



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 28

**An Act to amend the Act respecting
health services and social services and
other legislative provisions**

Introduction

**Introduced by
Mr Rémy Trudel
Minister of Health and Social Services**

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EXPLANATORY NOTES

This bill amends the Act respecting health services and social services to redefine the composition of the boards of directors of public institutions and regional boards. It amends various rules that apply to the grouping of certain institutions under the authority of one board of directors.

The bill provides for the creation of a regional nursing commission and a people's forum for each region in Québec having a regional board created by the Government. The mandate of the people's forum will be to consult the population with a view to determining the level of satisfaction with available services and the needs of the population in terms of service organization.

Each regional board will be required to submit a three-year strategic service organization plan to the Minister for approval after it has consulted the people's forum. The Minister will be authorized to give a regional board a mandate to coordinate its services with those of surrounding regional boards. The bill grants the regional boards certain supervisory and inquiry powers to assist them in their superintendence of institutions.

The bill provides that the granting of privileges to physicians in an institution will require the approval of the regional board. It also proposes reducing the number of public meetings of the boards of directors of institutions to six per year.

The bill provides for management and accountability agreements to be entered into between a regional board and the Minister and between a regional board and public institutions.

As concerns public health matters, the bill proposes to modify the mandate of the regional public health director to specify that the director's scope of intervention will be limited solely to the activities carried on in the region concerned. In certain circumstances, the Minister will be able to confer the functions and powers of a regional public health director on another person.

The Act respecting Institut national de santé publique du Québec is amended to empower the institute to carry out the activities and duties assigned to it by the Minister under the public health program. The Act respecting the Ministère de la Santé et des Services sociaux

is amended to provide for the appointment of a national director of public health by the Government.

The Health Insurance Act is amended, in particular, to allow for the communication of information in non-nominal form to the Minister and to a body with which the Minister has entered into an agreement, if the information is necessary for the implementation of the agreements.

The bill proposes amendments that make the regional boards subject to the provisions of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

Lastly, the bill contains technical, terminological and consequential amendments as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);
- Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

Bill 28

AN ACT TO AMEND THE ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 43 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by replacing “executive director” in the second line by “president and executive director”.

2. Section 52 of the said Act is amended by replacing “executive director” by “president and executive director”.

3. Section 92 of the said Act is amended by striking out “, owing to the low population density and the size of the territory,”.

4. Section 126 of the said Act is amended

(1) by inserting “a general and specialized hospital centre with less than 50 beds,” after “operates” in the first paragraph;

(2) by inserting “general and specialized hospital centre with 50 beds or more or a psychiatric” after “which operates a” in the first line of the second paragraph;

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

“However, a specific board of directors shall be established to administer an institution which operates a hospital centre designated as a university hospital centre, a university institute or an affiliated university centre.”

5. Section 126.1 of the said Act, amended by section 199 of chapter 56 of the statutes of 2000, is again amended

(1) by striking out, in the tenth, eleventh and twelfth lines of the first paragraph, the portion after “centre”;

(2) by inserting the following paragraph after the first paragraph :

“The Minister may, if of the opinion that the circumstances warrant it, allow the measures provided for in the first paragraph to be applicable as well to an institution operating a general and specialized hospital centre with 50 beds or more.”

6. Section 126.2 of the said Act is amended by adding the following paragraph:

“The first paragraph does not apply to an institution referred to in the third paragraph of section 126.”

7. The said Act is amended by inserting the following section after section 126.2:

“126.2.1. The Minister may, on the Minister’s own initiative and after consulting the regional board and the institutions concerned, apply, after the time fixed by the Minister, the measures provided for in sections 126.1 and 126.2.”

8. Section 126.3 of the said Act is amended by replacing “elections and appointments” in the third line of the first paragraph by “designations”.

9. Section 126.4 of the said Act is amended

(1) by replacing “election or appointment” in the first line of the first paragraph by “designation”;

(2) by striking out the second paragraph;

(3) by replacing “an election is held under section 135” in the fourth line of the third paragraph by “the designations under section 135 have taken place”;

(4) by replacing “elections, appointments and cooptations” in the fifth line of the third paragraph by “designations”.

10. Section 126.5 of the said Act is amended by adding the following paragraph at the end:

“The designations of persons referred to in sections 135 and 137 for the purpose of replacing the provisional members must take place not later than 30 days before the expiry of their terms.”

11. Section 129 of the said Act is replaced by the following section:

“129. The board of directors of the institutions referred to in section 119 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) one person designated by the users’ committees of the institutions;

(2) two persons designated by the regional board, recognized for their experience and management skills and having their principal residence in the territory concerned;

(3) two persons designated by the regional board, one practising a health profession and the other a profession in the social sector ;

(4) one person designated by the regional board from among the physicians of the regional department of general medicine practising in the territory concerned, chosen from a list of names provided by the department ;

(5) one person designated by the regional board from among the nurses practising in the territory concerned, chosen from a list of names provided by the regional nursing commission ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned ;

(7) where applicable, one person designated by the members of a legal person designated under section 139 ;

(8) five persons from the population in the territory concerned and designated by the members referred to in paragraphs 1 to 7 after consulting the population, particularly the socio-economic groups of the territory ;

(9) the executive director of the institutions concerned.”

12. The said Act is amended by inserting the following section after section 129:

“**129.1.** The board of directors of the institutions referred to in each of sections 120, 121 and 124 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons recognized for their management skills and designated by the regional board ;

(2) one person designated by the boards of directors of the region’s institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards ;

(3) three persons designated by the regional board, two practising a profession in the field of rehabilitation and a third exercising functions in the educational sector ;

(4) one person designated by the users’ committees of the institutions ;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112 ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) two persons designated by the members referred to in paragraphs 1 to 7, chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(9) the executive director of the institutions concerned.”

13. Section 130 of the said Act is replaced by the following section :

“130. The board of directors of the institutions referred to in section 125 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) three persons recognized for their management skills and designated by the regional board, including one exercising functions in the school sector;

(2) one person designated by the boards of directors of the region’s institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(3) four persons designated by the regional board, two practising a profession specific to the youth sector, another exercising functions in the childcare and youth services sector, and the fourth exercising functions in the judicial sector;

(4) one person designated by the users’ committees of the institutions;

(5) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) two persons designated by the members referred to in paragraphs 1 to 7, chosen from a list of names provided by the community organizations of the region operating in the field of rehabilitation or social integration;

(9) the executive director of the institutions concerned.”

