

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;