “legal persons”, respectively;

(2) by replacing paragraph 5 by the following paragraph:

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of such foundations;”;

(3) by replacing the words “after consultation with” in the second line of paragraph 6 by the words “from a list of names provided by”;

(4) by replacing paragraph 8 by the following paragraph:

“(8) two persons, in the case of an institution referred to in section 119, or four persons, in the case of an institution referred to in sections 120, 121 and 124, appointed by the members referred to in paragraphs 1 and 3 to 6.”

**5.** Section 130 of the said Act is amended

(1) by replacing the words “however, the position titles of the elected persons must be different and, where applicable, those persons must be members of different professional corporations” in the eighth, ninth, tenth and eleventh lines of paragraph 2 by the words “however, in the case of an institution operating a child and youth protection centre and also, alone or with other institutions, a rehabilitation centre for young persons with adjustment problems or for mothers with adjustment problems, the three persons elected must be elected by and from among the persons working for the institution or institutions concerned or practising their professions in one of the centres operated by the institution or institutions concerned and must, in all cases, hold different position titles and, where applicable, be members of different professional orders;”;

(2) by adding, at the end of paragraph 3, the words “; however, where the institution operating the child and youth protection centre is in the situation described in the second sentence of paragraph 2, the two persons elected must be elected by the members of the users’ committees of the institution or institutions concerned;”;

(3) by replacing the words “corporation” and “corporations” in the first, second and fourth lines of paragraph 4 by the words “legal person” and “legal persons”, respectively;

(4) by replacing paragraph 5 by the following paragraph:

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of such foundations;”;

(5) by replacing the words “after consultation with” in the second line of paragraph 6 by the words “from a list of names provided by”;



(6) by replacing the word “two” in the first line of paragraph 8 by the word “four”.

**6.** Section 131 of the said Act is amended

(1) by striking out the words “designated as a health care centre” in the fifth and sixth lines of paragraph 2;

(2) by replacing the words “corporation members where the institution is a corporation” in the first and second lines of paragraph 3.1 by the words “the members of the legal person where the institution is a legal person”;

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

“(4) where applicable, one person or, if paragraph 3.1 cannot be applied, two persons elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of the institution;”.

**7.** The said Act is amended by inserting, after section 131, the following section:

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

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

(2) two persons elected by and from among the persons employed by the institution operating the local community service centre or practising their profession in the centre and one person elected by and from among the persons employed by the other institution or institutions concerned or practising their profession in one of the centres operated by the institution or institutions; however, if among the other institutions concerned, an institution or institutions operate only a residential and long-term care centre and an institution or institutions operate either a hospital centre with less than 50 beds or both a residential and long-term care centre and a hospital centre with less than 50 beds, one of the three persons shall be elected by and from among the persons employed by the institution operating the local community service centre or practising their profession in the centre, the second shall be elected by and from among the persons employed by the institution or institutions operating only a residential and long-term care centre or practising their profession

in the centre operated by that institution or those institutions and the third person shall be elected by and from among the persons employed by the other institution or institutions concerned or practising their profession in one of the centres operated by that institution or those institutions; moreover, in the case of the institutions referred to in the second paragraph of section 126.1, the three persons elected shall be elected by and from among the persons employed by the institutions or practising their profession in a centre operated by the institutions; the elected persons shall, in all cases, hold different position titles and, where applicable, be members of different professional orders;

(3) where applicable, two persons elected by the members of the users' committees of the institutions;

(4) three persons appointed by the members of the legal person, where one of the institutions concerned is a legal person designated by the Minister under section 139 or, if more than one institution is such a legal person, appointed jointly by the members of the said legal persons;

(5) where applicable, one person elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of the institution operating the local community service centre and, if paragraph 4 cannot be applied, one person elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of one of the other institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of such foundations; however, in the case of institutions referred to in the second paragraph of section 126.1, one person elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of such foundations;

(6) the executive director of each institution concerned;

(7) two persons appointed by the members referred to in paragraphs 1 and 3 to 5.”

**8.** Section 132 of the said Act is amended

(1) by replacing the word “corporation” in the first and in the second lines of paragraph 4 by the words “legal person”;

(2) by replacing paragraph 5 by the following paragraph :

“(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of the institution;”;

(3) by replacing the word “two” in the first line of paragraph 7 by the word “four”.

