## **M.O.,** 2006

# Order number 2006-013 of the Minister of Health and Social Services dated 27 July 2006

An Act respecting health services and social services (R.S.Q., c. 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

CONSIDERING that section 530.62 of the Act respecting health services and social services (R.S.Q., c. S-4.2), amended by section 207 of chapter 32 of the Statutes of 2005, provides for the composition of the board of directors of the public institution referred to in Part IV.2 of the said Act:

CONSIDERING that, under section 530.64 of that Act, the Minister shall determine, by regulation, the procedure to be followed for the designation of the persons referred to in paragraphs 2 to 6 of section 530.62 and shall fix the date on which each such designation is to be made:

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

CONSIDERING that, under section 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 that has made it is of the opinion that the urgency of the situation requires it;

CONSIDERING that, under sections 13 and 18 of that Act, the reason justifying respectively the absence of publication of the proposed regulation and the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

CONSIDERING that the urgency of the situation is due to the fact that, in accordance with sections 530.63 and 530.64 of the Act respecting health services and social services, 23 October 2006 has been determined as the date when the elections by the population of certain members of the board of directors of the public institution referred to in Part IV.2 of the said Act are to take place and 17 October 2006 has been determined as the

date when the designations of other members of the board of directors of that institution are to be made;

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 measures within certain time limits extending over a period of close to 60 days before the designations to be made on 17 October 2006;

CONSIDERING that the Minister is of the opinion that these reasons justify that the Regulation be made without a 45-day prior publication period and that it come into force on the date of its publication in the *Gazette officielle du Québec*;

THEREFORE, the Minister of Health and Social services

#### ORDERS:

THAT 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, be made.

PHILIPPE COUILLARD, 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 (R.S.Q., c. S-4.2, s. 530.64)

# **DIVISION I**GENERAL

§1. Scope

**1.** This regulation applies to the designation 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 (R.S.Q., c. S-4.2), pursuant to section 530.64 of this Act.

## §2. Date of designations

**2.** Designations under this regulation are made on the date established by the minister, pursuant to section 530.64 of the Act.

The designated persons take office on the thirtieth day after the completion of the cooptation provided for in section 530.65 of the Act.

- §3. Designation officer and deputy officers
- **3.** The minister shall appoint an officer in charge of the designation process no later than 45 days before the day on which the designations are to be made. If the designation officer is unable to act, the minister shall select a new officer.

Unless otherwise indicated, the word "officer" used herein refers to the officer in charge of the designation process, selected as stipulated in this section.

The minister may authorize the officer to appoint one or more deputy officers for assistance in the performance of his or her duties.

The officer and deputy officers may not run as candidates or countersign for a candidate and are not entitled to vote in any designation process pursuant to this regulation.

- **4.** The officer is responsible for carrying out the designation process and ensuring compliance with the rules set out herein. His or her duties notably include the following, depending on the circumstances:
- 1° Obtain the list of bodies or persons to be involved in the designation process from the chair and executive director of the institution
  - 2° Give notice of the designation process
  - 3° Receive and accept or refuse nominations
- 4° Inform voters of the voting procedure if there are more candidates than positions to fill
- 5° Appoint all scrutineers necessary for assistance in the performance of his or her duties
  - 6° Supervise the conduct of the designation process
  - 7° Count the votes
- 8° Declare candidates designated in accordance with this regulation

- 9° Report the results of the designation process to the minister and chair and executive director of the institution
- **5.** The duties of a deputy officer, performed under the authority of the officer, are, notably, to
- 1° Receive nomination papers and forward them to the officer
- 2° Inform voters of the voting procedure if there are more candidates than positions to fill
- 3° Appoint all scrutineers necessary for assistance in the performance of his or her duties
  - 4° Supervise the conduct of the designation process
  - 5° Count the votes
- 6° Send the vote count report referred to in section 24 and the ballot papers to the officer
- §4. Chair and executive director
- **6.** The chair and executive director of the institution shall provide the officer and deputy officers with the technical and administrative support required for the performance of their duties.

He or she shall keep the originals documents received from the officer and completed in accordance with Schedules I to VII in sealed envelopes for a period of at least 180 days from the date on which the designations are made.

