

Regulation to amend the Regulation respecting private educational institutions at the college level

Act respecting private education
(chapter E-9.1, s. 112)

1. The Regulation respecting private educational institutions at the college level (chapter E-9.1, r. 4) is amended by inserting the following before section 3:

“**2.1.** An institution wishing to obtain authorization to dispense, as online distance education, the educational services mentioned in its permit shall

(1) provide a complete list of persons called upon to provide support or help to the student in his learning activities;

(2) for each person referred to in subparagraph 1,

(a) provide a curriculum vitae setting out, in particular, any training or work experience related to online distance education; and

(b) indicate any training related to online distance education that the institution intends to provide or require, as applicable; and

(3) describe the technological or other means that make it possible to disseminate courses, access instructional material, perform evaluations and have the student interact with the persons called upon to provide support or help to him.

In this Regulation, “online distance education” means education dispensed in whole or in part by technological means that enable the student and the persons called upon to provide support or help to him to see and hear each other simultaneously.”

2. Section 3 is amended

(1) by replacing the portion before subparagraph 1 by “An institution wishing to obtain authorization to dispense, as non-online distance education, the educational services mentioned in its permit shall”;

(2) by inserting the following after subparagraph 1:

“(1.1) describe the type of distance education provided for;”

3. Section 4 is amended by adding the following paragraph at the end:

“The authorization shall also specify whether it applies to online distance education or non-online distance education.”

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105132

Draft Regulation

Act respecting health services and social services
(chapter S-4.2)

Provincial Committee on the dispensing of health and social services in the English language — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language, appearing below, may be made by the Government on the expiry of 45 days following the date of publication.

First, the draft Regulation changes the composition of the Provincial Committee on the dispensing of health and social services in the English language to ensure, in particular, that it is more representative of certain health regions and Indigenous communities in Québec, and also to ensure that two observers designated by the Minister of Health and Social Services in accordance with the rules set out in the draft Regulation can attend its meetings.

Second, the draft Regulation specifies the rules used by the Minister to form the selection committee responsible for establishing a list of persons it considers qualified for membership in the Committee, changes the selection committee’s mode of operation, and specifies the cases in which the Minister may appoint a member of the Committee without taking the list into account.

Third, the draft Regulation changes the rules governing the operation of the Committee, in particular to specify some of the duties of the chairman and secretary, to allow all meetings of the Committee to be held without the members being physically present at the same location, and to specify the purposes for which the Committee maintains relations with the English-speaking communities of Québec.

Lastly, the draft Regulation adds a code of ethics and professional conduct applicable to the members of the Committee.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Iannick Martin, coordinator, Secrétariat à l'accès aux services en langue anglaise et aux communautés ethnoculturelles, Direction générale de la coordination réseau et ministérielle et des affaires institutionnelles, Ministère de la Santé et des Services sociaux, 2021, avenue Union, 12^e étage, bureau 12.24, Montréal (Québec) H3A 2S9; telephone: 514 873-2292; email: iannick.martin@mss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ
Minister of Health and Social Services

Regulation to amend the Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language

Act respecting health services and social services (chapter S-4.2, s. 509)

1. The Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language (chapter S-4.2, r. 4) is amended in section 1,

(1) in the second paragraph,

(a) by replacing subparagraph 1 by the following subparagraphs:

“(1) two members residing within the Montréal health region;

(1.1) one member residing within the Laval health region;”;

(b) by replacing “4 member” in subparagraph 5 by “5 members”;

(2) in the third paragraph,

(a) by replacing “members and no more than 2 among them must be physicians who practise or have practised their” and “professionals or middle management officers who are or have” by “11 members must be physicians who have practised their” and “a professional or middle management officer who is or has”, respectively;

(b) by adding “One of the eleven members must be from an Indigenous community in Québec.” at the end;

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

“The Committee has a twelfth member, who is the secretary, without the right to vote; the member is appointed by the Minister.”.

2. The following sections are added after section 1:

1.0.1. The Minister designates the chairman and vice-chairman of the Committee from among its members other than the secretary.

1.0.2. The Committee includes an observer appointed by the Minister from each of the following categories of persons:

(1) the persons assigned to the activities of the Ministère du Conseil exécutif relating to Indigenous affairs;

(2) the persons, if any, assigned to the activities of the Ministère du Conseil exécutif relating to relations with English-speaking Quebecers.

Each observer takes part in the meetings of the Committee, but without the right to vote.”.