**9.** The said Act is amended by inserting, after section 132, the following section :

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

(1) four persons elected by the population at the public meeting held under section 135;

(2) one person elected by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institutions, one person elected by and from among the nurses employed by the institutions, one person elected by and from among the members of the multidisciplinary council or councils, as the case may be, including persons performing nursing assistant activities for the institutions, and one person elected by and from among the other persons employed by the institutions;

(3) where applicable, two persons elected by the members of the users’ committees of the institutions;

(4) three persons appointed by the members of the legal person, where one of the institutions concerned is a legal person designated by the Minister under section 139 or, where more than one institution is such a legal person, appointed jointly by the members of the said legal persons;

(5) where applicable, one person or, if paragraph 4 cannot be applied, two persons elected by the board of directors of the foundation whose object is to collect contributions made for the benefit of one of the institutions concerned or, if there is more than one institution in that situation, elected jointly by the boards of directors of such foundations;

(6) the executive director of each institution concerned ;

(7) four persons appointed by the members referred to in paragraphs 1 and 3 to 5.”

**10.** Section 133 of the said Act is amended

(1) by replacing the words “or a university institute” in the second and third lines of the first paragraph by the words “, university institute or affiliated university centre”;

(2) by replacing the words “section 129, 130, 131 or 132” in the third line of the first paragraph by the words “any of sections 129 to 132.1”;

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

“The board of directors shall also include

(1) where the institution operates a hospital centre designated as a university hospital centre, four persons appointed by the university with which the institution is affiliated, two of whom carrying on mainly teaching activities and two mainly research activities, and a medical resident elected by and from among the medical residents practising at the hospital centre;

(2) where the institution operates a centre designated as a university institute, two persons appointed by the university with which the institution is affiliated, one of whom carrying on mainly teaching activities and one mainly research activities and, where the institution operates a hospital centre designated as a university institute, a medical resident elected by and from among the medical residents practising at the hospital centre;

(3) where the institution operates a centre designated as an affiliated university centre, one person appointed by the university with which the institution is affiliated and carrying on mainly teaching or research activities and, where the institution operates a hospital centre designated as an affiliated university centre, a medical resident elected by and from among the medical residents practising at the hospital centre.”;

(4) by replacing the words “section 132” in the last line of the third paragraph by the words “each of sections 131.1 to 132.1”.

**11.** The said Act is amended by inserting, after section 133, the following sections :

**“133.1** In the case of an institution to which the Minister has assigned a supra-regional vocation pursuant to paragraph 1 of section 112, the board of directors shall also include two persons in addition to those referred to in paragraph 8 of section 129 or section 130, paragraph 6 of section 131 or paragraph 7 of any of sections 131.1 to 132.1, as the case may be. The two persons shall, however, be chosen from a list of names supplied by the regional boards concerned by the supra-regional vocation of the institution.

This section does not apply to an institution operating a hospital centre designated as a university hospital centre.

**“133.2** New members may be elected, appointed or coopted as soon as one of the following situations occurs :

(1) the Minister designates a centre operated by an institution as a university hospital centre, university institute or affiliated university centre, pursuant to any of sections 88 to 91 ;

(2) the Minister assigns a supra-regional vocation to an institution pursuant to paragraph 1 of section 112 ;

(3) a foundation whose object is to collect contributions made for the benefit of an institution is established ;

(4) paragraph 4 of any of sections 129, 130, 131.1, 132 and 132.1, or of paragraph 3.1 of section 131, cannot be applied and, consequently, a further member can be appointed under paragraph 5 of section 129, 130, 131.1, 132 or 132.1, or paragraph 4 of section 131.

The election or appointment of such persons shall be carried out in accordance with the procedure set out in section 137, and cooptation shall be carried out in accordance with section 133.1.

The term of office of a person elected, appointed or coopted pursuant to this section shall end, notwithstanding section 149, at the same time as the term of office of the other members of the board of directors.”