14. Section 131 of the said Act is replaced by the following section :

“**131.** The board of directors of the institutions referred to in the first paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) where applicable, one person designated by the users’ committee of the institution ;

(2) two persons designated by the regional board, recognized for their experience and management skills and having their principal residence in the territory served by the institution or, in the case of an institution which operates a hospital centre, in the territory of the regional county municipality or in the territory served by an institution which operates a local community service centre and in which the head office of that institution is located ;

(3) two persons designated by the regional board, one of whom practises a health profession and the other a profession in the social sector ;

(4) one person designated by the regional board from among the physicians of the regional department of general medicine who practise in the territory determined in paragraph 2, chosen from a list of names provided by the department ;

(5) one person designated by the regional board from among the nurses practising in the territory determined in paragraph 2, chosen from a list of names provided by the regional nursing commission ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution ;

(7) where applicable, one person designated by the members of a legal person designated under section 139 ;

(8) five persons from the population in the territory determined under paragraph 2 and designated by the members referred to in paragraphs 1 to 7 after consulting the population, particularly the socio-economic groups of the territory ;

(9) the executive director of the institution.”

15. Section 131.1 of the said Act is replaced by the following section :

“**131.1.** The board of directors of the institutions referred to in section 126.1 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) where applicable, one person designated by the users’ committees of the institutions ;

(2) two persons designated by the regional board, recognized for their experience and management skills and having their principal residence in the territory concerned;

(3) two persons designated by the regional board, one practising a health profession and the other a profession in the social sector;

(4) one person designated by the regional board from among the physicians of the regional department of general medicine who practise in the territory concerned, chosen from a list of names provided by the department;

(5) one person designated by the regional board from among the nurses practising in the territory concerned, chosen from a list of names provided by the regional nursing commission;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned;

(7) where applicable, one person designated by the members of a legal person designated under section 139;

(8) five persons from the population in the territory concerned and designated by the members referred to in paragraphs 1 to 7 after consulting the population, in particular the socio-economic groups of the territory;

(9) the executive director of the institutions concerned.”

16. Section 132 of the said Act is replaced by the following section:

“**132.** The board of directors of an institution referred to in the second paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated:

(1) three persons recognized for their management skills and designated by the regional board;

(2) one person designated by the boards of directors of the region’s institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards;

(3) one physician designated by the regional board on the recommendation of the regional medical commission;

(4) one nurse designated by the regional board on the recommendation of the regional nursing commission;

(5) where applicable, one person designated by the users’ committee of the institution;

(6) where applicable, one person designated by the boards of directors of the foundations of the institution ;

(7) where applicable, one person designated by the members of a legal person designated under section 139 ;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if the institution has a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112 ;

(9) two persons or, in the case of an institution that operates a psychiatric hospital centre, three persons designated by the members referred to in paragraphs 1 to 8, one of whom practises a health profession other than medicine or nursing and, where the institution that operates a psychiatric hospital centre has entered into a contract of affiliation with a university for the purpose of offering teaching or research services, another of whom is from the university community ;

(10) the executive director of the institution.”

17. Section 132.1 of the said Act is replaced by the following section :

“132.1. The board of directors of the institutions referred to in section 126.2 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) three persons recognized for their management skills and designated by the regional board ;

(2) one person designated by the boards of directors of the region’s institutions referred to in section 119, the first paragraph of section 126 and section 126.1 and chosen from among the members of those boards ;

(3) one physician designated by the regional board on the recommendation of the regional medical commission ;

(4) one nurse designated by the regional board on the recommendation of the regional nursing commission ;

(5) where applicable, one person designated by the users’ committees of the institutions ;

(6) where applicable, one person designated by the boards of directors of the foundations of the institutions concerned ;

(7) where applicable, one person designated by the members of a legal person designated under section 139 ;

(8) where applicable, one person designated by the boards of directors of the regional boards concerned by that supra-regional vocation if one or more of the institutions has or have a supra-regional vocation determined by the Minister pursuant to paragraph 1 of section 112;

(9) two persons designated by the members referred to in paragraphs 1 to 8, one of whom practises a health profession other than medicine or nursing;

(10) the executive director of the institutions concerned.”

18. Section 132.2 of the said Act is amended by replacing “5 of each of sections 129, 130, 131.1, 132 and 132.1 and paragraph 4 of section 131” by “6 of each of sections 129 to 132.1 and 133”.

19. Section 133 of the said Act is replaced by the following section :

“133. The board of directors of an institution referred to in the third paragraph of section 126 shall be composed of the following persons, who shall be members of the board as and when they are designated :

(1) three persons recognized for their management skills and designated by the Government, one from the health and social services sector, another from the education sector, and the third from the research, science and technology sector;

(2) two persons recognized for their management skills, one designated by the regional board concerned and the other designated by the boards of directors of the regional boards of the other regions served by the institution;

(3) one person designated by the regional board and chosen from among all the members of the boards of directors of the institutions of the region referred to in section 119, the first paragraph of section 126 and section 126.1;

(4) one specialist designated by the regional board on the recommendation of the regional medical commission;

(5) one nurse designated by the regional board on the recommendation of the regional nursing commission;

(6) where applicable, one person or, if paragraph 7 cannot be applied, two persons designated by the boards of directors of the foundations of the institution;

(7) where applicable, one person or, if paragraph 6 cannot be applied, two persons designated by the members of the legal person referred to in section 139;

(8) where applicable, one person designated by the users' committee of the institution;

(9) three persons designated by the universities with which the institution is affiliated; at least one of those persons must be from a faculty of medicine and another from another faculty or school in the health field; where the institution operates a hospital centre designated as an affiliated university centre, the third person must be a medical resident and be designated by and from among the medical residents practising at the hospital centre;

(10) two persons designated by the members referred to in paragraphs 1 to 9 to provide the board of directors with better representation of the sociocultural, ethnocultural, linguistic or demographic composition of the communities served by the institution;

(11) the executive director of the institution.”