3. Section 1.1 is amended by adding “or was revoked from the Committee” at the end of paragraph 4.

4. Sections 2 to 2.3 are replaced by the following:

“2. When it is advisable to draw up a list of persons declared qualified to be appointed as members of the Committee, the Minister publishes a call for candidates on the website of the Ministère de la Santé et des Services sociaux and in the following French-language and English-language print media:

(1) a media distributed throughout the territory of Québec;

(2) a local media, if any, distributed in the territory of the health regions where persons likely to be interested reside.

The call for candidates invites interested persons to submit their names in the manner indicated.

2.1. Following the publication of the call for candidates, the Minister forms a selection committee with the following members:

- (1) the secretary of the Committee;
- (2) a former member of the Committee or of a regional committee formed pursuant to section 510 of the Act respecting health services and social services (chapter S-4.2);
- (3) an employee or member of the board of directors of a provincial organization defending the interests of English-speaking persons in the field of health.

2.2. A member of the selection committee may not, unless duly authorized, disclose or communicate to any person confidential information obtained in or in connection with the carrying out of the member's duties. The member may not use any information so obtained for his or her own benefit or for the benefit of a third party.

2.3. The selection committee proceeds with diligence to evaluate the candidates on the basis of their knowledge, in particular of health services and social services, their experience and their abilities, taking into account the provisions of section 1.

The committee also evaluates the demonstrated comprehension, knowledge and experience of the candidates regarding the cultural, historic and linguistic issues of the English-speaking community of Québec as well as the issues faced by that community concerning the provision of health services and social services, the organization of the health and social services network and its governance.

The committee favours candidates who have worked with English-speaking persons.

2.3.1. After having evaluated the candidates, the selection committee files a report with the Minister, establishing a list of the candidates it considers qualified for membership of the Committee.

All information and documents concerning candidates and the work of the committee are confidential."

5. Section 2.4 is amended

(1) by replacing "persons recommended" in the first paragraph by "candidates named in the list established";

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

"Subject to sections 1 and 1.1, the Minister may appoint members of the Minister's own choosing if

(1) the selection committee has not filed with the Minister the report provided for in section 2.3.1 within the time the Minister prescribes; or

(2) the list established by the selection committee names fewer than two candidates for each position to be filled."

6. Section 4 is amended by inserting ", is revoked" after "regular meetings of the Committee".

7. Section 6 is amended

(1) by striking out the first paragraph;

(2) by replacing "The Minister designates, to act as secretary of the Committee," in the second paragraph by "The person designated by the Minister to act as secretary of the Committee must, notwithstanding paragraph 10 of section 1.1, be";

(3) by striking out the third paragraph.

8. Section 7 is amended by replacing the second and third paragraphs by the following:

"Subject to sections 1 and 1.1, the Minister may appoint a person the Minister chooses to fill the vacancy."

9. Section 8 is amended by replacing "shall also act as the liaison between the Committee and" in the first paragraph by "is also accountable for his or her management to".

10. Section 10 is amended

(1) by replacing "In support to the chairman of the Committee, the" in the portion before paragraph 1 by "The";

(2) by inserting the following after paragraph 5:

"(5.1) take charge of the communications of the Committee;"

11. Section 12 is amended by striking out “, but at least 3 of them must physically reunite at least 8 members” in the second paragraph.

12. Section 13 is amended

(1) by striking out “However, the Minister may, if the Minister deems it expedient, require the secretary to call a special meeting of the Committee.” in the first paragraph;

(2) by replacing “5” in the second paragraph by “seven”.

13. Section 18 is amended by replacing “performing its functions” in the second paragraph by “giving its opinion in accordance with section 509”.

14. The following sections are inserted after section 18.1:

“**18.2.** The Minister establishes the Committee’s communications policy.

“**18.3.** Each member of the Committee is subject to the Code of Ethics and Professional Conduct set out in the Schedule.”.

15. The following is added at the end:

“**SCHEDULE**
(Section 18.3)

CODE OF ETHICS AND PROFESSIONAL
CONDUCT OF THE MEMBERS OF THE
PROVINCIAL COMMITTEE ON THE
DISPENSING OF HEALTH AND SOCIAL
SERVICES IN THE ENGLISH LANGUAGE

CHAPTER I
PURPOSE

1. The purpose of this Code of Ethics and Professional Conduct is to preserve and enhance the confidence of the public in the integrity and impartiality of the public administration, to promote openness within the Provincial Committee on the dispensing of health and social services in the English language, and to render its members accountable.