**12.** Section 134 of the said Act is amended by replacing the figure “132” in the first line by the figure “132.1”.

**13.** Section 135 of the said Act is amended

(1) by inserting the words “or November” after the word “October” in the second line of the first paragraph;

(2) by replacing the words “section 129, 130, 131 or 132” in the fourth line of the first paragraph by the words “each of sections 129 to 132.1”;

(3) by inserting, after the first paragraph, the following paragraph:

“In addition to the restrictions and limitations set out in sections 150 and 151, no person may be a candidate at more than one public meeting held in accordance with the first paragraph. A person may vote only in the region in which he has his principal residence, and may vote only once at each of the following public meetings:

(1) a meeting held by an institution operating a local community service centre serving the population of the territory in which the person’s principal residence is situated;

(2) one of the meetings held in the region to elect members to the board of directors of an institution referred to in section 125;

(3) one of the meetings held in the region to elect members to the board of directors of an institution referred to in section 119;

(4) one of the meetings held in the region to elect members to the board of directors of an institution referred to in sections 120, 121 and 124;

(5) one of the meetings held in the region to elect members to the board of directors of an institution referred to in sections 132 and 132.1.”;

(4) by inserting the words “referred to in the first paragraph” after the word “meeting” in the first line of the second paragraph.

**14.** Section 136 of the said Act is replaced by the following section:

“**136.** The board of directors may decide that the public meeting required by section 135 is to be held in more than one place.”

**15.** Section 137 of the said Act is amended

(1) by replacing the words “section 132” in the fourth line of the first paragraph by the words “each of sections 131.1 to 132.1”;

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

“Elections or appointments under the first paragraph shall take place on the date fixed by the regional board but within the 30 days preceding the date fixed by the Minister for the holding of a public meeting pursuant to section 135; however, appointments under paragraph 6 of each of section 129 and 130 shall take place during the 30 days following the holding of such a public meeting.”

**16.** Section 138 of the said Act is amended

(1) by replacing the words “or in paragraph 7 of section 132” in the fourth line of the first paragraph by the words “, in paragraph 7 of each of sections 131.1 to 132.1 or in section 133.1”;

(2) by inserting the words “representation of the different parts of the territory, and better” after the word “better” in the fourth line of the second paragraph.

**17.** Section 139 of the said Act is amended

(1) by replacing the word “corporations” in the first line of the first paragraph by the words “legal persons”;

(2) by striking out the words “de la corporation” in the third and fourth lines of the first paragraph of the French text;

(3) by replacing the words “section 132” in the sixth line of the first paragraph by the words “each of sections 131.1 to 132.1”;

(4) by replacing the word “corporation” in the first and third lines of the second paragraph by the words “legal person”.

**18.** Section 151 of the said Act is amended

(1) by inserting the words “or appointed” after the word “elected” in the second line of the third paragraph;

(2) by replacing the figure “132” in the fourth line of the third paragraph by the words “132.1 and 133.1”;

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

“No member of a legal person referred to in paragraph 4 of section 129 or 130, paragraph 3.1 of section 131 or paragraph 4 of each of sections 131.1 to 132.1 may be elected during a public meeting held under section 135.”

**19.** Section 152 of the said Act is amended by adding the following paragraph:

“In addition, a person elected at a public meeting held under section 135 shall cease to be a member of the board of directors upon becoming disqualified pursuant to the first or the fourth paragraph of section 151.”

**20.** Section 156 of the said Act is amended

(1) by replacing the figure “132” in the second line of subparagraph 1 of the first paragraph by the figure “132.1”;

(2) by inserting the words “, and provided the appointment takes into account the cases of ineligibility set out in the first and fourth paragraphs of section 151, in the case of a person appointed to replace a member elected under the first paragraph of section 135” after the word “replaces” in the fourth line of subparagraph 2 of the first paragraph.

**21.** Section 167 of the said Act is amended by inserting the words “or under section 126.1 or 126.2” after the figure “125” in the second line.

**22.** Section 168 of the said Act is amended

(1) by replacing the word “corporation” in the third, fourth and seventh lines of the first paragraph by the words “legal person”;

(2) by inserting the words “or established in accordance with section 126.1 or 126.2” after the figure “125” in the second line of the second paragraph.

**23.** Section 181.2 of the said Act is amended

(1) by replacing the word “corporation” in the second line by the words “legal person”;

(2) by replacing the figure “132” in the third line by the figure “132.1”.