20. Section 133.1 of the said Act is replaced by the following section :

“133.1. The composition of the board of directors of an institution, other than an institution referred to in the third paragraph of section 126, which operates a centre designated as a university institute or an affiliated university centre shall continue to be governed by the relevant provisions of sections 129 to 131.1.

Such a board of directors shall also include

(1) where the institution operates a centre designated as a university institute, two persons designated by the universities with which the institution is affiliated; those persons must be from faculties or schools in the fields concerned by the mission of the centre operated by the institution and designated as a university institute;

(2) where the institution operates a centre designated as an affiliated university centre, one person designated by the universities with which the institution is affiliated; that person must be from a faculty or school in the field concerned by the mission of the centre operated by the institution and designated as an affiliated university centre.

In addition, those persons shall participate in the cooptation provided for in paragraph 8 of sections 129 to 131.1, as the case may be.”

21. Section 133.2 of the said Act is amended

(1) by replacing “elected, appointed or coopted” in the first line of the first paragraph by “designated”;

(2) by replacing subparagraph 1 of the first paragraph by the following subparagraph :

“(1) the provisions of section 133.1 apply following the designation, by the Minister, of a centre as a university institute or an affiliated university centre;”;

(3) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) paragraph 7 of section 133 cannot be applied, thereby enabling a member to be added under paragraph 6 of that section.”;

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

“The designation of such persons shall be carried out in accordance with the procedure set out in section 135.”;

(5) by replacing “elected, appointed or coopted” in the third paragraph by “designated”.

22. Section 134 of the said Act is repealed.

23. Section 135 of the said Act is replaced by the following section:

“**135.** Every institution shall, every three years, on such day in the month of October or November as the Minister determines, see that are designated the persons referred to in paragraphs 1, 6 and 7 of each of sections 129, 131 and 131.1, in paragraphs 2 and 4 to 7 of each of sections 129.1 and 130, in paragraphs 2 and 5 to 8 of each of sections 132 and 132.1, in paragraphs 6 to 9 of section 133 or in the second paragraph of section 133.1, as the case may be.

The regional board shall determine by by-law the procedure to be followed to designate the persons referred to in the first paragraph.”

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

“**137.** The regional board shall proceed with the designations provided for in paragraphs 2 to 5 of each of sections 129, 131 and 131.1, in paragraphs 1 and 3 of each of sections 129.1 and 130, in paragraphs 1, 3 and 4 of each of sections 132 and 132.1 and in paragraphs 2 to 5 of section 133 not later than 30 days before the day fixed by the Minister pursuant to section 135.”

25. Section 138 of the said Act is amended

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

“**138.** Once the designations of the persons referred to in paragraph 1 of section 133 and in sections 135 and 137, those persons shall, within the next 30 days, proceed with the cooptation provided for in paragraph 8 of each of sections 129 to 131.1, paragraph 9 of section 132 or 132.1 or paragraph 10 of section 133, as the case may be.”;

(2) by striking out the third paragraph.

26. Section 139 of the said Act is amended by replacing “appointment of the persons referred to in paragraph 4 of section 129 or 130, paragraph 3.1 of section 131 or paragraph 4 of each of sections 131.1 to 132.1” in the fourth, fifth and sixth lines of the first paragraph by “designation of the persons referred to in paragraph 7 of each of sections 129 to 132.1 and 133”.

27. Section 148 of the said Act is repealed.

28. Section 149 of the said Act is amended by replacing “reappointed, reelected” in the second paragraph by “designated again”.

29. Section 151 of the said Act is amended

(1) by replacing “vote or be elected at an election held under section 135” in the fifth and sixth lines of the first paragraph by “be designated as member of the board of directors of an institution in accordance with paragraph 8 of sections 129, 131 and 131.1”;

(2) by replacing the third and fourth paragraphs by the following paragraphs :

“A person employed by an institution or practising a profession in a centre operated by an institution may be designated as member of the board of directors of the institution only in accordance with the provisions of paragraphs 4 and 5 of sections 129, 131 and 131.1, paragraphs 3 and 4 of sections 132 and 132.1 and paragraphs 4 and 5 of section 133 respectively. The person may be designated as member of the board of directors of any other institution.

No member of a legal person designated under paragraph 7 of each of sections 129, 131 and 131.1 may be designated as a member of the board of directors of the institution in accordance with paragraph 8 of each of those sections.”

30. Section 152 of the said Act is amended

(1) by replacing “appointment or election” in the second line of the first paragraph by “designation”;

(2) by replacing “elected pursuant to section 135” in the first line of the second paragraph by “designated in accordance with paragraph 8 of each of sections 129, 131 and 131.1”.

31. Section 156 of the said Act is amended

(1) by replacing “election or appointment” in the first line of the first paragraph by “designation”;

(2) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs :

“(1) in the case of a member referred to in paragraphs 2 to 5 of sections 129, 131 and 131.1, paragraphs 1, 3 and 5 of sections 129.1 and 130, paragraphs 1, 3, 4 and 8 of sections 132 and 132.1 and paragraphs 1 to 5 and 9 of section 133, in accordance with the procedure prescribed for the designation of that member ;

“(2) in the case of a member referred to in paragraph 1 of sections 129, 131 and 131.1, paragraph 4 of sections 129.1 and 130, paragraph 5 of sections 132 and 132.1, and paragraph 8 of section 133, every vacancy occurring less than two years after a designation shall be filled in accordance with the procedure prescribed for the designation of that member ;

“(3) in every other case, the members of the board of directors remaining in office shall fill the vacancy by resolution provided the person thus designated has the qualifications required to be a member of the board of directors in the same capacity as the member being replaced, and provided the designation, where applicable, takes into account the cases of ineligibility set out in the first and fourth paragraphs of section 151. The board of directors shall inform the regional board of the designation.” ;

(3) by inserting “in accordance with subparagraph 2 or 3 of the first paragraph” after “vacancy” in the first line of the second paragraph.

32. Section 176 of the said Act is amended by replacing “ten” by “six”.

33. Section 181.2 of the said Act is amended by inserting “133,” after “132.1,”.

34. The said Act is amended by inserting the following after section 182 :

“DIVISION II.1

“MANAGEMENT AND REPORTING

“§1. — *Management and accountability agreement*

“**182.1.** Each public institution must enter into a management and accountability agreement with the regional board.

