



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 127

An Act to improve the management of the health and social services network

Introduction

**Introduced by
Mr. Yves Bolduc
Minister of Health and Social Services**

**Québec Official Publisher
2010**

EXPLANATORY NOTES

The purpose of this bill is to introduce new rules to improve the management of the health and social services network.

The membership of the board of directors of the institutions and agencies is modified to include independent members. Each board of directors is to create a governance and ethics committee and an audit committee and determine their functions.

The boards of directors of the institutions will be required to exercise their responsibilities in a manner that is coherent with province-wide and regional orientations and to establish a multi-year strategic plan, as the agencies are already required to do. The parties involved will be required to determine how to measure the results of implementing such plans and the management and accountability agreements entered into between the institutions and the agencies and between the agencies and the Minister of Health and Social Services.

The public is given new ways to participate in the management of the health and social services network.

Lastly, the agencies and the Minister will be able to take additional measures to assist institutions experiencing difficulties with respect to the quality of the health services or social services they offer, or to their administration or operation.

LEGISLATION AMENDED BY THIS BILL:

– Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 127

AN ACT TO IMPROVE THE MANAGEMENT OF THE HEALTH AND SOCIAL SERVICES NETWORK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

1. Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “of sections 78.1 and 107.1” in paragraph 7 by “of section 78.1, in the fourth paragraph of section 107.1”.

2. Section 51 of the Act is amended by replacing “elected or co-opted members of the board of directors of the local authority” in the third paragraph by “members of the board of directors of the local authority who are not employed by or do not practise a profession with the authority”.

3. Section 99.8 of the Act is amended by adding the following sentence at the end: “It must report on the application of this section in a separate section of the annual management report.”

4. Section 107.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“**107.1.** Every institution must have the health services and social services it provides accredited by a recognized accreditation body.

The accreditation is valid for not more than four years. The institution must see that its accreditation is maintained at all times.

If the institution’s accreditation is refused or not renewed, the institution must, within 12 months after the refusal or non-renewal, submit a new application for accreditation and inform the agency and the Minister of the fact.”;

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

“The institution must make the body’s report public within 60 days after receiving it and send it to the Minister, the agency and the different professional orders concerned whose members practise a profession in a centre operated by the institution.”

5. Section 126 of the Act is amended by striking out the second paragraph.

6. Section 127 of the Act is repealed.

7. Section 128 of the Act is amended

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

“A decision by the Minister to accept the agency’s proposal must be approved by the Government. The decision must specify the day and month the elections, designations, appointments and co-optations must be completed to be in compliance with section 129. Sections 135, 137, 138 and 147 apply.”;

(2) by adding the following paragraphs after the third paragraph:

“The invitation to the public is made jointly by the boards of directors of the institutions concerned.

Despite the first paragraph of section 149, the term of office of the members of the first board of directors established under this section ends on the date set for the next election, designation, appointment or co-optation of members to the new board, depending on whether the members were elected, designated, appointed or co-opted.

On the thirtieth day following the day on which the co-optations are completed, the institutions concerned by a decision made by the Minister under this section cease to be administered by their respective boards of directors and begin to be administered by the first board of directors established under this section.”

8. Section 128.1 of the Act is repealed.

9. Sections 129 to 131 of the Act are replaced by the following sections:

“**129.** The board of directors of each institution referred to in sections 119 to 126 is composed of the following persons, who become members of the board as and when they are elected, designated, appointed or co-opted:

(1) the executive director of the institution;

(2) two independent persons elected by the public in an election held under section 135;

(3) one person designated by and from among the members of the institution’s users’ committee or committees;

(4) one person designated by the boards of directors of the institution’s foundations, if applicable;

(5) one person designated by the universities with which the institution is affiliated if the institution operates a hospital centre designated as a university hospital centre, a university institute or an affiliated university centre;

(6) four persons from within the institution, including

(a) one person designated by and from among the members of the council of physicians, dentists and pharmacists of the institution, if applicable;