### DIVISION II

DESIGNATIONS BY THE INSTITUTION'S USER COMMITTEE

- **7.** The chair and executive director must forward contact information for the institution's user committee to the officer no later than 40 days before the day on which the designations are to be made.
- **8.** No later than 35 days before the date of the designations, the officer shall forward a notice to the users committee to invite members to take part in the designation of 2 people as members of the institution's board of directors.

This notice must mention the restrictions set out in section 150 and the third paragraph of section 151 of the Act and indicate the provisions that must be followed in the designation process.

**9.** The users committee resolution designating 2 people to the board of directors must be adopted at a meeting at which the majority of committee members are present.

The officer must receive a copy of this resolution no later than 5 p.m. on the day before the designations are to be made. It must be accompanied by original nomination papers provided for in Schedule I, duly completed and signed by each candidate.

After ensuring that each candidate's nomination paper has been duly completed and signed, the officer shall draw up the designation certificate provided for in Schedule II and forward copies of this certificate, all nomination papers, and the users committee resolution to the minister within 3 days. Within the same period, he or she shall send the original documents to the chair and executive director of the institution.

The chair and executive director shall post a copy of the designation certificate in a location accessible to the members of the users committee in each of the institution's facilities.

**10.** If there is no candidate or valid candidate, the designation officer shall complete the declaration of designation not held provided in Schedule III and send a copy to the minister within 3 days. Within the same period, he or she shall send the chair and executive director of the institution this original certificate, as well as any original invalid nomination papers and a copy of the users committee resolution.

#### SECTION III

DESIGNATION BY AND FROM AMONG THE INSTITUTION'S BOARD OF PHYSICIANS, DENTISTS, AND PHARMACISTS

- *§1. Initiation of the designation process*
- **11.** No later than 40 days before the designations, the chair and executive director of the institution must forward the list of members of the institution's board of physicians, dentists, and pharmacists to the officer. The list must include an address where each physician, dentist, and pharmacist can be reached.
- **12.** No later than 35 days before the date of the designations, the officer shall send written notice of the designation process to all members on the list and post the notice in a location accessible to these members in each of the institution's facilities. The posted notice must be accompanied by a list of names of all physicians, dentists, and pharmacists involved in this designation.

Any physician, dentist, or pharmacist whose name does not appear on the posted list or who notices an error on the list may contact the officer for the appropriate correction.

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

- §2. Nominations
- **13.** Nominations are made by means of nomination papers drawn up in accordance with Schedule IV.

The original, duly completed nomination paper must be signed by the candidate, countersigned by two members of the designation college, and received by the officer or deputy officer no later than 25 days before the date of the designations.

To provide more information to the voters, candidates may also complete the information sheet provided for in Schedule V and forward it along with their nomination papers.

- **14.** If a deputy officer receives a nomination paper, he or she shall promptly forward it to the officer, along with any information sheet.
- **15.** The officer shall accept or refuse a nomination paper no later than 2 days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper. The officer shall complete the corresponding section of the nomination paper.

The returning officer shall not divulge the name of any candidate to anyone whomsoever before the end of the nomination period.

- **16.** If there is no candidate or valid candidate by the end of the nomination period, the officer shall complete the declaration of designation not made provided for in Schedule III and send a copy to the minister within 3 days. Within the same period, he or she shall send the chair and executive director of the institution this original declaration, as well as any original invalid nomination papers and information papers.
- *§3. Designation by acclamation*
- **17.** If the officer has received only one valid nomination by the end of the nomination period, he or she shall declare this candidate designated. The officer shall then complete the certificate of election by acclamation in accordance with Schedule II and send a copy of this

certificate and nomination paper to the minister within 3 days. Within the same period, he or she shall send the original documents to the chair and executive director of the institution.

No later than 10 days before the date of the designations, the chair and executive director must post a notice indicating the name of the person designated and the fact that there will not be an election, in an area accessible to the members of the designation college in all of the institution's facilities.

#### §4. Candidate list and election notice

**18.** If there is more than one valid nomination at the end of the nomination period, the officer shall draw up the list of candidates and send written notice to all physicians, dentists, and pharmacists concerned no later than 20 days before the designations. The notice must indicate the date, time, and location of the vote count, as well as the candidate list.

The officer shall also post the polling notice in all locations where the designation process notice was posted in accordance with section 12.