In the case of an institution referred to in the third paragraph of section 126, however, the Minister must be a party to the agreement.

“**182.2.** A management and accountability agreement must contain

(1) a definition of the mission and strategic directions of the institution ;

(2) an annual action plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis;

(3) the main indicators to be used in measuring the results;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

“182.3. A management and accountability agreement is a public document which the regional board shall transmit to the Minister.

“182.4. The executive director of the institution having entered into a management and accountability agreement must ensure that the mission and strategic directions of the institution are complied with, and that the institution achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

“182.5. The regional board is, after entering into a management and accountability agreement, empowered to exercise supervision and control over the achievement of the objectives of the institution.

The board of directors of the institution and, in the case of an agreement under the second paragraph of section 182.1, the Minister are also empowered to exercise supervision and control.

“182.6. A board of directors of an institution that considers that the executive director has not complied with the management and accountability agreement may take measures such as suspending the appointment of the executive director for a determined term, reducing the term of appointment or dismissing or replacing the executive director.

In addition, the regional board may suspend or cancel the management and accountability agreement. The regional board shall notify the Minister immediately of the suspension or cancellation.

“§2. — Reporting

“182.7. Every institution must prepare an annual management report.

The report must include

(1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement;

(2) a statement by the executive director of the institution concerning the reliability of the data and of the monitoring mechanisms;

(3) any other particular or information determined by the Minister.

The annual management report of the institution shall be transmitted to the regional board, which shall communicate it to the Minister.

“182.8. The annual management report shall replace the annual report of activities that is required under section 278 if the annual management report contains the information required to be included in the annual report of activities.”

35. Section 193 of the said Act is amended

(1) by adding “, after consulting the regional board” at the end of the first sentence ;

(2) by adding the following paragraph :

“Where the executive director is absent or unable to act, the person designated for that purpose by the board of directors shall exercise the functions and powers of the executive director.”

36. Section 194 of the said Act is amended

(1) by adding the following at the end of the first paragraph: “and is responsible for the day-to-day management of its activities and resources. The executive director shall account for his management to the board of directors.” ;

(2) by replacing “He” at the beginning of the second paragraph by “The executive director”.

37. Section 201 of the said Act is amended by inserting, in the second line of the second paragraph, “the reduction of the term of his appointment,” after “his dismissal”.

38. Section 213 of the said Act is amended by replacing “may” in the second line of the third paragraph by “must”.

39. Section 219 of the said Act is amended by replacing “may” in the third paragraph by “must”.

40. Section 225.1 of the said Act is amended by replacing “second paragraph of section 126.1 may” in the third paragraph by “third paragraph of section 126.1 must”.

41. Section 226 of the said Act is amended by replacing “may” in the second line of the fifth paragraph by “must”.

42. Section 239 of the said Act is amended by striking out “240.”.

43. Section 240 of the said Act is replaced by the following sections :

“240. Except in the cases provided for in sections 243.1 and 248, the board of directors must, before granting a physician’s or dentist’s application for privileges, obtain the approval of the regional board; the regional board must approve the application if it is in conformity with the medical and dental staffing plan of the institution, approved in accordance with section 378.

“240.1. Where the regional board has reason to believe that privileges have been granted to a physician by an institution in contravention of section 240, the regional board shall conduct an inquiry in accordance with section 414; the regional board shall communicate the results of its inquiry to the Minister, the institution and the physician concerned.

“240.2. Where the regional board is satisfied, following the inquiry, that section 240 was contravened, the regional board may, after the expiry of 60 days, notify the physician concerned and advise the Régie de l’assurance maladie du Québec that it is to apply the provisions of section 25.1 of the Health Insurance Act (chapter A-29). The notice shall be transmitted in writing by the president and executive director of the regional board.”

44. Section 319 of the said Act is amended by replacing “133.1” in the second paragraph by “132.1 and 133”.

45. Section 319.1 of the said Act is amended by replacing “or 132” in subparagraph 4 of the first paragraph by “, 132 or 133”.

46. Section 340 of the said Act is amended by adding the following subparagraph after subparagraph 7 of the second paragraph :

“(8) carrying out any mandate entrusted to it by the Minister.”

47. Section 341 of the said Act is amended by replacing “the expression “regional board”” by “the expression “Santé et Services sociaux-Québec””.

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

“343.1. A people’s forum whose activities are coordinated by the president and executive director of the regional board is hereby established for each region of Québec where the Government institutes a regional board.

The forum shall be composed of 15 to 20 members designated by the board of directors of the regional board from a list of names proposed by the principal socio-economic groups.

In making the designations under the second paragraph, the board of directors must ensure just representation of the parts of the territory of the regional board, the sectors of activity, the sociocultural and linguistic characteristics, the age groups and the sexes.

“343.2. The people’s forum is responsible to the board of directors of the regional board

(1) for setting up different modes of consultation of the population on issues regarding health and well-being ;

(2) for making recommendations on the means to put in place so as to improve satisfaction of the population as regards available health and social services and to better respond to the needs in terms of service organization.

“343.3. The people’s forum shall establish its own operating rules.

“343.4. The people’s forum shall meet with the board of directors of the regional board at least twice a year, and the meetings shall be open to the public.

“343.5. The board shall place at the disposal of the people’s forum the resources it needs for exercising its responsibilities.

“343.6. The regional board must report on the activities of the people’s forum at the time of the presentation of its annual report of activities to the population of its territory, according to the procedure determined pursuant to the second paragraph of section 384.”

49. The said Act is amended by inserting the following section before section 347 :

“346.1. The regional board must, after consulting the people’s forum, submit a three-year strategic service organization plan to the Minister for approval. The plan must indicate the financial implications of the measures it contains and take into account the financial resources at the disposal of the regional board.”

50. Section 347 of the said Act is amended by inserting “in accordance with its three-year strategic service organization plan and” after “must,” in the first line of the first paragraph.

51. Section 350 of the said Act is amended by adding “The allocation must be carried out in accordance with a plan approved beforehand by the Minister as provided for in the third paragraph of section 463.” at the end of the first paragraph.