(b) one person designated by and from among the members of the council of nurses of the institution, if applicable;

(c) one person or, if subparagraph *a* or *b* cannot be applied owing to the absence of one of those councils, two persons or, if both subparagraphs *a* and *b* cannot be applied owing to the absence of both of those councils, three persons designated by and from among the members of the multidisciplinary council of the institution; the designated persons must have different position titles and, if applicable, be members of different professional orders; and

(d) one person designated by and from among the personnel of the institution who is not a member of any of the councils mentioned in subparagraphs *a* to *c*;

(7) two independent persons appointed by the Minister on the basis of the expertise and experience profiles adopted by the board; and

(8) three independent persons co-opted, on the basis of the expertise and experience profiles adopted by the board, by the members of the board of directors identified in paragraphs 2 to 7 once they have been elected, designated or appointed.

A person referred to in subparagraph 3, 4 or 5 of the first paragraph may not be employed by or practice a profession in the institution. Nor may a person referred to in subparagraph 4 of the first paragraph be employed by or practise a profession in the foundations that designate the person.

“130. The board of directors must be made up of an equal number of men and women. If the difference between their numbers is no greater than two, there is a presumption of parity.

For the purposes of the first paragraph, the executive director and the two elected members are not counted.

“131. For the purposes of section 129, a person qualifies as independent if the person has no direct or indirect relation or interest, for example of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the person’s decisions as regards the interests of the institution.

A person is deemed not to be independent if that person

(1) is in the employ of the institution or has been in such employ in the three years before being elected, designated, appointed or co-opted to office, or practises or has practised a profession in the institution;

(2) has an immediate family member who is the executive director, an assistant executive director or a senior management officer of the institution;

(3) provides goods or services for valuable consideration to the institution or to an organization that has a service relationship with the institution;

(4) is employed by the Ministère de la Santé et des Services sociaux, by an agency or by the Régie de l'assurance maladie du Québec, receives remuneration from the Régie or is a member of the board of directors of an agency or of the Régie; or

(5) is a permanent user of the institution.

For the purposes of this section, an “immediate family member” means a person’s spouse or child, the spouse’s child, the person’s mother, father, sister or brother, the spouse of the person’s mother, father, brother or sister, the mother or father of the person’s spouse and the spouse of the person’s child or of the person’s spouse’s child.”

10. Section 132.2 of the Act is amended by replacing “paragraph 8 of section 129 and paragraph 7 of sections 130, 131 and 133,” by “subparagraph 4 of the first paragraph of section 129,”.

11. Sections 132.3 and 133 of the Act are replaced by the following sections:

“**132.3.** A member of the board of directors appointed as an independent director must disclose in writing to the board and to the Minister any situation likely to affect the member’s status.

“**133.** No act or document of an institution or decision of the board of directors is invalid because the board is not made up of an equal number of men and women or because there are fewer independent directors than prescribed by this Act.”

12. Section 133.0.1 of the Act is amended by replacing “paragraph 6 of section 129 and paragraph 5 of sections 130, 131 and 133,” by “subparagraph c of subparagraph 6 of the first paragraph of section 129,”.

13. Section 133.1 of the Act is repealed.

14. Section 133.2 of the Act is replaced by the following section:

“133.2. A new member may be designated as soon as

(1) the first foundation of an institution within the meaning of subparagraph 4 of the first paragraph of section 129 is created;

(2) a centre is designated by the Minister as a university hospital centre, a university institute or an affiliated university centre within the meaning of subparagraph 5 of the first paragraph of section 129; or

(3) a council of physicians, dentists and pharmacists or a council of nurses within the meaning of subparagraphs *a* and *b* of subparagraph 6 of the first paragraph of section 129 is established for an institution, allowing the addition of a member designated by and from among the members of the new council.

These persons are designated in accordance with the procedure provided for in section 137.

Despite the first paragraph of section 149, the term of office of a person designated under this section ends on the date set for the next designations.