CHAPTER II
ETHICAL PRINCIPLES AND GENERAL RULES
OF PROFESSIONAL CONDUCT

2. Members of the Committee must make their contribution to the fulfillment of its mandate in compliance with the law and with honesty, loyalty, prudence, diligence, efficiency, application and fairness, in the same way as any person participating in the accomplishment of the State’s mission.

3. Members of the Committee must respect and recognize the values and contributions of the other members, respect differences, and remain open to the opinions of others.

4. Members of the Committee are bound to discretion in regard to anything that comes to their knowledge in or in connection with the performance of their duties and are at all times bound to maintain the confidentiality of information thus received.

That obligation does not have the effect of preventing members of the Committee who are connected with a specific interest group from consulting or reporting to that group, except where the information is confidential by law or where the Minister of Health and Social Services imposes confidentiality.

5. Members of the Committee must, in performing their duties, make decisions regardless of any partisan political considerations and of all pressure groups.

They must demonstrate reserve in the public expression of their political opinions.

6. Members of the Committee must avoid placing themselves in a situation of conflict between their personal interest, the interest of a related person, and the duties of their office.

They must disclose to the secretary of the Committee, in writing, any direct or indirect interest that they have in a body, enterprise or association likely to place them in a situation of conflict of interest, as well as any rights that they may assert against the Committee, and must indicate, where applicable, their nature and value.

7. Members of the Committee must refrain from participating in any deliberation or decision concerning a body, enterprise or association referred to in section 6 in which they have an interest. They must also withdraw from the meeting for the time required to deliberate and vote on the matter.

8. The secretary of the Committee must ensure that the minutes of the Committee's meetings record all abstentions by a member on a decision pertaining to a body, enterprise or association in which the member has an interest, to ensure greater transparency.

9. The chairman of the Committee, if in a potential or apparent situation of conflict of interest, must be replaced by the secretary of the Committee for the purpose of chairing the meetings during the deliberation and vote.

10. Members of the Committee must not treat the property of the Committee as if it were their own property and may not use it for their own benefit or for the benefit of a third party.

Members of the Committee may not use, for their own benefit or for the benefit of a third party, any information obtained in or in connection with the performance of their duties.

11. Members of the Committee may not accept any gift, hospitality or other advantage, except what is customary and is of modest value.

Any other gift, hospitality or advantage received must be returned to the giver or remitted to the State.

In all cases, the Members of the Committee must ensure that a gift, hospitality or advantage does not impede their objectivity or influence their judgment.

12. Members of the Committee may not, directly or indirectly, grant, solicit or accept a favour or an undue advantage for themselves or for a third party.

13. Members of the Committee must, when making decisions, avoid being influenced by outside considerations such as the possibility of an appointment or the possibility or offer of employment.

14. Members of the Committee who leave office must conduct themselves in such a manner as not to derive undue advantages from their previous service with the Committee.

Members of the Committee who leave office must not disclose any confidential information obtained or give anyone advice based on information not available to the public.

15. The secretary of the Committee must ensure compliance with the rules of ethics and professional conduct by the members of the Committee and must inform the competent authority of any breach of those rules.

CHAPTER III POLITICAL ACTIVITIES

16. Members of the Committee who intend to run for election to an elective public office must so inform the secretary of the Committee.

17. The chairman of the Committee must, if intending to run for election to an elective public office, resign from the position of chairman.

CHAPTER IV DISCIPLINARY PROCESS AND PENALTIES

18. Members of the Committee accused of a violation of ethics or professional conduct may be temporarily relieved of their duties by the Minister in order to allow an appropriate decision to be made in an urgent situation requiring rapid action or in a presumed case of serious misconduct.

19. The Minister must inform the Committee member of the violations of which the member is accused, of the possible penalty and that the member may, within seven days, present observations and, if requested, be heard regarding the alleged violations.

20. Where it is concluded that the member of the Committee has contravened the Act respecting health services and social services (chapter S-4.2), this Regulation or this code, the Minister imposes a penalty.

21. The penalty that may be imposed on a member of the Committee is a reprimand, a suspension for up to three meetings of the Committee, or revocation.

22. Any penalty imposed on a member of the Committee, as well as the decision to temporarily relieve the member of duties, must be in writing and give reasons."

16. The terms of the members of the Provincial Committee on the dispensing of health and social services in the English language in office on (*insert the date of coming into force of this Regulation*) end on that date.

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105126