## §5. Voting procedure

- **19.** The polling notice that the officer forwards to all physicians, dentists, and pharmacists in the designation college must be accompanied by the following documents:
- 1° The information sheet provided for in Schedule V and filled out by a candidate, as the case may be
  - 2° A ballot paper initialed by the officer
- 3° A vote envelope with no markings identifying the voter, in which the ballot paper will be inserted
- $4^{\circ}$  A return envelope bearing the voter's name and addressed to the officer or deputy officer
- **20.** The voter must use the ballot paper and envelopes received from the officer.

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

Ballot papers must be received at the office of the designation officer or deputy officer no later than 5 p.m. on the day before the designations are to be made.

- **§6.** Counting of votes, designation proclamation, and publication of results
- **21.** Accompanied by scrutineers, the officer or deputy officer shall count the votes at the time indicated on the polling notice.

Only return envelopes bearing voters' names shall be considered and checked against the voters list.

**22.** First, the vote envelopes containing the ballot paper are removed from the envelopes bearing voters' names.

If a return envelope does not contain a vote envelope, the situation is noted on the vote count report provided for in section 24.

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

**23.** Once all return envelopes have been opened, the scrutineers shall then count the votes in the presence of the officer or deputy officer.

The vote count shall be public.

The officer or the deputy officer shall cancel 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
- $4^{\circ}$  Has been marked in favor of more candidates than the required number
- $5^{\circ}$  Has been marked in favor of a person who is not a candidate
- $6^{\circ}$  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 voter can be identified

The officer shall cancel a ballot paper by writing "Void" on it and initialing the paper. The number of rejected ballot papers shall be noted on the vote count report provided for in section 24.

**24.** The vote count report provided for in Schedule VI shall be completed for each polling location.

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

**25.** The officer or the deputy officer shall compile the counts in accordance with Schedule VII and declare the candidate who obtained the greatest number of votes designated.

If there is a tie vote, the officer shall immediately draw lots from among the candidates who obtained the greatest number of votes to designate a candidate.

**26.** The officer shall complete the designation certificate provided for in Schedule II and send a copy of this certificate and the designated candidate's nomination papers to the minister within 3 days.

Within the same period, the officer shall send the chair and executive director of the institution the originals of these same documents, the nomination papers of undesignated candidates, all information sheets completed by the candidates, ballot papers, and documents completed in accordance with Schedules VI and VII.

The chair and executive director shall post a copy of the designation certificate in a location accessible to the members of the designation college in each of the institution's facilities.

#### SECTION IV

DESIGNATION BY AND FROM AMONG THE INSTITUTION'S BOARD OF NURSES

**27.** The provisions of section III apply, with the necessary adjustments, to designations to the board of directors by and from among the members of the institution's board of nurses.

#### SECTION V

DESIGNATION BY AND FROM AMONG THE INSTITUTION'S MULTIDISCIPLINARY BOARD

**28.** The provisions of section III apply, with the necessary adjustments, to designations to the board of directors by and from among the members of the institution's multidisciplinary board.

#### SECTION VI

DESIGNATION BY AND AMONG PERSONNEL NOT MEMBERS OF THE INSTITUTION'S BOARD OF PHYSICIANS, DENTISTS, AND PHARMACISTS; BOARD OF NURSES; OR MULTIDISCIPLINARY BOARD

**29.** The provisions of section III apply, with the necessary adjustments, to designations to the board of directors by and from among the personnel of an institution referred to in this section.

The list of persons concerned by this designation, which the chair and executive director must send to the officer, shall be drawn up from the contact information in the institution's personnel files.

#### **SECTION VII**

DESIGNATION BY THE BOARDS OF DIRECTORS OF INSTITUTION FOUNDATIONS

- **30.** No later than 40 days before the date of the designations, the chair and executive director must send the officer the name and address of all institution foundations as defined in section 132.2 of the Act, as well as the name of the chairs of foundation boards.
- **31.** No later than 35 days before the date of the designations, the officer shall send the board of directors of each foundation in question notice of their right to take part in the designation of an individual as a member of the institution's board of directors.

This notice must mention the restrictions set out in section 150 and the third paragraph of section 151 of the Act and indicate the provisions that must be followed in the designation process.

**32.** The officer must receive nominations no later than 5 p.m. the day before the designations are to be made. To submit a nomination, the foundation's board of directors must send the officer a copy of a board resolution indicating the name of the candidate nominated, along with the original nomination paper provided for in Schedule 1, duly completed and signed by the candidate.

The provisions of the first paragraph of section 10 apply, with the necessary adjustments, if by the end of the nomination period no candidates have been nominated or valid nominations received.