52. The said Act is amended by inserting the following section after section 353 :

“353.1. The Minister may give a regional board instituted for a region the mandate to take the necessary measures to coordinate its services with the services of the regional boards instituted for neighbouring regions.”

53. Section 367 of the said Act is amended

(1) by replacing “elected” in subparagraphs 1 and 2 of the second paragraph by “designated”;

(2) by replacing “appointed” in subparagraph 3 of the second paragraph by “designated”;

(3) by replacing “executive director” in the third paragraph by “president and executive director”;

(4) by replacing “appoint”, “appointment” and “appointments” in the fourth paragraph by “designate”, “designation” and “designations” respectively;

(5) by replacing “appoint” in the second line of the fifth paragraph by “designate not more than”;

(6) by replacing “six” in the third line of the fifth paragraph by “not more than six”;

(7) by replacing “elected” in the sixth paragraph by “designated”.

54. Section 368 of the said Act is amended by replacing “appointment or election” by “designation”.

55. The said Act is amended by inserting the following sections after section 370:

“370.1. A regional nursing commission is hereby instituted for each region of Québec where the Government institutes a regional board.

The commission is composed of

(1) three persons designated by the members of the council of nurses of the institutions of the region from among their number, 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 or third paragraph of section 126;

(2) two persons designated by the directors of nursing care of the institutions of the region from among their number and referred to in section 206;

(3) one person designated by the representatives of general and vocational colleges from among their number;

(4) one person designated by the dean or director of the university nursing program, where applicable;

(5) one person designated by the members referred to in subparagraphs 1 to 4, recognized for leading-edge expertise as a nurse or nurse practitioner.

The president and executive director of the regional board or the nurse designated by the president and executive director for that purpose shall also be a member of the regional nursing commission.

On the recommendation of the regional nursing commission, the regional board may designate four resource persons as observers. Such persons shall participate in the discussions of the commission but shall be without voting rights.

The chair of the regional nursing commission shall be designated by the members referred to in the second paragraph from among their number.

“370.2. The procedure of designation of the members of the regional nursing commission and of its chair, their terms of office and the rules of internal management of the commission shall be determined by by-law of the regional board.

“370.3. The regional nursing commission is responsible to the board of directors of the regional board

(1) for advising it on the organization, distribution and integration of nursing care in the territory and on the nursing care staffing plan, on the basis of the regional service organization plans referred to in section 347 ;

(2) for advising it on certain matters relating to the accessibility and coordination of services in the region which involve nursing care ;

(3) for advising it on innovative approaches in nursing care and their incidence on the health of the population ;

(4) for carrying out any other mandate entrusted to it by the board of directors and submitting periodic reports thereon.

“370.4. The regional nursing commission may establish the committees necessary for the pursuit of its objects.”

56. Section 372 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“The Minister may require that a person representing the Minister participate in the process of selection of the public health director.

The public health director must be a physician trained in community health care and shall be appointed for a term of not more than four years. At the expiry of the term, the public health director shall remain in office until replaced or reappointed.”

57. The said Act is amended by inserting the following section after section 372:

“372.1. The Minister may, if a public health director is unable to act, is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, entrust the functions and powers vested in that public health director to another public health director, Québec’s national public health director appointed under the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) or a physician the Minister designates, for the time and on the conditions the Minister considers appropriate.

The Minister shall forthwith notify the president and executive director and the board of directors of the regional board of the decision.”

58. Section 373 of the said Act is amended

(1) by inserting “, in the region,” after “responsible” in the first line;

(2) by replacing paragraph 3 by the following paragraphs:

“(3) ensuring expertise in preventive health and health promotion and advising the regional board on prevention services conducive to reducing mortality and avoidable morbidity;

“(4) identifying situations where intersectorial action is necessary to prevent diseases, trauma or social problems which have an impact on the health of the population, and, where the public health director considers it appropriate, taking the measures considered necessary to foster such action.”;

(3) by adding the following paragraph:

“The public health director shall assume, in addition, any other function entrusted to him by the Public Health Protection Act (chapter P-35).”

59. Section 375 of the said Act is replaced by the following sections:

“375. The director must, without delay, inform Québec’s national public health director of any emergency or of any situation posing a threat to the health of the population.

“375.0.1. Québec’s national public health director may request a public health director to report on the decisions or advice made or given in the exercise of the public health director’s functions.”

60. The said Act is amended by inserting the following after section 385:

“DIVISION II.1

“MANAGEMENT AND REPORTING

“§1. — *Management and accountability agreement*

“**385.1.** The Minister shall determine, within the scope of a management and accountability agreement entered into with a regional board, the objectives to be achieved by the regional board.

“**385.2.** Such a management and accountability agreement must also contain

(1) a definition of the mission and strategic directions of the regional board ;

(2) an annual plan describing the objectives for the first year of the agreement, the measures to be taken to achieve them and the available resources, and an undertaking to produce such a plan on an annual basis ;

(3) the main indicators to be used in measuring the results ;

(4) an undertaking to produce, at the end of each year, a management report describing the results achieved.

“**385.3.** A management and accountability agreement is a public document.

“**385.4.** The president and executive director of a regional board having entered into a management and accountability agreement must ensure that the mission and strategic directions of the regional board are complied with, and that the regional board achieves its annual objectives within the management framework applicable to it using the resources allocated to it.

“**385.5.** The Minister is empowered to exercise supervision and control over the achievement of the objectives of a regional board with which the Minister has entered into a management and accountability agreement.

The board of directors of the regional board is also empowered to exercise supervision and control.

“**385.6.** Where the Minister ascertains that the annual objectives of a regional board have not been achieved or that the regional board has not complied with its management and accountability agreement, the Minister may suspend or cancel the management and accountability agreement.

“§2. — *Reporting*

“**385.7.** Every regional board must prepare an annual management report.

The report must include

- (1) a presentation of the results obtained, measured against the objectives fixed in the management and accountability agreement ;
- (2) a statement by the president and executive director of the regional board concerning the reliability of the data and of the monitoring mechanisms ;
- (3) any other particular or information determined by the Minister.