When a member is designated in accordance with subparagraph 3 of the first paragraph, one member from the multidisciplinary council, designated under subparagraph *c* of subparagraph 6 of the first paragraph of section 129 must withdraw voluntarily or following a drawing of lots.”

15. Sections 133.3 and 133.4 of the Act are repealed.

16. Section 135 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence:

“135. Every four years, on the day of the month of October or November that the Minister determines, every institution shall invite the public to elect the persons referred to in subparagraph 2 of the first paragraph of section 129.”;

(2) by replacing “and limitations set out in sections 150 and 151” in the second paragraph by “set out in section 150”;

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

“A person who works in an institution or who practises a profession in a centre operated by an institution may not vote in an election held for that institution. Nor may a minor vote in the election.”

17. Section 137 of the Act is replaced by the following section:

“137. The Minister shall, by regulation, determine the procedure for designating the persons referred to in subparagraphs 3 to 6 of the first paragraph of section 129. The regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

The designations take place on the date set by the Minister.”

18. Section 138 of the Act is replaced by the following section:

“138. Once the elections, designations and appointments have taken place, the members elected, designated or appointed, except the executive director, shall carry out the co-optations under subparagraph 8 of the first paragraph of section 129 within the next 30 days, even if some positions still remain vacant.

The co-optations must bring to the board of directors persons whose expertise and qualifications are considered useful for the administration of the institutions concerned and ensure better representation of the different parts of the territory and better sociocultural, ethnocultural, linguistic and demographic representation of the population served by the institutions.

In the case of an institution operating a child and youth protection centre or a rehabilitation centre for young persons with adjustment problems or for mothers with adjustment problems, the co-optations must also bring to the board of directors at least one person under 35 years of age if no such person is as yet on the board.”

19. Section 139 of the Act is amended by replacing “of paragraph 8 of section 129 and paragraph 7 of sections 130, 131 and 133” by “of sections 170, 180, 181.1, 262.1, 322.1 and 327”.

20. Section 149 of the Act is replaced by the following section:

“149. The term of office of a member of the board of directors other than the executive director is four years. However, the actual term of office may vary, depending on the date set for the next election, designation, appointment or co-optation of members to the new board.

A member may not serve more than two consecutive terms.

On the expiry of their term, board members shall remain in office until replaced or until elected, designated, appointed or co-opted again.”

21. Section 151 of the Act is repealed.

22. Section 152 of the Act is replaced by the following section:

“152. A person ceases to be a member of a board of directors upon ceasing to qualify for election, designation, appointment or co-optation.”

23. Section 156 of the Act is replaced by the following section:

“**156.** A vacancy on the board of directors is filled for the unexpired portion of the term.

In the case of an elected, designated or co-opted member, the vacancy is filled by resolution of the board of directors provided the person who is the subject of the resolution has the same qualifications to be a member of the board of directors as the person being replaced.

A vacancy that is not filled within 120 days may be filled by the agency, except in the case of the executive director or a member referred to in subparagraph 7 of the first paragraph of section 129.

An unexplained absence from the number of regular and consecutive board meetings stipulated in the rules of internal management, in the cases and circumstances set out in those rules, constitutes a vacancy.”

24. Section 157 of the Act is replaced by the following section:

“**157.** Each year, the members of a board of directors shall elect a vice-chairman and a secretary from among their number, and a chairman from among the independent members.”

25. The Act is amended by inserting the following section after section 158:

“**158.1.** The chairman of the board of directors and the executive director shall report to the agency and to the Minister on the results obtained measured against the objectives set out in the strategic plan and the management and accountability agreement.”

26. Section 159 of the Act is amended

(1) by replacing “In no case may the chairman or the vice-chairman of the board of directors” by “The vice-chairman of the board of directors may not”;

(2) by replacing “, pharmacist or midwife” by “or pharmacist”.