**33.** The officer shall draw up the list of candidates nominated by the foundations in question.

If there is only one valid nomination, the officer shall declare the candidate designated. He or she shall then complete the designation certificate provided for in Schedule II and send a copy of this certificate, the candidate's nomination papers, and any resolution received pursuant to section 32 to the minister within 3 days.

Within the same period, the officer shall send the original documents to the chair and executive director of the institution.

The chair and executive director shall post a copy of the designation certificate in a location accessible to the public in each of the institution's facilities.

**34.** If more than one candidate has been nominated, the person nominated by the greatest number of foundations shall be designated a member of the institution's board of directors.

If there is a tie vote, the officer shall immediately draw lots from among the candidates who obtained the greatest number of nominations to designate a candidate.

**35.** The officer shall complete the designation certificate provided for in Schedule II and send a copy of this certificate, the designated candidate's nomination papers, and any resolution received pursuant to section 32 to the minister within 3 days.

Within the same period, the officer shall send these original documents, as well as nomination papers for nondesignated candidates and all resolutions received under section 32, to the chair and executive director of the institution.

# **SECTION VIII** FINAL PROVISIONS

- **36.** This regulation replaces the Regulation respecting the designation procedure for certain members of the board of directors of the public institution contemplated in part IV.2 of the Act respecting health services and social services established by departmental order number 2002-010 on July 31, 2002.
- **37.** This regulation enters into effect on the date of its publication in *Gazette officielle du Québec*.

Candidate's signature

## **SCHEDULE I**

(s. 9)

DESIGNATION NORD-DU-QUÉBEC INSTITUTION Nomination Paper

Nomination Paper						
Institution(s)				I.D. No.		
Designation college						
Section I – Nomination						
Candidate's last and first name		Sex M   F	Date of birth Y M D			
Address			Occupation	Occupation		
Municipality	Province	Postal code	Employer			
Area code Home phone  Area code Work phone Ext.						
Section II - Candidate's	consent					
CONDITIONS REQUIRED TO	D BE A MEMBI	ER OF AN INSTITU	TION'S BOARD OF DIRECTORS	S		
5. Not have been dismissed board of directors in the p. 6. Not have been declare social services or the regu. 7. Not work for any of the	or guardians past five yeared as the men past three yeared guilty in the database institutions e institutions y one of the fo	ars of a crime pun nber of an institut rs ne past three year indicated above of	es of an infraction of the Act or at a center run by such ins the board of physicians, de	ars of incarceration ealth and social service agency's t respecting health services and stitutions, unless the designation notists and pharmacists; board of		
also authorize the disclosu la Santé et des Services so	are of the info ciaux (MSSS is governed	ormation on this f b) if I am designat	orm to the health and social sed a member of the board of	bove conditions for candidacy. I service agency and Ministère de directors. Information disclosed held by public bodies and the		
In witness whereof, I have signed in			on			

sociaux.

Section III – Acceptance by designation officer				
NOMINATION ACCEPTED	Nomination rejected			
Reason(s) for rejection:				
Designation officer's signature	Date	<del></del>		
PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS OF PERSONAL INFORMATION	S TO DOCUMENTS HELD BY PUBLIC B	ODIES AND THE PROTECTION		
1. the information on this form 2. the information transmitted to is gathered for the institution concerned and, if the candidate is designated, for the health and social service agency and ministère de la Santé et des Services institution boards.	access to this information: employees of the institution in question, the agency, and MSSS			

requirements of the abovemen-

tioned act

Signature

Name of designation officer

<b>SCI</b> (s. 9	HEDULE II
NOI	SIGNATION RD-DU-QUÉBEC INSTITUTION ignation Certificate
Des	ignation college:
Nun	nber of positions to be filled:
Exe	cutive director of:Name of institution(s)
the 1	the undersigned, the officer in charge of the designation process, declare that on following candidate(s) was (were) designated to the position of member of the board of directors of the above-trioned institution(s):  Name
1	
2	
3	
( )	The number of 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(s) received the greatest number of nominations or votes.
( )	Due to an equal number of nominations or a tie vote, the candidate(s) was (were) designated in a draw held on

