

chapter S-5

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

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DIVISION I

GENERAL PROVISIONS

§ 1. — *Definitions*

1. In this Act and the regulations, unless the context indicates a different meaning, the following expressions and words mean:

(a) “institution” : a local community service centre, a hospital centre, a social service centre or a reception centre;

(b) “public institution” : an institution contemplated in sections 10 and 11;

(c) “private institution” : an institution contemplated in sections 12 and 13;

(d) “private institution under agreement” : any private institution which has made an agreement contemplated in section 177 with the Minister;

(e) “institution affiliated with a university” : an institution which has made a contract contemplated in section 125 with a university;

(f) “regional council” : a health and social service council established under this Act;

(g) “local community service centre” : facilities other than a professional’s private consulting office in which sanitary and social preventive and action services are ensured to the community, in particular by receiving or visiting persons who require current health services or social services for themselves or their families, by rendering such services to them, counselling them or, if necessary, by referring them to the institutions most capable of assisting them, and in which public health activities are carried out in accordance with the provisions of the Public Health Act (chapter S-2.2);

(h) “hospital centre” : facilities to which persons are admitted for preventive purposes, medical diagnosis, medical treatment, physical or mental rehabilitation, excluding however a professional’s private consulting office and an infirmary where a religious or educational institution receives its staff or students;

(i) (*subparagraph repealed*);

(j) “social service centre” : facilities in which social action services are provided by receiving or visiting persons who require specialized social services for themselves or their families and by offering to persons facing social difficulties the aid necessary to assist them, especially by making available to them services for prevention, consultation, psycho-social or rehabilitation treatment, adoption and placement of children or aged persons, excluding however a professional’s private consulting office;

(k) “reception centre” : facilities where in-patient, out-patient or home-care services are offered for the lodging, maintenance, keeping under observation, treatment or social rehabilitation, as the case may be, of persons whose condition, by reason of their age or their physical, personality, psycho-social or family deficiencies, is such that they must be treated, kept in protected residence or, if need be, placed under confinement, or treated at home, including nurseries, but excepting childcare providers within the meaning of the Educational Childcare Act (chapter S-4.1.1), foster families, vacation camps and other similar facilities and facilities maintained by a religious institution to receive its members or followers;

(l) “professional’s private consulting office” : a place, elsewhere than in an institution, where one or more physicians, dentists or other professionals, alone or as a group, regularly practise their profession privately, on their own account;

(m) “Minister” : the Minister of Health and Social Services;

(n) “regulation” : any regulation made under this Act by the Government;

(o) “foster family” : a family which takes charge of one or several adults or children, to a maximum number of nine, who are entrusted to it through a social service centre;

(p) “beneficiary” : every person to whom health services or social services are furnished by an institution or foster family;

(q) “user” : every person who holds a card or is entered on a register showing that a local community service centre or a social service centre has furnished services to him within the last two years, excepting, however, any person holding an employment or practising his profession in such a centre and any person being a member of a non-profit legal person that maintains a social service centre;

(r) (*subparagraph repealed*).

For the purposes of this Act, a person being the holder of a college or university diploma who occupies a position with the institution characteristic of the field of such diploma and directly connected with health services, social services, research or teaching, and a person who carries on the professional activities of a nurse or a nursing assistant for the institution are members of the clinical staff of the institution.

Except in the regions contemplated in Divisions III and IV of this Act, a physician, a dentist or a pharmacist is not a member of the clinical staff of an institution where a council of physicians, dentists and pharmacists is constituted in the institution.

However, physicians and dentists, other than those holding administrative posts at the institution, are not members of the staff.

1971, c. 48, s. 1; 1974, c. 42, s. 1; 1977, c. 5, s. 14; 1977, c. 48, s. 1; 1979, c. 85, s. 82; 1981, c. 22, s. 40; 1984, c. 47, s. 208; 1985, c. 23, s. 24; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1997, c. 58, s. 177; 1997, c. 43, s. 741; 1997, c. 75, s. 51; 1999, c. 40, s. 270; 2002, c. 38, s. 1; 2005, c. 47, s. 145.

§ 2. — *Application*

1.1. Notwithstanding any inconsistent provision it may contain, this Act applies to the extent that it refers to the territory of the Cree Board of Health and Social Services of James Bay.

1992, c. 21, s. 341; 1994, c. 23, s. 21; 2002, c. 69, s. 155.

2. This Act and the regulations shall apply to every institution by whatever law governed, notwithstanding any general law or special Act.

This Act and the regulations shall not apply, however, to benevolent activities principally supported by public subscription, to activities for social betterment, public information or mutual social aid or to the other activities provided for by the regulations when such activities are not carried on under the authority of an institution.