27. Section 161.1 of the Act is replaced by the following section:

“**161.1.** If all the members of the board of directors consent, they may participate in a public meeting of the board by means of equipment enabling all participants to communicate directly with one another. In such a case, however, a place must be provided for the public to attend the meeting and participate in the question period.”

28. Section 164 of the Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“The members of the board of directors may also, in emergencies and if all consent, participate in a special meeting of the board by means of equipment enabling all participants to communicate directly with one another.

The minutes of such a meeting must mention the equipment used to enable all participants to communicate directly with one another. The decisions made at the meeting must be tabled at the following public meeting.”

29. Section 170 of the Act is amended by replacing “The board of directors shall manage the affairs and exercise all the powers of every institution under its administration” by “The board of directors of an institution shall manage the affairs and exercise all the powers of the institution”.

30. Section 171 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**171.** The board of directors shall establish strategic orientations in accordance with province-wide and regional orientations for every public institution under its administration. It must also establish priorities and ensure compliance with them.”;

(2) by replacing “Priorities” in the second paragraph by “Strategic orientations”.

31. Section 172 of the Act is replaced by the following sections:

“**172.** For every institution under its administration, the board of directors must also

(1) adopt the strategic plan and the annual management report;

(2) approve the management and accountability agreement;

(3) ensure the pertinence, quality, safety and effectiveness of the services provided;

(4) ensure respect for users’ rights and promptness in processing users’ complaints;

(5) ensure the economical and efficient use of human, material and financial resources;

(6) ensure the participation and development of human resources and see that they are motivated, that they are valued, and that their skills are maintained; and

(7) ensure that performance is monitored and results are reported.

“172.1. The board of directors shall exercise its responsibilities in keeping with province-wide and regional orientations while fostering networking with local, regional and provincial partners.”

32. Section 177 of the Act is amended by striking out the last sentence of the first paragraph.

33. Section 178 of the Act is amended by striking out the last sentence.

34. Section 181 of the Act is amended by replacing the first paragraph by the following paragraphs:

“181. The board of directors shall establish a governance and ethics committee and an audit committee. Each committee must be composed in the majority of independent members and chaired by an independent member.

The board may also establish other committees to advise it in the pursuit of its mission. It shall determine the composition, functions, duties and powers of the committees, and the rules governing the administration of their affairs and their internal management.”

35. The Act is amended by inserting the following sections after section 181:

“181.0.0.1. The functions of the governance and ethics committee include drawing up

(1) governance rules for the conduct of the institution’s affairs;

(2) a code of ethics and professional conduct, in accordance with section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (chapter M-30), applicable to members of the board of directors;

(3) expertise and experience profiles to be used in appointing or co-opting independent board members, making sure to identify the diverse expertise required and the desired representation of the milieu based on its characteristics;

(4) criteria for evaluating the performance of the board; and

(5) initiation and ongoing training programs for board members.

The committee shall carry out the evaluation referred to in subparagraph 4 of the first paragraph in accordance with the criteria approved by the board.

“181.0.0.2. The audit committee must include at least one member with accounting or financial expertise.

Moreover, the members of the committee may not be employed by or practise a profession in the institution.

“181.0.0.3. The functions of the audit committee include

(1) making sure a plan for the optimal utilization of the institution’s resources is put in place, and following up on that plan;

(2) making sure that a risk management process for the conduct of the institution’s affairs is put in place and followed;

(3) reviewing any activity likely to be detrimental to the institution’s financial health that is brought to its attention;

(4) examining the financial statements with the auditor appointed by the board of directors; and

(5) recommending the approval of the financial statements by the board of directors.”

36. Section 181.0.2 of the Act is amended by replacing “one of the persons designated under paragraph 2 of any of sections 129, 130, 131 or 133” by “the person designated under subparagraph 3 of the first paragraph of section 129”.

