

Regulations and other Acts

Gouvernement du Québec

O.C. 700-2015, 11 August 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

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 (2015, chapter 1) was assented to on 9 February 2015;

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, according to paragraphs 1 to 8, of 6 persons designated by various departments, councils and committees, 1 person appointed by the Minister from a list of names provided by the bodies identified by the education community, and 9 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, according to paragraphs 1 to 8, of 6 persons designated by various departments, councils and committees, 2 persons appointed by the Minister from a list of names provided by the universities with which the institution is affiliated, if applicable, and 10 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 the sections is also a member of the board of directors;

WHEREAS the first paragraph of section 191 of the Act provides that to ensure the smooth operation of integrated health and social services centres and unamalgamated institutions as of 1 April 2015, and despite paragraph 9 of sections 9 and 10 of the Act, the first president and executive director of each of those institutions is appointed by the Minister after a selection process initiated by the Minister, including an invitation for applications held as determined by the Minister;

WHEREAS section 195 of the Act provides that to ensure the smooth operation of integrated health and social services centres and unamalgamated institutions as of 1 April 2015, the first president and executive director of each institution exercises all the powers of the board of directors until 30 September 2015 or the date of appointment of the majority of members referred to in paragraph 8 of section 9 or 10 of the Act, as applicable, whichever comes first;

WHEREAS the first presidents and executive directors of institutions have been appointed by the Minister;

WHEREAS section 12 of the Act 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 of the Act and that the designations are made on the date determined by the Minister;

WHEREAS 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 Minister's 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;

WHEREAS the Minister set 24 September 2015 as the date of designation of the persons referred to in paragraphs 1 to 6 of sections 9 and 10 of the Act, date that ends a designation procedure over a 50-day period;

WHEREAS, under sections 15 and 16 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), before appointing the independent directors, the Minister had to establish competency profiles and establish one or more committees of governance experts to make recommendations to the Minister following the selection process that had to include a general invitation for applications;

WHEREAS the Act does not provide any measure should the position of president and executive director become vacant while the members of the board of directors of an integrated health and social services centre or an unamalgamated institution have not all been designated and appointed;

WHEREAS section 217 of the Act provides 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 it is expedient to make such a regulation to provide for the filling of the position of president and executive director of an integrated health and social services centre or an unamalgamated institution before the boards of directors of the institutions are formed;

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

THAT 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 in Council, be made.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

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

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. 217)

1. Until the earlier of the date on which all the members of the board of directors of an integrated health and social services centre or an unamalgamated institution referred to in paragraphs 1 to 8 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 (chapter O-7.2), as the case may be, have been appointed or designated and 30 September 2015, the Minister may, if the position of president and executive director becomes vacant and to ensure the smooth operation of such an institution, appoint a new president and executive director.

The new president and executive director is appointed by the Minister on the recommendation of a selection committee presided by the Deputy Minister, who appoints the other 2 members.

2. Until the earlier of the date on which the majority of the members referred to in paragraph 8 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, as the case may be, have been appointed and 30 September 2015, the president and executive director of an institution appointed pursuant to section 1 exercises all the powers of the board of directors.

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

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