1971, c. 48, s. 2; 1972, c. 44, s. 66; 1992, c. 21, s. 375; 1997, c. 75, s. 52.

3. The Minister shall exercise the powers that this Act confers upon him in order to:

(a) improve the state of the health of the population, the state of the social environment in which they live and the social conditions of individuals, families and groups;

(b) make accessible to every person, continuously and throughout his lifetime, the complete range of health services and social services, including prevention and rehabilitation, to meet the needs of individuals, families and groups from a physical, mental and social standpoint;

(c) encourage the population and the groups which compose it to participate in the founding, administration and development of institutions so as to ensure their vital growth and renewal;

(d) better adapt the health services and social services to the needs of the population, taking into account regional characteristics, including the geographical, linguistic, sociocultural and socioeconomic characteristics of the region, and apportion among such services the human and financial resources in the most equitable and rational manner possible;

(d.1) promote, for the members of the various cultural communities of Québec, access to health services and social services in their own language;

(e) promote recourse to modern methods of organization and management to make the services offered to the population more effective;

(f) promote research and teaching.

1971, c. 48, s. 3; 1986, c. 106, s. 1, s. 2; 1992, c. 21, s. 375.

3.1. The Government shall determine, each year, the number of medical training positions available within the scope of a postgraduate medical training program. The number of such positions must include

(1) the training periods in general practice or family medicine;

(2) the other training periods required for any of the specialties recognized in a regulation under the Medical Act (chapter M-9).

The Government may, with a view to furthering the apportionment of medical resources among the regions on the basis of rational considerations, authorize, each year, a certain number of the medical training positions prescribed in subparagraph 2 of the first paragraph, subject to the acceptance, by the trainee, of an undertaking with a penal clause, where such is the case, to practise in the region or institution determined by the Minister for a period not exceeding four years. The number of such positions must not exceed 25% of the positions which, among all the positions prescribed in subparagraph 2 of the first paragraph, are intended for new medical trainees.

Where a position referred to in the second paragraph is not filled, it automatically becomes a medical training position in general practice or in family medicine, without an undertaking to practise in a determined region or institution.

In addition, the Government may, where it deems it expedient, authorize, under the conditions prescribed in the second paragraph, an additional number of postgraduate medical training positions intended for graduate students of universities or schools situated outside Canada and the United States subject to the acceptance, by the trainee, of an undertaking with a penal clause, where such is the case, to practise in the region or institution determined by the Minister for a period of four years.

The number of positions referred to in the second paragraph shall be determined by the Minister after consultation with the Ordre professionnel des médecins du Québec, the deans of the faculties of medicine of Québec universities and the health and social service councils of the regions where the trainees are to practise.

1987, c. 104, s. 1; 1992, c. 21, s. 375; 1994, c. 40, s. 457.

§ 3. — *Right to health services and social services*

4. Every person has the right to receive adequate, continuous and personal health services and social services from a scientific, human and social standpoint, taking into account the organization and resources of the institutions providing such services.

Immediately upon discharge by a physician or dentist, the beneficiary must leave the institution sheltering him.

An institution shall not cease to shelter a beneficiary who has been discharged unless his condition warrants his return home or he is assured of a place in another institution where he will be able to receive the services required by his condition.

1971, c. 48, s. 4; 1974, c. 42, s. 2; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

5. Health services and social services must be granted without discrimination or preference based on the race, colour, sex, religion, language, national extraction, social origin, customs or political convictions of the person applying for them or of the members of his family.

1971, c. 48, s. 5.

5.1. Every English-speaking person is entitled to receive health services and social services in the English language, taking into account the organization and resources of the institutions providing such services and to the extent provided by an access program contemplated in section 18.0.1.

1986, c. 106, s. 3; 1992, c. 21, s. 375.

6. Subject to section 5 and any other applicable legislative provision, nothing in this Act shall restrict the freedom of a resident of Québec to choose the professional or institution from whom or which he wishes to receive health services or social services or that of a professional to agree or refuse to treat such person.

1971, c. 48, s. 6; 1992, c. 21, s. 375.

7. The medical records of the beneficiaries in an institution shall be confidential. No person shall give or take verbal or written communication of them or otherwise have access to them, even for an inquiry, except with the express or implied consent of the beneficiary, or on the order of a court, or the coroner exercising his duties or in cases where an Act or regulation provides that such communication is necessary for its administration. The same shall apply to the records of beneficiaries receiving social services from an institution.