37. Section 181.0.3 of the Act is amended by replacing “1 and 2” in the first paragraph by “2 and 3”.

38. Section 181.2 of the Act is amended by striking out “129 to 131, 133,”.

39. The Act is amended by inserting the following division after section 182.0.1:

“DIVISION II.0.1

“ORGANIZATION OF SERVICES

“182.0.2. In accordance with province-wide and regional orientations and recognized standards of accessibility, integration, quality, effectiveness and efficiency, and taking into account available resources, the institution is responsible for preparing a multi-year strategic plan containing the following elements:

(1) a description of the mission of the institution;

(2) a statement of the social and health needs of the clientele served or the local population, based on an understanding of the health and well-being of that clientele or population;

(3) a description of the context in which the institution acts and the main challenges it faces;

(4) the directions and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;

(5) the results targeted over the period covered by the plan; and

(6) the performance indicators to be used in measuring results.

The strategic plan must also take into account the priorities established in the clinical and organizational projects with which the institution is associated.

“182.0.3. The strategic plan must be approved by the agency and sent to the Minister.

“182.0.4. The institution must present its service organization plans and any other substantive policy document to the agency before submitting them to its board of directors for approval.

“182.0.5. The president and executive director of the agency, the executive director of the institution and, when required, the chairman of the board of directors must determine how to monitor the results of implementing the strategic plan and the management and accountability agreement entered into by the institution and the agency.”

40. Section 182.1 of the Act is amended by replacing “referred to in the second paragraph of section 126 or section 133.1” in the second paragraph by “that operates a centre designated as a university hospital centre, university institute or affiliated university centre”.

41. Section 182.7 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) a presentation of the results obtained measured against the objectives set out in the strategic plan and the management and accountability agreement entered into with the agency;”.

42. The Act is amended by inserting the following sections after section 182.8:

“182.9. The institution must make the results presented in its annual management report public via a public medium such as a website.

“182.10. An institution must set up a website to inform the public of the services it offers.”

43. Section 193 of the Act is replaced by the following sections:

“193. The executive director of a public institution is appointed by the board of directors, on the basis of the expertise and experience profile adopted by the board and on the recommendation of a selection committee.

The selection committee is established by the board of directors and consists of five members, including one representative of the agency and one representative of the Minister.

The recommendation of the selection committee to the board of directors must receive the consent of at least three of the committee members including the representative of the agency or of the Minister.

“193.0.1. If the board of directors administers more than one institution, the executive director is the executive director of each of those institutions.

If the executive director is absent or unable to act, the board of directors may designate a person to exercise the functions and powers of the executive director.”

44. The Act is amended by inserting the following section after section 201:

“201.1. The term of the executive director of an institution is renewed after consultation with the president and executive director of the agency.”

45. Section 319 of the Act is amended by replacing the second paragraph by the following paragraph:

“The letters patent give the names of no fewer than five persons and not more than the maximum number of persons elected, designated, appointed or co-opted under section 129; such persons are members of the board of directors until the elections, designations, appointments or co-optations provided for in that section take place. Once appointed, the executive director of the institution is also a member of the board of directors.”

46. Section 340 of the Act is amended by adding “the agency must report on the application of this subparagraph in a separate section of its annual management report;” at the end of subparagraph 7.7 of the second paragraph.

47. Section 343 of the Act is amended by replacing the second paragraph by the following paragraph:

“The agency shall supervise the election, designation and co-optation of the members of the boards of directors of public institutions where provided for by this Act.”

48. The Act is amended by inserting the following section after section 343:

“343.0.1. Every agency must set up a website to inform the public of the services offered in the region.”

49. Sections 343.1 to 343.6 of the Act are repealed.

50. Section 346.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“346.1. In accordance with province-wide orientations and recognized standards of accessibility, integration, quality, effectiveness and efficiency, and taking into account available resources, the agency is responsible for preparing a multi-year strategic plan for its region containing the following elements:

(1) a description of the mission of the agency;

(2) a statement of the social and health needs and the distinctive characteristics of the population, based on an understanding of the health and well-being of that population;

(3) a description of the context in which the agency acts and the main challenges it faces;

(4) the directions and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;

(5) the results targeted over the period covered by the plan; and

(6) the performance indicators to be used in measuring results.”;

(2) by striking out “obtain the opinion of the people’s forum,” in the second paragraph.