The annual management report of a regional board shall be transmitted to the Minister, who shall table it in the National Assembly.

“**385.8.** The annual management report shall replace the annual report of activities that is required under section 391 if the annual management report contains the information required to be included in the annual report of activities.

“**385.9.** Sections 8 to 29 and 58 to 63 of the Public Administration Act (2000, chapter 8) do not apply to a regional board.”

61. Section 387 of the said Act is amended by replacing “executive director” in the first paragraph by “president and executive director”.

62. Section 395 of the said Act is amended

- (1) by replacing “and 288 to” by “, 288 and”;
- (2) by striking out “and the audit it must cause to be carried out”, at the end.

63. Section 397 of the said Act, amended by section 200 of chapter 56 of the statutes of 2000, is replaced by the following section :

“**397.** The board of directors of a regional board shall consist of 15 members, appointed by the Government as follows :

- (1) six persons recognized for their management skills, who are representative of the various parts of the territory of the regional board and chosen from a list of names provided by the socio-economic organizations ;
- (2) three persons recognized for their management skills and their experience in the health and social services sector ; in regions where there is a faculty of medicine, one of those persons must be from the research sector ;

(3) one person chosen from a list of names provided by the organizations representative of the community sector;

(4) one person chosen from a list of names provided by the organizations representative of the educational sector;

(5) one person chosen from a list of names provided by the organizations representative of the union sector;

(6) one member of the regional medical commission;

(7) one member of the regional nursing commission;

(8) the president and executive director of the regional board.”

64. Section 397.2 of the said Act, amended by section 201 of chapter 56 of the statutes of 2000, and section 397.3 are replaced by the following sections :

“**397.2.** The Minister may determine, for each region designated by the Minister, the composition of each group referred to in paragraphs 1, 3, 4 and 5 of section 397 in order to ensure an equitable representation of socio-economic bodies, community organizations, educational institutions and union groups.

“**397.3.** In making the appointments referred to in section 397, the Government must take into account the representation of the various parts of the territory of the regional board, the sectors of activity and the sociocultural, linguistic and demographic groups as well as the most equitable representation possible of men and women and of different age groups.”

65. Sections 398 and 398.0.1 of the said Act are repealed.

66. Section 398.1 of the said Act is amended

(1) by replacing “a director of a private institution, the executive director of the regional board and the chairman” in the first and second lines of the second paragraph by “the president and executive director of the regional board, the member of the regional nursing commission and the member”;

(2) by striking out “elected or” in the fourth paragraph;

(3) by replacing “2 of the first paragraph” in the fourth paragraph by “3”.

67. Section 398.2 of the said Act is amended

(1) by striking out “or election” in the first paragraph;

(2) by striking out the second paragraph.

68. Section 399 of the said Act is replaced by the following section :

“399. The president and executive director shall be appointed for a term of not more than five years ; the other members shall be appointed for a term of not more than three years.

At the expiry of their terms, the president and executive director and the other members shall remain in office until replaced or reappointed.”

69. Section 400 of the said Act is amended by adding the following paragraph :

“The Government shall determine the remuneration, employment benefits and other conditions of employment of the president and executive director.”

70. Section 401 of the said Act is amended by replacing the first, second and third paragraphs by the following paragraph :

“401. Any vacancy on the board of directors, other than in the position of president and executive director, shall be filled in accordance with the rules of appointment set out in section 397 for the unexpired portion of the term of the member to be replaced.”

71. Sections 402 to 404 of the said Act are replaced by the following sections :

“402. The president and executive director of the regional board shall also hold the office of chair of the board of directors of the regional board and shall be responsible for the administration and direction of the regional board within the scope of its by-laws.

The office of president and executive director is a full-time position. The president and executive director shall see that the decisions of the board of directors are carried out and that all the information the board of directors requires or needs in order to assume its responsibilities is transmitted to it.

“403. As chair of the board of directors, the president and executive director shall call and preside at the meetings of the board and see to the proper operation of the board. The president and executive director shall exercise any other functions assigned by the board of directors.

“404. The members of the board of directors shall designate a vice-chair from among their number, who shall chair the board of directors when the president and executive director is absent or unable to act.

The board members shall also designate the secretary of the board from among themselves.”

72. Section 405 of the said Act is amended by replacing subparagraph 3 of the second paragraph by the following subparagraph :

“(3) appointing the senior management officers and confirming the designation, made by the president and executive director, of the complaints officer responsible for implementing the users’ complaint examination procedure provided for in section 43;”.

73. Section 407 of the said Act is amended by replacing “and 181” by “, 181, 234 and 235”.

74. Section 408 of the said Act is amended by replacing “chairman” in the third paragraph by “president and executive director”.

75. Section 410 of the said Act is amended

(1) by replacing “Subject to section 201, which applies, with the necessary modifications to the regional board, decisions” in the first paragraph by “The decisions”;

(2) by replacing “the chairman or, in his absence, the vice-chairman” in the second paragraph by “the person chairing the meeting”.

76. Division V of Chapter I of Title I of Part III of the said Act, including sections 414 to 417, is replaced by the following division:

“DIVISION V

“INQUIRY AND SUPERVISION

“414. The regional board may exercise a supervisory power in the manner provided in section 489, conduct an inquiry or direct a person it designates to conduct an inquiry in the following cases:

(1) where an institution is not complying with the law;

(2) where an institution tolerates a situation that could pose a threat to the health or well-being of the persons served by the institution;

(3) where the regional board becomes aware, at any time in a financial year, that the expenditures of a public institution exceeds its revenues and that the maintenance of its budgetary balance is threatened;

(4) where the regional board considers that there has been grave misconduct, such as embezzlement, in the management of the institution.

The regional board or the person designated by it to conduct the inquiry is vested, for the purposes of the inquiry, with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

415. Following the inquiry, the regional board may require the institution concerned to submit an action plan in response to the recommendations made by the board.”

77. Section 417.2 of the said Act is amended by replacing the words “executive director” wherever they appear in that section by “president and executive director”.

78. Section 417.3 of the said Act is amended by replacing “executive director” in paragraph 3 by “president and executive director”.

79. Section 431 of the said Act is amended by inserting “national and” before “inter-regional” in subparagraph 8 of the second paragraph.

