

32. Incineration of residual materials other than hazardous materials		4
33. Landfill site		4
34. Site for the final disposal of hazardous materials		4
35. Treatment and incineration of residual hazardous materials		4
36. Final disposal and thermal treatment of contaminated soils		4
37. Emissions of certain greenhouse gases		4

6. This Ministerial Order comes into force on 23 March 2018.

103338

M.O., 2018

Order number 2018 002 of the Minister of Health and Social Services dated 2 February 2018

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 first paragraph of section 12 of the Act to amend the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), 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) and that the Regulation was amended by Minister's Order 2015-014 dated 1 October 2015;

CONSIDERING that the Minister set the date to designate members of the boards of directors of integrated health and social services centres and unamalgamated institutions on 26 March 2018;

CONSIDERING that the Regulation makes no provision for a poll by technological means to designate members;

CONSIDERING that the addition of a poll by technological means to designate certain members would make the designation procedure easier and make it more efficient and reliable;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING section 11 of the Regulations Act (chapter R-18.1), which provides that a proposed regulation may not 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 prior publication, in particular where the authority making 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 must be published with the regulation;

CONSIDERING section 17 of that Act, which provides that a regulation comes into force on the fifteenth day following 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 the first paragraph of section 18 of that Act, which provides that 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 requires it;

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

CONSIDERING that, in the Minister's opinion, the urgency due to the date of the designations of the members of the board of directors of integrated health and social services centres and unamalgamated institutions 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 of its publication;

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 integrated health and social services centres and unamalgamated institutions requires the application of various preparatory measures within certain time limits spread over a 50-day period prior to the date of the designations;

CONSIDERING that it is expedient to make the Regulation and to set its coming into force on the date of its publication in the *Gazette officielle du Québec*;

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, appearing below, 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 in section 4 by inserting the following after paragraph 4:

“(4.1) implement an electronic voting system and designate an independent expert to assist the officer in implementing the system;”.

2. Section 10 is amended by inserting the following after the first paragraph:

“When the officer refuses a candidacy, the president must indicate the reasons for the decision.”.

3. Section 13 is amended by inserting “, by electronic means” after “by mail”.

4. Section 14 is amended by inserting “the polling period,” in the first paragraph after “indicate”.

5. The following is added after section 18:

“1.1. POLL BY ELECTRONIC MEANS

18.1. Not later than 20 days before the date of the designations, the officer sends to each member of the department of general medicine a polling notice and a description of the voting procedure. The notice must indicate the polling period, the date, time and place of the vote count and a list of the candidates.

The polling notice given to each member is accompanied by the information sheet provided for in Schedule II and completed by each candidate.

The polling notice is also posted by the officer in each of the locations where the notice of the designation process was posted in accordance with section 8 and is published on the website of the institution.

18.2. The officer designates an independent expert to assist him or her in implementing the electronic voting system.

The expert must in particular satisfy the following conditions:

- (1) be certified in the field of information technology safety;
- (2) not be in a situation of conflict of interest;
- (3) have experience in the analysis of electronic voting systems.

The independent expert must take the oath in Schedule V.1.

18.3. The mandate of the independent expert includes

- (1) guaranteeing that the safety measures put into place are adequate and ensuring the secrecy, security and integrity of the vote;
- (2) monitoring the voting process and the stages subsequent to the vote, including the vote count, its conservation and the destruction of information; and
- (3) monitoring the management, during the poll, of the access to the voting systems.

18.4. As part of his or her mandate, the independent expert must, in particular,

- (1) provide the officer, before the poll, with a report dealing with
 - (a) intrusion risks;
 - (b) performance tests;
 - (c) the validation of algorithms; and
 - (d) the validation of the architecture of the electronic voting system;
- (2) implement means to ensure the traceability of the actions taken on servers and the applications for the electronic voting system; and
- (3) ensure that at any time during the voting process, including after the vote count, it is impossible for the institution to make a connection between a member's name and a member's vote.

18.5. The officer ensures that measures are taken to make sure that the electronic voting system is not the subject of unauthorized modifications at any time.

The officer also makes sure with the independent expert that the electronic voting system is able to demonstrate the following technical elements:

- (1) the secrecy of the vote;
- (2) the integrity of the list of the department's members eligible for voting;
- (3) the guarantee that the table of compilation of the votes contains the members' votes, but only their votes;
- (4) the absence of partial counting during the poll;
- (5) the possibility to count the registered votes again.

18.6. Not later than 20 days before the date of the designations, the officer provides the independent expert with an updated list of the department members.

The president must inform the independent expert of any change made to the list so that the independent expert may make the required changes.

18.7. The poll begins at 4:00 p.m. on the 19th day preceding the date of the designations and ends not later than 4:00 p.m. on the day prior to the date of the designations.

18.8. Members are given the ballot paper certified by the officer if, after verification by the electronic voting system, they are eligible for voting.

18.9. Members vote on the basis of the list of candidates. Members then submit their choice, which entails the casting of their vote in the vote compilation table.

Members receive confirmation that their votes have been cast.