51. The Act is amended by inserting the following sections after section 346.1:

“346.2. The strategic plan of the agency must be approved by the Minister.

“346.3. The agency shall establish a regional management committee consisting of the president and executive director of the agency and the executive directors of the institutions.

The agency shall ensure that the chairmen of the boards of directors of the institutions are present at any meeting of the committee at which the strategic orientations of the region or the whole network are to be defined.

“346.4. The Minister, the president and executive director of the agency and, when required, the chairman of the board of directors of the agency must determine how to monitor the results of implementing the strategic plan and the management and accountability agreement entered into by the agency and the Minister.”

52. Section 370.1 of the Act is amended by striking out “, including one person working for an institution referred to in section 119 or the first paragraph of section 126 and one person working for an institution referred to in section 120, 121, 124 or 125 or the second paragraph of section 126” in subparagraph 1 of the second paragraph.

53. Section 385.7 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) a presentation of the results obtained measured against the objectives set out in the strategic plan and the management and accountability agreement entered into with the Minister;”.

54. The Act is amended by inserting the following section after section 385.9:

“385.10. Every agency must make the results presented in its annual management report public via a public medium such as a website.”

55. Sections 397 and 397.0.1 of the Act are replaced by the following sections:

“397. The affairs of an agency are administered by a board of directors composed of the following members appointed by the Minister:

(1) five independent persons chosen on the basis of the expertise and experience profiles adopted by the board after consultation with various groups, including the regional conference of elected officers;

(2) one person who is a member of the regional panel of heads of departments of specialized medicine, chosen from a list provided by the panel;

(3) one person who is a member of the regional department of general medicine, chosen from a list provided by the department;

(4) one person who is a member of the regional nursing commission, chosen from a list provided by the commission;

(5) one person who is a member of the regional multidisciplinary commission, chosen from a list provided by the commission;

(6) one person chosen from a list provided by the organizations representing labour;

(7) one person chosen from a list provided by the users' committees of the institutions;

(8) one person chosen from a list provided by the community organizations that offer services in the region;

(9) one person chosen from a list provided by the universities with which the institutions that have a university designation are affiliated; and

(10) the president and executive director of the agency.

“397.0.1. All the lists referred to in section 397 must contain an equal number of men and women.

In addition, the board of directors must be made up of an equal number of men and women. If the difference between their numbers is no greater than one, there is a presumption of parity.

For the purposes of the second paragraph, the president and executive director is not counted.”

56. The Act is amended by inserting the following section after section 397.0.1:

“397.0.2. Sections 131, 132.3 and 133 apply, with the necessary modifications, to the board of directors of an agency.”

57. Section 398.1 of the Act is amended

(1) by replacing “or who receives remuneration from the latter, and no person having made a service contract under section 259.2, may” in the second paragraph by “not even if the person is on unpaid leave at the time, and no person who receives remuneration from the Régie or has entered into a service contract under section 259.2 may”;

(2) by replacing “4” in the fourth paragraph by “8”.

58. Section 399 of the Act is amended by replacing “three years” in the first paragraph by “four years. A member other than the president and executive director may not serve more than two consecutive terms.”

59. Section 402 of the Act is replaced by the following section:

“402. Each year, the members of a board of directors shall elect a vice-chairman and a secretary from among their number, and a chairman from among the independent members.”

60. Section 403 of the Act is amended by replacing “1 to 3” by “2 to 5”.

61. Section 405 of the Act is amended

(1) by inserting “, and ensuring that they are used economically and efficiently” after “1” in subparagraph 2 of the second paragraph;

(2) by adding the following paragraphs at the end of the second paragraph:

“(5) adopting the strategic plan and the annual management report;

“(6) approving the management and accountability agreement; and

“(7) ensuring that performance is monitored and results are reported.”