**24.** The said Act is amended by inserting, after section 193, the following section:

**“193.1** The board of directors of the institutions referred to in section 126.1 or 126.2 must, as soon as possible after beginning its administration pursuant to section 126.4, appoint an executive director to the institutions concerned in accordance with the standards prescribed by government regulation under section 507.

The competition held to select such an executive director shall, however, be open only to the executive directors of the institutions concerned and to any other person who, on the date of commencement of the competition, has occupied one of the positions of executive director concerned for at least one year on a temporary basis or who has, on that date, a written contract of employment for a period of not less than one year.

If, after having applied the second paragraph, the board of directors has been unable to appoint an executive director, it must proceed in accordance with the standards prescribed by government regulation under section 507.

The provisions of this section, adapted as required, also apply where a new board of directors must be established following the issue of an order pursuant to section 128.”

**25.** Section 213 of the said Act is amended by inserting the words “or in accordance with section 126.1 or 126.2” after the figure “125” in the second line of the third paragraph.

**26.** Section 219 of the said Act is amended by inserting the words “or in accordance with section 126.1 or 126.2” after the figure “125” in the second line of the third paragraph.

**27.** Section 226 of the said Act is amended by inserting the words “or in accordance with section 126.1 or 126.2” after the figure “125” in the second line of the fifth paragraph.

**28.** Section 285 of the said Act is amended by inserting the words “and in sections 126.1 and 126.2” after the figure “125” in the second line of the first paragraph.

**29.** Section 319 of the said Act is amended

(1) by replacing the words “In the case of an institution referred to in section 131 or 132” in the first line of the second paragraph by the words “In the cases referred to in section 319.1”;

(2) by replacing the words “the said sections. Such persons shall be appointed as” in the third and fourth lines of the second paragraph by the words “sections 129 to 133.1, as the case may be; such persons shall be”;

(3) by adding, at the end of the second paragraph, the following sentence: “The executive director of the institution shall, once appointed, be a member of the board of directors.”;

(4) by striking out the third paragraph.

**30.** The said Act is amended by inserting, after section 319, the following section :

**“319.1** The second paragraph of section 319 shall apply

(1) to an institution resulting from the amalgamation of all the institutions referred to in section 125;

(2) to an institution referred to in section 129 if, in the territory in which the head office of the institution is situated, no board of directors has been established to administer other institutions of the same type that have their head offices in that territory;

(3) to an institution referred to in section 129 if the regional board, after taking into account the criteria set out in section 128, has recommended to the Minister that the institution be excluded from the group of similar institutions in the territory and that a board of directors be established to administer only that institution;

(4) to an institution referred to in section 131 or 132.

However, the provisions of subparagraphs 2 and 4 of the first paragraph do not apply where the new institution results from the amalgamation or conversion of institutions that, pursuant to section 126.1 or 126.2, were already administered by a board of directors established to administer at least one other institution that remains in existence.”

**31.** Section 340 of the said Act is amended by striking out the words “, and submitting such priorities to the regional assembly established under section 418 for approval” in the third and fourth lines of subparagraph 2 of the second paragraph.

**32.** Section 343 of the said Act is amended by replacing the first paragraph by the following paragraph :

**“343.** The regional board shall see that the mechanisms for public participation provided for in this Act, such as users’ committees, are implemented.”

**33.** Section 346 of the said Act is amended by replacing the words “the priorities approved by the regional assembly” in the first and second lines of the first paragraph by the words “health and welfare priorities”.

**34.** Section 347 of the said Act is amended by striking out the words “which it shall deposit with the regional assembly” in the fourth and fifth lines of the first paragraph.

**35.** Section 390 of the said Act is amended

(1) by striking out the first sentence;

(2) by striking out the word “également” in the third line of the French text.