However, information contained in the record of a beneficiary may be communicated, in order to prevent an act of violence, including a suicide, without the consent of the beneficiary or an order of the court, where there is reasonable cause to believe that there is an imminent danger of death or serious bodily injury to the beneficiary, another person or an identifiable group of persons. The information may in such case be communicated to any person exposed to the danger or that person's representative, and to any person who can come to that person's aid. The information may be communicated only by a person or a person belonging to a class of persons authorized by the director of professional services or, failing such a director, by the executive director of the institution. The persons so authorized may only communicate such information as is necessary to achieve the purposes for which the information is communicated. The executive director of the institution must, by a directive, determine the terms and conditions according to which the information may be communicated. Every person authorized to communicate the information is required to comply with the directive.

In addition, the director of professional services of an institution or, failing such a director, the executive director may, notwithstanding subparagraph 5 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), authorize a professional to examine the record of a beneficiary for study, teaching or research purposes without the beneficiary's consent. Before granting such authorization, the director must, however, ascertain that the criteria determined under section 125 of that Act are satisfied and, where the director is of the opinion that the professional's project is not in compliance with generally accepted standards of ethics or scientific integrity, the director must refuse to grant the authorization. The authorization must be granted for a limited period and may be subject to conditions. It may be revoked at any time if the director has reason to believe

that the authorized professional is violating the confidentiality of the information obtained or is not complying with the conditions imposed or with generally accepted standards of ethics or scientific integrity.

Consent to a request for access to a beneficiary's record for study, teaching or research purposes must be in writing ; in addition, it must be free and enlightened and given for specific purposes. Otherwise, it is without effect. It is valid only for the time required for the attainment of the purposes for which it was granted or, in the case of a research project approved by an ethics committee, for the period determined, where that is the case, by the ethics committee.

At the request of a beneficiary, an institution must, in accordance with the regulations, send a copy or summary of, or an extract from, the beneficiary's record as soon as practicable to another institution or to a professional. However, where the request of the beneficiary is made for study, teaching or research purposes, the institution may require consent in writing, and the provisions of the preceding paragraph apply.

Where an institution provides a person with personal information of a medical or social nature concerning him contained in his record, it shall, upon the request of the beneficiary, provide him with the assistance of a professional qualified to help him understand the information.

An institution may refuse for the moment to give communication to a beneficiary of personal information concerning him contained in his record where, in the opinion of his attending physician, it will likely be seriously prejudicial to his health. In such a case, the institution, on the recommendation of the attending physician, shall determine when the information may be communicated and shall inform the beneficiary.

A beneficiary to whom an institution refuses, for the moment, access to personal information concerning him may apply to a judge of the Superior Court, of the Court of Québec, or to the Commission d'accès à l'information, for a review of the decision. He may also, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec.

Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information, no beneficiary has the right to be informed of the existence or to take communication of personal information concerning him given by a third person which is contained in his record, where knowledge of the existence thereof or the communication thereof would make it possible to identify the third person, unless that person has agreed in writing to the disclosure of such information and the source thereof to the beneficiary.

The ninth paragraph does not apply where the personal information was furnished by a health or social services professional or by a member of the staff of a health or social services institution.

1971, c. 48, s. 7; 1974, c. 42, s. 3; 1975, c. 61, s. 1; 1977, c. 48, s. 2; 1977, c. 20, s. 138; 1983, c. 41, s. 206; 1986, c. 57, s. 6; 1986, c. 95, s. 306; 1987, c. 68, s. 112; 1988, c. 21, s. 138; 1992, c. 21, s. 375; 1997, c. 43, s. 742; 1999, c. 45, s. 4; 2001, c. 78, s. 15; 2006, c. 22, s. 177; L.N. 2016-01-01 (NCCP).

8. The following may also take communication of the record of a beneficiary:

(a) the heirs, legatees by particular title and legal representatives of a beneficiary, including the mandatary of an incapable person of full age;

(b) *(subparagraph repealed)*;

(c) the holder of parental authority in regard to the record of a minor;

(d) a person entitled to the payment of a benefit under a life insurance policy of a beneficiary.

Notwithstanding the first paragraph, the heirs, legatees by particular title and legal representatives of a beneficiary shall not be given communication of the record of that beneficiary, except for the purposes of exercising their rights as such.

Similarly, no person who is entitled to the payment of a benefit under an insurance policy on the life of a beneficiary may be given communication of the record of that beneficiary, except for the purposes of establishing his rights to the benefit.

A minor under 14 years of age is not entitled, within the scope of an application to have information communicated to him or rectified, to be informed of the existence or take communication of personal information of a medical or social nature concerning him contained in the record held by the institution. This paragraph does not have the object of restricting normal communications between a beneficiary and a health or social services professional or a member of the staff of a health or social services institution.