62. The Act is amended by inserting the following section after section 405:

“405.1. The board of directors shall exercise its responsibilities in keeping with province-wide orientations while fostering networking with local, regional and provincial partners.”

63. Section 407 of the Act is amended by replacing “181,” by “177, 181 to 181.0.0.3,”.

64. Section 412.2 of the Act is amended by replacing “4 and 6” by “7 and 8”.

65. Section 413.1 of the Act is amended by adding the following paragraph at the end:

“The president and executive director shall also participate annually in defining the expectations drawn up by each institution’s board of directors for its executive director with respect to contributions and results, and be associated with evaluating the achievement of the results.”

66. The Act is amended by inserting “ASSISTANCE AND SUPPORT,” before “INSPECTION” in the heading of Division V of Chapter I of Title I of Part III.

67. The Act is amended by inserting the following section after the heading of Division V of Chapter I of Title I of Part III:

“413.1.1. If an institution is experiencing difficulties with respect to the quality of the health services or social services it offers, or with respect to its administration, organization or operation, the agency may provide assistance and support to the institution at the latter’s request.

Such assistance and support must be the subject of an agreement between the agency, the institution and the Minister, stipulating the nature, duration and expected results of the assistance and support.

An institution that has received assistance and support must report to the agency or the Minister on any developments in the situation.”

68. Section 431.1 of the Act is replaced by the following section:

“431.1. In accordance with recognized standards of accessibility, integration, quality, effectiveness and efficiency and available resources, the Minister shall prepare a multi-year strategic plan for all of Québec containing the following elements:

- (1) a description of the mission of the department;
- (2) a statement of the social and health needs and the distinctive characteristics of the population, based on an understanding of the health and well-being of that population;
- (3) a description of the context in which the department acts and the main challenges it faces;
- (4) the strategic orientations and objectives to be pursued with respect to, among other things, the accessibility, continuity, quality and safety of care and services with a view to improving the health and well-being of the population;
- (5) the results targeted over the period covered by the plan; and
- (6) the performance indicators to be used in measuring results.”

69. The Act is amended by inserting the following sections after section 433.1:

“433.2. The Minister must

- (1) ensure that ongoing and adapted training is given to the members of each board of directors and to the senior officers of the agencies and institutions;
- (2) see to succession planning for the senior officers of the agencies and institutions.

“433.3. If an institution is experiencing difficulties with respect to the quality of the health services or social services it offers, or with respect to its administration, organization or operation, the Minister may, on the Minister’s own initiative or on the recommendation of an agency, appoint two observers for a period determined by the Minister.

The observers shall attend all meetings of the institution’s board of directors, committees and supervisory committees but are not entitled to vote.

The observers shall submit their observations to the agency and to the Minister, who shall determine the recommendations to be made to the institution. The Minister or the agency may also require the institution to provide the Minister or the agency with an action plan for implementing the recommendations.”

70. The Act is amended by inserting the following section after section 434:

“434.1. In exceptional circumstances and when the quality of care and services depends on it, the Minister may entrust the responsibilities of a council of physicians, dentists and pharmacists of an institution to one or more persons designated by the Minister, after obtaining the opinion of the Collège des médecins du Québec and, if applicable, the Ordre professionnel des dentistes du Québec and the Ordre professionnel des pharmaciens du Québec.”

71. Section 490 of the Act is amended

(1) by replacing “120 days” in the first paragraph by “one year”;

(2) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(6) where the institution is experiencing difficulties with respect to the quality of the health services or social services it offers, or with respect to its administration, organization or operation.”

72. Section 491 of the Act is replaced by the following section:

“491. The Minister may also assume the administration of an agency for a period not exceeding one year if the Minister is of the opinion

(1) that there has been a serious fault, such as embezzlement, breach of trust or other misconduct by one or more members of the board of directors;

(2) that the board of directors is seriously remiss in the performance of its obligations under this Act; or

(3) that the agency is experiencing difficulties with respect to the quality of the services it offers, or with respect to its administration, organization or operation.”