80. Section 463 of the said Act is amended by adding “pursuant to the first paragraph of section 350” at the end of the third paragraph.

81. Section 487.2 of the said Act, amended by section 189 of chapter 8 of the statutes of 2000, is again amended by replacing “regional boards” in the second line of the first paragraph by “the regional board established pursuant to section 530.25”.

82. Section 530.16 of the said Act is amended by replacing the second paragraph by the following paragraphs :

“The motion must be presented within 60 days of the date on which the results of the election are known.

On receipt of the motion, the secretary of the Tribunal shall send a copy to the person against whom the proceedings are brought and to the Minister of Health and Social Services. The Minister may intervene at any stage in the proceeding and in such case is a party thereto.

The Tribunal may confirm or annul the election or declare another person duly elected.

Where the Tribunal annuls the election of a member without declaring another person duly elected, a new election must be held without delay.

A member so elected shall remain in office for the unexpired portion of the term of office of the member whose election is annulled.”

83. Section 530.18 of the said Act is amended by replacing the portion after “set out in” by “subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 and 3 of section 530.13, and in subparagraph 3 of the first paragraph of section 156 in any other case.”

84. Section 530.28 of the said Act is amended by replacing “411” by “409”.

85. The said Act is amended by inserting the following after section 530.31 :

“530.31.1. The members of the board of directors shall, each year, elect a chair, a vice-chair and a secretary from among their number.

“530.31.2. Section 158, with the necessary modifications, applies to the chair of the board of directors.

“530.31.3. The executive director of the regional board may not be elected chair or vice-chair of the board of directors.

“DIVISION III.1

“EXECUTIVE DIRECTOR

“530.31.4. The members of the board of directors of the regional board shall appoint the executive director of the regional board.

“530.31.5. The executive director is responsible, under the authority of the board of directors, for the management and operation of the regional board within the scope of its by-laws.

The executive director shall see that the decisions of the board of directors are implemented and ensure that any information it requires or needs to assume its responsibilities is transmitted to it.

“530.31.6. Sections 197 to 200, with the necessary modifications, apply to the executive director.

“DIVISION III.2

“AUDIT

“530.31.7. The regional board is, as regards the audits it must cause to be carried out, subject to sections 289 to 294, with the necessary modifications.”

86. The French text of section 530.50 of the said Act is amended by inserting “du deuxième alinéa” after “3°” in the second paragraph.

87. Section 530.52 of the said Act is amended by replacing “347” in the first paragraph by “346.1”.

88. The said Act is amended by inserting the following section after section 530.58 :

“530.58.1. The council of nurses of the institution shall exercise the powers and perform the duties of the regional nursing commission described in section 370.3; for the purposes of that provision, the expression “the regional board” refers to the institution.”

89. The said Act is amended by inserting the following section after section 530.61 :

“530.61.1. Sections 385.1 to 385.8 apply, with the necessary modifications, to the institution with respect to management and reporting.”

90. Section 530.62 of the said Act is replaced by the following section :

“530.62. The board of directors of the institution to which this Part applies shall be composed of the following persons, who shall be members of the board as and when they are designated:

- (1) one person designated by the users’ committee of the institution ;
- (2) two persons designated by the Minister, recognized for their experience and management skills and having their principal residence in the territory served by the institution ;
- (3) two persons designated by the Minister, one of whom practises a health profession and the other, a profession in the social sector ;
- (4) one person designated by the Minister from among the physicians practising in the territory served by the institution, chosen from a list of names provided by the council of physicians, dentists and pharmacists of the institution ;
- (5) one person designated by the Minister from among the nurses practising in the territory served by the institution, chosen from a list of names provided by the council of nurses of the institution ;
- (6) one person designated by the community organizations designated by the Minister and chosen from among the members of those organizations ;
- (7) where applicable, one person designated by the boards of directors of the foundations of the institution and chosen from among the members of those boards ;
- (8) five persons from the population in the territory served by the institution and designated by the members referred to in paragraphs 1 to 7 after consulting the population, in particular the socio-economic bodies of the territory ;
- (9) the executive director of the institution, appointed by the board of directors after consulting the Minister.”

91. Section 530.63 of the said Act is amended

- (1) by replacing the portion after “determines,” in the first paragraph by “see to it that the persons referred to in paragraphs 1, 6 and 7 of section 530.62 are designated.”;

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

“The Minister shall determine by by-law the procedure to be followed to designate the persons referred to in the first paragraph.”

92. Section 530.64 of the said Act is replaced by the following section :

“**530.64.** The Minister shall, within 30 days before the day fixed pursuant to section 530.63, designate the persons referred to in paragraphs 2 to 5 of section 530.62.”

93. Section 530.65 of the said Act is amended

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

“**530.65.** Once the members referred to in paragraphs 1 to 7 of section 530.62 have been designated, the members shall, within the following 30 days, designate the persons referred to in paragraph 8 of that section.”;

(2) by striking out the third paragraph.

94. Section 530.66 of the said Act is amended by replacing “530.62” by “530.63”.

95. Section 530.67 of the said Act is repealed.

96. Section 530.69 of the said Act is amended by replacing “elected or appointed” by “designated”.

97. Section 530.70 of the said Act is replaced by the following section :

“**530.70.** In section 156, the expression “the regional board” designates “the Minister”. The vacancy shall be filled in the manner set out in subparagraph 1 of the first paragraph of section 156, in the case of a member referred to in paragraphs 2 to 5 of section 530.62, in subparagraph 2 of the first paragraph of section 156, in the case of a member referred to in paragraphs 1, 6 and 7 of section 530.62, and in subparagraph 3 of the first paragraph of section 156, in any other case.”

98. Section 530.75 of the said Act is amended by replacing “regional board” in the fourth line of the second paragraph by “Minister”.

99. Section 530.78 of the said Act is amended by adding the following paragraph :

“The notice required under section 240.2 shall be given and transmitted by the Minister to the Régie de l’assurance maladie du Québec and to the physician concerned.”

100. Section 530.98 of the said Act, enacted by section 1 of chapter 33 of the statutes of 2000, is repealed.

101. The Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting the following section after section 25 :

“25.1. From the date of receipt of a notice from the regional board transmitted pursuant to section 240.2 of the Act respecting health services and social services, the Board shall cease making any payment to a physician for insured services rendered after that date in a centre operated by the institution mentioned in the notice sent by the regional board.”