**36.** Section 391 of the said Act is amended by striking out the last sentence.

**37.** Section 397 of the said Act is replaced by the following section:

**“397.** The board of directors of a regional board shall consist of the following persons who shall become members of the board as and when they are elected or appointed:

(1) six persons elected by institutions from among the members of the boards of directors of the public institutions referred to in paragraph 1 of each of sections 129 to 132.1 and the administrators and members of the boards of directors of private institutions;

(2) four persons elected by the regional community organizations designated by the regional board from among the members of the boards of directors of those organizations;

(3) four persons elected by regional county municipalities from among the elected municipal officers of the local municipalities whose territories are comprised within that of the regional county municipalities; in a region in which there is also an urban community, two of the four persons shall be elected by the urban community from among the elected municipal officers of the municipalities whose territories are comprised within that of the urban community; in the

case of the regional board established for the Montréal Centre region, three persons shall be elected by the Communauté urbaine de Montréal from among the elected municipal officers of the municipalities, other than Ville de Montréal, whose territory is comprised within that of the Communauté urbaine de Montréal and one person shall be appointed by Ville de Montréal from among its elected municipal officers; in the case of the regional board established for the Laval region, all four persons shall be elected by Ville de Laval from among its elected municipal officers;

(4) two persons elected by the educational institutions having their head offices in the region from among the administrators and board members of such institutions;

(5) three persons elected by the regional organizations designated by the regional board as being the most representative of socio-economic groups, and by organizations and associations that have been designated by the regional board and whose activities are related to the field of health and social services;

(6) three persons appointed by the persons elected under subparagraphs 1 to 5, in accordance with section 398;

(7) the chairman of the regional medical commission;

(8) the executive director of the regional board.

No election under subparagraph 3 of the first paragraph may result in the election of more than one elected municipal officer from each regional county municipality or from each municipality whose territory is comprised within that of an urban community. No election under subparagraph 4 of the first paragraph may result in the election of more than one of the administrators or board members of such educational institutions.

No person may be a candidate in more than one election under subparagraphs 1 to 5 of the first paragraph.”

**38.** Section 397.1 of the said Act is replaced by the following sections:

**“397.1** In the case of the regional board established for the Nord-du-Québec region, three persons shall be elected under subparagraph 1 of the first paragraph of section 397, two persons under each of subparagraphs 2, 3 and 6 and one person under each of subparagraphs 4 and 5.

The persons elected under subparagraph 3 of the first paragraph of section 397 shall be elected by the municipalities of the region.

**“397.2** The Minister may determine, for each region he designates, the composition of each group referred to in subparagraphs 1 to 5 of the first paragraph of section 397 in order to ensure an equitable representation of institutions, reflecting the mission of the centres they operate, of community organizations, regional county municipalities and municipalities whose territories are comprised in the territory of an urban community, educational institutions and socio-economic groups, and of the organizations and associations whose activities are related to the field of health and social services.

The Minister may determine, for each region he designates, whether the groups referred to in each of subparagraphs 1 and 2 of the first paragraph of section 397 are to hold a single election or separate elections, according to the missions of the centres operated by the institutions or the type of services provided by the community organizations.

The Minister may determine, for each region he designates, the number of persons elected by organizations representing socio-economic groups and by organizations and associations whose activities are related to the field of health and social services.

**“397.3** The Minister shall determine, by regulation, the procedure to be followed for the election of the persons referred to in subparagraphs 1 to 5 of the first paragraph of section 397.

The Minister shall fix the date on which each election is to be held.”

**39.** Section 398 of the said Act is amended

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

**“398.** Once the election of the members referred to in subparagraphs 1 to 5 of the first paragraph of section 397 has been completed, the members shall, within 30 days, elect three persons by cooptation to the board of directors.”;

(2) by adding, at the end of the second paragraph, the following words “as well as the most equitable representation possible of men and women”.

**40.** The said Act is amended by inserting, after section 398, the following section:

**“398.1** Section 150, adapted as required, applies to the members of the board of directors of a regional board.

In addition, with the exception of the executive director of the regional board and the chairman of the regional medical commission, no person who is employed by the Ministère de la Santé et des Services sociaux, a regional board, an institution or the Régie de l'assurance-maladie du Québec, or who receives remuneration from the latter, may be a member of the board of directors of a regional board.

A bursary, a subsidy or an amount paid under a research contract is deemed not to be remuneration for the purposes of the second paragraph.

No person employed by a community organization may be elected or appointed as a member of the board of directors of a regional board, except under subparagraph 2 of the first paragraph of section 397.”

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

**“399.** The term of office of persons elected or appointed under subparagraphs 1 to 6 of the first paragraph of section 397 is three years. Such persons shall, however, remain in office until re-elected, reappointed or replaced, notwithstanding any new election held under section 135 in the case of a person elected under subparagraph 1 of the said first paragraph.