73. Section 492 of the Act is amended by replacing “90” by “180”.

74. Section 496.1 of the Act is amended by inserting “an institution or” after “with respect to”.

75. The Act is amended by inserting the following section after section 498:

“498.1. If the Government considers that the characteristics of an institution or the territory it serves do not make possible the establishment of a board of directors with the required expertise, able to exercise all of its responsibilities with integrity and transparency, the Government may, following a period of provisional administration and a recommendation of the Minister, and after hearing the stakeholders from the territory, entrust the administration of the institution to the agency concerned.

The Government may entrust the administration to the agency for up to five years and may terminate the administration at any time if the situation is rectified, or renew it if necessary. Each renewal is for a maximum of five years.

An agency entrusted with the administration of such an institution must administer it as a separate administrative entity.”

76. Section 500 of the Act is amended by adding the following paragraph at the end:

“Following an investigation, the Government may formulate recommendations for an agency or an institution and require the agency or institution to draw up an action plan for implementing them.”

77. Section 501 of the Act is amended by striking out “In designating a controller or an investigator,” in the first paragraph.

78. Section 530.18 of the Act is amended by replacing “in the manner set out in the first paragraph of section 156” by “by resolution provided the person so designated has the same qualifications to be a member of the board of directors as the person being replaced. The board of directors shall inform the regional board of the designation.”

79. Section 530.50.1 of the Act is repealed.

80. Section 530.52 of the Act is amended by inserting “346.2, 346.4,” after “346.1,”.

81. Section 530.60 of the Act is amended by striking out subparagraph 2 of the second paragraph.

82. Section 530.61.1 of the Act is amended by inserting “and 385.10” after “385.8”.

83. Title IV of Part IV.2 of the Act is replaced by the following title:

“TITLE IV

“BOARD OF DIRECTORS OF THE INSTITUTION

“530.62. The executive director of the board of directors of the institution to which this Part applies is replaced by a president and executive director appointed by the Minister.

“530.63. The provisions of this Act applicable to the executive director of a public institution and the provisions of sections 399, 400, 403 and 413.1 apply, with the necessary modifications, to the president and executive director of the institution to which this Part applies.

“530.64. In sections 147 and 156, “the agency” means “the Minister”.”

84. Section 531 of the Act is amended by replacing “of the second paragraph” in the first paragraph by “of the second or fourth paragraph”.

TRANSITIONAL AND FINAL PROVISIONS

85. The term of the members of the board of directors of a public institution, except the executive director or the president and executive director, is extended until 31 January 2012.

Despite any inconsistent provision, board members elected, designated, appointed or co-opted between 1 September 2011 and 31 January 2012 take office on 1 February 2012.

86. The term of the members of the board of directors of a health and social services agency referred to in paragraphs 5, 8, 10 and 11 of section 397 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), as they read on (*insert the date preceding the date of assent to this Act*), ends on 31 July 2012.

87. When establishing the first board of directors of an institution or an agency after (*insert the date of assent to this Act*), the expertise profiles provided for in subparagraphs 7 and 8 of the first paragraph of section 129 of the Act respecting health services and social services, as replaced by section 9, and the expertise profiles provided for in paragraph 1 of section 397 of the Act

respecting health services and social services, as replaced by section 55, do not apply.

88. For the purposes of sections 149 and 399 of the Act respecting health services and social services, as replaced and amended, respectively, by sections 20 and 58, when determining the number of consecutive terms a member may serve, the terms the member served before 1 February 2012 in the first case and before 1 August 2012 in the second case are not taken into account.

89. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) sections 24, 26, 34, 35, 43 and 81, which come into force on 1 February 2102; and

(2) sections 55 to 60, 63 and 64, which come into force on 1 August 2012.