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

Name of designation officer

SCHEDULE III (s. 10)	
DESIGNATION NORD-DU-QUÉBEC INSTITUTION Declaration of Designation Not Made	
Designation college:	
Institution(s):	
I, the undersigned, the officer in charge of the design the above institution(s), for the following reason:	nation process, hereby declare that no designation was made for
No nominations were received	( )
No valid nominations were received	( )
Signed in, on	
Signature	

### **SCHEDULE IV**

(s. 13)

DESIGNATION NORD-DU-QUÉBEC INSTITUTION Nomination Paper

Institution(s)			I.D. No.		
Institution(s)			1.D. No.		
Designation college: _					
Section I – Nomination			Section II – Nominators		
Candidate's last and first name		1 - Nominator's last and first name*			
Sex M	Date of bir	th D	Address		
Address		Phone			
Municipality	Province	Postal code	Nominator's signature		
Area code Area code Home phone Work phone Ext.		2 - Nominator's last and first name*			
Occupation		Address			
Employer		Phone			
* Nominator must be a member of the above designation college.		Nominator's signature			
Section III - Candida	ate's consent		1		

CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS

- 1. Quebec resident
- 2. Age of majority (18 or over)
- 3. Not be under wardship or guardianship
- 4. Not found guilty in the past five years of a crime punishable by three or more years of incarceration
- 5. Not have been dismissed as the member of an institution's, regional board's, or health and social service agency's board of directors in the past three years
- 6. Not have been declared guilty in the past three years of an infraction of the Act respecting health services and social services or the regulations

I hereby acknowledge that I have read this information and declare that I meet the above conditions for candidacy. I also authorize the disclosure of the information on this form to the health and social service agency and Ministère de la Santé et des Services sociaux if I am designated a member of the board of directors. Information disclosed to the agency and MSSS is governed by the Act respecting access to documents held by public bodies and the protection of personal information.

In witness whereof, I have signed in	on	
		Candidate's signature
Section IV – Acceptance by designation officer		
NOMINATION ACCEPTED	NOMINATION REJECTED	
Reason(s) for rejection:		
Designation officer's signature	Date	

PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

- ministère de la Santé et des Serv- institution boards. ices sociaux.
- 1. The information on this form 2. The information transmitted to The following persons will have 4. All information on the form is is gathered for the institution con- the agency and MSSS is used to access to this information: cerned and, if the candidate is make up records for management Employees of the institution in designated, for the health and and control purposes of the memsocial service agency and bers of health and social service
  - question, the agency, and MSSS in the performance of their duties Any other user meeting the requirements of the abovemen-

tioned act

required.

## **SCHEDULE V**

Date

(s. 13)

**DESIGNATION** NORD-DU-QUÉBEC INSTITUTION Candidate Information Sheet PHOTO Institution(s): Candidate's name: Municipality of Municipality of residence: \_ workplace: \_\_\_\_ Candidate profile (education, occupation, experience): Reasons for candidacy: Social, community, volunteer involvement, etc.: Candidate's consent: I authorize the disclosure of the information herein as part of the designation process in which I am a candidate. Date Candidate's signature

Designation officer's signature

# SCHEDULE VI

(s. 24)

DESIGNATION
NORD-DU-QUÉBEC INSTITUTION
Vote Count Report

Institution(s):				
Designation college:				
Polling location:				
In accordance with the polling not		ount took place on		, in
Envelopes with voter identified:			_	
Envelopes containing no vote envel	opes:			
Envelopes containing more than on	e vote envelope	:		
Vote envelopes counted:				
Uncounted vote envelopes:				
Candidates	Numb	er of votes		
1				
2				
3				
		Valid ballots Rejected ballots Total		
Signed in	, on			
Signature				
Name of designation officer				
Name(s) of scrutineer(s)				

# **SCHEDULE VII**

(s. 25)

DESIGNATION NORD-DU-QUÉBEC INSTITUTION Compilation of vote counts and draw results

Institution(s):			
Designation college:			
Polling date:			
Polling period :			
Vote Count Report			
Envelopes with voter identified:		_	
Envelopes containing no vote envelopes:		_	
Envelopes containing more than one vote en	nvelope:		
Vote envelopes counted:		_	
Uncounted vote envelopes:		_	
Candidates	Number of votes		
1			
2			
3	<del></del>		
	Valid ballots Rejected ballots		

2. Draw results	
The following candidates received the same number	of votes:
A random draw was held on	, in
The following candidate's name was drawn:	
Signed in, on	
Signature	_
Name of designation officer	
7740	