102. Section 65 of the said Act is amended

(1) by inserting the following paragraph after the first paragraph :

“The Board is bound to disclose to the Minister and to the body with which the Minister has made an agreement under section 19, in non-nominative form, the information required for the making and carrying out of such an agreement, the management of staff subject to the application of the agreement, and the monitoring of the cost of the measures provided for therein.”;

(2) by replacing “and the Commission des normes du travail” at the end of the fifth paragraph by “, the Commission des normes du travail and the Public Curator”.

103. Section 4 of the Act respecting Institut national de santé publique du Québec (R.S.Q., chapter I-13.1.1) is amended by adding the following paragraph at the end :

“A further function of the institute shall be to carry out the activities and perform all the tasks entrusted to it by the Minister in the public health program established under section 431 of the Act respecting health services and social services (chapter S-4.2).”

104. Section 3 of Schedule I to the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “148, 530.16 or 530.67” in paragraph 11 by “530.16”.

105. The Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2) is amended by inserting the following section after section 5 :

“5.1. The Government shall appoint the Québec national public health director who shall hold a position of assistant deputy minister, to advise and assist the Minister and the Deputy Minister in the exercise of their responsibilities in public health.

Québec’s national public health director must be a physician who holds a specialist’s certificate in community health.”

106. Section 3.0.4 of the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30) is amended

(1) by replacing “and every regional board referred to” in subparagraph 5 of the first paragraph by “referred to”;

(2) by striking out “, board” in the third paragraph.

107. Section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by inserting “a regional board,” after “includes” in the first line of the fourth paragraph;

(2) by replacing “includes” in the fifth paragraph by “includes a health and social services council,”.

108. Section 36 of the said Act is amended

(1) by replacing “six” in the first paragraph by “seven”;

(2) by adding the following subparagraph at the end of the third paragraph :

“(7) regional boards governed by the Act respecting health services and social services and a health and social services council governed by the Act respecting health services and social services for Cree Native persons.”

109. Schedule C to the said Act is amended by striking out the following :

– The Conseil de la santé et des services sociaux de Lanaudière et des Laurentides

– The Conseil de la santé et des services sociaux de la région de Montréal métropolitain

– The Conseil de la santé et des services sociaux de la région de Québec

– The Conseil de la santé et des services sociaux de la région de Trois-Rivières

– The Conseil de la santé et des services sociaux de la région d’Abitibi-Témiscamingue”.

110. A pay equity or relativity plan within the meaning of the Pay Equity Act (R.S.Q., chapter E-12.001) which applies in the public and parapublic

sectors also applies to a regional board governed by the Act respecting health services and social services (R.S.Q., chapter S-4.2) and to a health and social services council governed by the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5).

111. From (*insert here the date of coming into force of this section*), notwithstanding section 401 of the Act respecting health services and social services, and until the coming into force of section 63 of this Act, where the office of a member of the board of directors of a regional board is vacant, the vacancy shall be filled by the Minister.

112. Sections 240 to 240.2 of the Act respecting health services and social services, enacted by section 43 of this Act, have effect notwithstanding section 619.17 of the Act respecting health services and social services.

113. The provisions enacted by sections 34, 60 and 89 of this Act shall have effect in respect of the fiscal year beginning on 1 April 2002.

114. Every regional board must ensure that the regional nursing commission instituted under section 370.1 of the Act respecting health services and social services, enacted by section 55 of this Act, is in a position to exercise its functions not later than 1 September 2001.

For the purposes of subparagraph 1 of the second paragraph of section 370.1, the provisions enacted by section 4 of this Act are deemed to be in force. The expression “president and executive director”, used in the third paragraph of section 370.1, designates the executive director until the coming into force of section 63 of this Act.

115. Notwithstanding the coming into force of section 63 of this Act, the board of directors of a regional board already formed to administer the affairs of the regional board shall continue in office until a new board of directors is formed pursuant to the provisions enacted by that section, and shall continue to be governed by the rules that were applicable to it.

The first board of directors shall be deemed to be formed when more than one-half of the members, including the president and executive director, are appointed by the Government.

116. The Minister is responsible for taking the necessary steps to ensure that, as soon as possible after the first boards of directors of the regional boards are formed pursuant to the provisions enacted by section 63 of this Act, the first boards of directors of the public institutions be formed in accordance with the provisions of the Act respecting health services and social services as enacted or amended by this Act.

The orders of the Government made under section 128 of the Act respecting health services and social services remain valid for the purposes of the first paragraph.

117. The Minister shall determine the day and month when the first designations are to be made pursuant to section 135 of the Act respecting health services and social services, replaced by section 23 of this Act. For that purpose, the Minister shall take into account the obligation on the part of the regional boards to determine by by-law the procedure to be observed at the time the first designations are made.

118. The first designations pursuant to section 137 of the Act respecting health services and social services, replaced by section 24 of this Act, and the designations pursuant to section 138 of that Act, amended by section 25 of this Act, must be made in relation to the day fixed by the Minister pursuant to section 117.

119. The term of office of the members of the first boards of directors designated in accordance with the provisions of sections 117 and 118 is effective, notwithstanding section 149 of the Act respecting health services and social services, until the month of October or November of the year following the year of the second anniversary of the formation of the boards of directors.

120. On the formation of the first boards of directors of the public institutions in accordance with the provisions of sections 117 and 118, the person holding the office of executive director of the institution or institutions concerned remains in office until the expiry of his or her contract.

The board of directors may renew the employment contract of the executive director only after it has consulted the regional board.

121. The provisions of sections 116 to 120 apply, with the necessary modifications, to the institution to which Part IV.2 of the Act respecting health services and social services applies.

122. The provisions of this Act come into force on the date or dates to be fixed by the Government, except sections 3, 34, 42, 43, 46, 51, 52, 55, 60, 76, 80, 84, 86, 89, 98, 99, 101, 102 and 107 to 121, and section 397.2 of the Act respecting health services and social services replaced by section 64, which come into force on *(insert here the date of assent to this Act)*.