As soon as the vote cast by a member is confirmed, the list of members is updated by the electronic voting system to indicate that the member has voted.

Only the votes compiled from the electronic voting system are considered.

18.10. The closing of the poll is immediately followed by a control to prevent any later alteration of the content of the electronic voting system and of the list of the members who have voted.”

6. Section 32 is amended by replacing “and of the designated member’s nomination paper” in the first paragraph by “, of the designated member’s nomination paper and of the information sheet completed by the designated member”.

7. The following is added after section 32:

**“3.1. VOTE COUNT FOLLOWING A POLL
BY ELECTRONIC MEANS**

32.1. The independent expert counts the votes under the supervision of the officer or an assistant officer on the date and at the time and place indicated in the polling notice.

The vote count is public.

32.2. The officer or assistant officer rules immediately on any issue regarding the validity of the votes.

The number of rejected ballot papers is indicated in the report provided for in the vote count report provided for in Schedule V.

32.3. A candidate is designated in accordance with section 31.

32.4. The officer must complete the designation certificate provided for in Schedule IV and send a copy of that certificate, of the designated member’s nomination paper and of the information sheet completed by the designated member to the Minister within 3 business days.

Within the same period, the officer must send to the president and executive director of the institution the originals of those same documents, of the nomination papers of unelected candidates, of all information sheets completed by the candidates and of the vote count report.

The president and executive director must post a copy of the designation certificate in each of the institutions’s facilities, in a location accessible to the members of the regional department of general medicine. The president and executive director must also publish a copy of that certificate on the website of the institution. ”.

8. Section 39 is amended by inserting “, by electronic mail” after “by mail”.

9. Section 41 is amended by replacing “32” in the first paragraph by “32.4”.

10. Schedule I is replaced by the following:

SCHEDULE I
(Section 9)

DESIGNATION
Nomination paper of a candidate

Name of institution (or institutions)			
Designation college : _____			
Section I – Nomination			
Candidate's last and first name			
Sex	M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth	Y M D
Address			
Municipality	Province	Postal code	
Area Code Home phone	Area Code Work phone	Extension	
Area Code Cell phone	Email address		
Occupation	Employer		
Section II – Candidate's consent			
CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS			
<ol style="list-style-type: none"> 1. Québec resident; 2. Age of majority (18 or over); 3. Not be under wardship or guardianship; 4. Not found guilty in the past 5 years of a crime punishable by 3 or more years of incarceration; 5. Not have been dismissed as the member of an institution's or health and social service agency's board of directors in the past 3 years; 6. Not have been declared guilty in the past 3 years of an infraction of the Act respecting health services and social services or the regulations; 7. For a designation by and from among the members of the institution's users' committee, not be employed by or practise a profession in the institution; 8. Not be a member of the board of directors of an institution's foundation; 9. May sit as a member of the board of directors at the college for which the nomination is made. 			
<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 Ministère de la Santé et des Services sociaux (MSSS) if I am designated a member of the board of directors. Information disclosed to the MSSS 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;">_____ Candidate's signature</p>			
Section III – Acceptance by designation officer			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection:			

_____			Date
_____			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>			
<ol style="list-style-type: none"> 1. The information on this form is gathered for the institution concerned and, if the candidate is designated, for the Ministère de la Santé et des Services sociaux. 2. The information transmitted to the MSSS is used to make up records for management and control purposes of the members of health and social service institution boards. 3. The following persons will have access to this information: <ul style="list-style-type: none"> • Employees of the institution in question and the MSSS in the performance of their duties; • Any other user meeting the requirements of the abovementioned Act. 4. All information on the form is required. 			

II. Schedule V is replaced by the following:

“

SCHEDULE V
(Section 18 and 32.3)

DESIGNATION
Vote Count Report

Institution(s) : _____

Designation college: _____

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

Date: _____

Time: _____

Place: _____

Mail poll:

Envelopes identified: _____

Envelopes containing no vote envelopes: _____

Envelopes containing more than one vote envelope: _____

Vote envelopes counted: _____

Uncounted vote envelopes: _____

Number of valid ballot papers: _____

Number of rejected ballot papers: _____

Poll in person or by electronic means:

Valid ballots: _____

Rejected ballots: _____

	Candidates	Number of votes
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Signed in _____, on _____

Signature

Name of designation officer or assistant officer

Name(s) of scrutineer(s) or of the independent expert

”

12. The following Schedule is inserted after Schedule V:

“

SCHEDULE V.1
(Section 28.2)

OATH

I, _____, solemnly declare that I will carry out the duties of my office with honesty, impartiality and fairness, and that I will not accept, except for any salary paid to me by _____ (name of the institution), any sum of money or consideration whatsoever for what I have done or may do, in carrying out the duties of my office.

I further solemnly declare that I will not reveal or make known, without authorization by law, any confidential information, including the name of the candidate for whom any person voted, if that information comes to my knowledge at the time of counting of the votes.

In witness whereof, I have signed at _____
this ___ day of _____.

Signature

Solemnly declared before me, at ___ this _____
day of ___.

Signature of the commissioner for oaths

”

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

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