The term of office of such persons cannot be renewed more than once.”

**42.** Section 401 of the said Act, amended by section 2 of chapter 28 of the statutes of 1995, is again amended

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

**“401.** Any vacancy occurring during the term of office of a member of a board of directors elected under any of subparagraphs 1 to 5 of the first paragraph of section 397 shall be filled for the unexpired portion of the term by way of a resolution of the board of

directors, provided that the person so appointed possesses the same qualifications for membership of the board of directors as the person replaced.”;

(2) by inserting the words “occurring during a term of office” after the word “vacancy” in the first line of the second paragraph.

**43.** Section 405 of the said Act is amended by striking out subparagraph 4 of the second paragraph.

**44.** Chapter II of Title I of Part III of the said Act, comprising sections 418 to 430, is repealed.

**45.** Section 473 of the said Act is amended by replacing the words “Cette corporation” in the first line of the second paragraph of the French text by the words “La Corporation”.

**46.** Section 474 of the said Act is amended by replacing the word “corporation” in the last line of the French text by the word “Corporation”.

**47.** Section 530.18 of the said Act is amended by replacing the figure “132” in the fourth line by the figure “132.1”.

**48.** Section 530.26 of the said Act is amended by striking out the first paragraph.

**49.** Section 531 of the said Act is amended by inserting the words “the second paragraph of section 135,” after the words “provision of” in the first line of the first paragraph.

**50.** Division II of Chapter II of Part VII of the said Act, comprising sections 607 to 611, section 612, amended by section 9 of chapter 28 of the statutes of 1995, section 613 and section 613.1, enacted by section 10 of chapter 28 of the statutes of 1995, is repealed.

**51.** The said Act is amended by replacing the words “corporation”, “corporations” and “corporation within the meaning of the Civil Code of Lower Canada”, wherever they occur in sections 98, 99, 140, 154, 170, 179, 180, 181.1, 182, 262.1, 265, 270, 271, 272, 273, 274, 320, 327, 331, 342, 383, 435, 471, 540, 551, 553, 601, 601.1, enacted by section 7 of chapter 28 of the statutes of 1995, 619.7 and 619.36, and in the heading of subdivision 5 of Division I of Chapter III of Title I of Part II, by the words “legal person” and “legal persons”, respectively.

**52.** The provisions introduced by paragraph 3 of section 29 of this Act have effect from 1 October 1992.

**53.** The provisions of subparagraph 1 of the first paragraph of section 319.1 of the Act respecting health services and social services, introduced by section 30 of this Act, have effect from 22 March 1995.

**54.** With the exception of the executive director and the chairman of the regional medical commission, any person who, on 20 June 1996, is a member of the board of directors of a regional board shall remain in office, notwithstanding any inconsistent provision, until elected or replaced at the first elections held pursuant to section 397 of the Act respecting health services and social services, as replaced by section 37 of this Act or, in the case of a co-opted member, until appointed or replaced by the new board of directors.

The provisions of section 401 of the Act respecting health services and social services, as it read before 20 June 1996, apply to any vacancy occurring during the continuance in office of a person referred to in the first paragraph. The designation of substitutes under the first paragraph of section 613 of the said Act shall remain valid for such purpose, notwithstanding the repeal of that section by section 50 of this Act.

**55.** Notwithstanding the coming into force of section 1 of this Act, the boards of directors established pursuant to sections 121 to 123 of the Act respecting health services and social services, as they read before 20 June 1996, shall continue their administration until the new board of directors referred to in section 121 of the Act respecting health services and social services, replaced by section 1 of this Act, is established in accordance with section 129 of the Act respecting health services and social services, amended by section 4 of this Act.

**56.** Notwithstanding the coming into force of this Act, the provisions of sections 129 to 133 of the Act respecting health services and social services, as they read before 20 June 1996, continue to apply to the composition of boards of directors established pursuant to sections 119, 120, 124, 125 and 126 of the said Act until the elections, appointments and cooptations provided for in sections 135, 137 and 138 of the said Act, as amended by sections 13, 15 and 16, respectively, of this Act, have taken place.

**57.** This Act comes into force on 20 June 1996.