This section applies notwithstanding the first paragraph of section 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1974, c. 42, s. 4; 1977, c. 48, s. 3; 1986, c. 57, s. 6; 1986, c. 95, s. 307; 1987, c. 68, s. 113; 1989, c. 54, s. 185; 1992, c. 21, s. 375; 1999, c. 40, s. 270; 2006, c. 22, s. 177.

8.1. Notwithstanding subparagraph *c* of the first paragraph of section 8, an institution shall refuse to communicate the record of a minor to the holder of parental authority where

(1) the beneficiary is under 14 years of age, an intervention within the meaning of section 2.3 of the Youth Protection Act (chapter P-34.1) has been made in his regard or a decision respecting him has been made under the said Act and the institution, after consulting the director of Youth Protection, determines that the communication of the record of the beneficiary to the holder of parental authority is or could be prejudicial to the physical or mental health of the beneficiary;

(2) the beneficiary is 14 years of age or over and, after being consulted by the institution, refuses to allow his record to be communicated to the holder of parental authority, and the institution determines that the communication of the record of the beneficiary to the holder of parental authority is or could be prejudicial to the physical or mental health of the beneficiary.

This section applies notwithstanding the second paragraph of section 53, section 83 and the first paragraph of section 94 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1987, c. 68, s. 114; 1992, c. 21, s. 375.

§ 4. — *Public or private nature of institutions*

1992, c. 21, s. 375.

9. Every institution is public or private.

1971, c. 48, s. 8; 1992, c. 21, s. 375.

10. The following are public institutions:

(a) every institution constituted under this Act or resulting from an amalgamation or conversion made under this Act;

(b) every hospital centre or social service centre maintained by a non-profit corporation;

(c) every institution using for its object immovable assets which are the property of a non-profit legal person other than a legal person constituted under this Act.

1971, c. 48, s. 9; 1974, c. 42, s. 5; 1977, c. 48, s. 4; 1981, c. 22, s. 41; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

11. Every reception centre maintained by a non-profit legal person other than a legal person contemplated in section 10 is also a public institution, subject to section 12.

1971, c. 48, s. 10; 1974, c. 42, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

12. However, a reception centre maintained by a non-profit legal person other than a legal person resulting from an amalgamation or conversion made under this Act is a private institution:

(a) if it is arranged to receive not more than 20 persons at one time; or

(b) if it was already constituted on 1 January 1974 and if it operates without recourse to sums of money derived from the Consolidated Revenue Fund or if such sums do not cover more than 80% of the net amounts it would receive for its current operating expenses, if it were a public institution; or

(c) if it operates in a cooperative form provided for by the regulations.

1971, c. 48, s. 11; 1974, c. 42, s. 7; 1979, c. 85, s. 83; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

13. Every other institution is a private institution.

1971, c. 48, s. 12; 1992, c. 21, s. 375.

DIVISION II

HEALTH AND SOCIAL SERVICE COUNCILS

§ 1. — *Formation and powers*

14. The Government may establish a health and social service council for each region of Québec determined by it.

1971, c. 48, s. 13.

15. The name of every regional council must include the term “Health and Social Services Council” and indicate the region for which such council is established.

1971, c. 48, s. 14.

16. Every regional council is a legal person.

1971, c. 48, s. 15; 1999, c. 40, s. 270.

17. A regional council may, by by-law:

(a) create the necessary committees for the pursuit of its objects, including administrative committees;

(b) determine their composition, functions, duties and powers, their methods of business management, their rules of internal management and their financing;

(c) determine the mode of appointment, qualifications, functions, duties and powers, term of office and mode of dismissal of their members.

Such by-law must be submitted to the Minister for approval in writing.

1977, c. 48, s. 5.

18. The principal functions of a regional council shall be:

(a) to encourage the participation of the population in defining its own needs in health services and social services and in the administration and operation of the institutions providing such services;

(b) to ensure sustained communication between the public, the Minister and such institutions;

(c) to receive and hear the complaints of persons for whom an institution situated in the region for which the regional council is established has not furnished the health services and the social services that this Act entitles them to receive, and make the recommendations it considers appropriate in this regard to the institution concerned and the Minister;

(d) to advise and assist the institutions in the preparation of their programs to develop and operate health services and social services and to assume the duties that the Minister entrusts it with to carry out such programs;

(e) to promote the exchange, the elimination of duplication and the better distribution of services in the region and the setting up of common services for several institutions;

(e.1) to act as exclusive representative of the institutions or a category of institutions in the whole or part of its region

i. for the supply in common of such goods as it determines, except the classes of goods indicated by the Minister;

ii. for the supply of common services in the cases and on the conditions determined by the Minister;

(f) to send the Minister, at least once a year, its recommendations to ensure adequate apportionment in its territory of the resources devoted to health services and social services and the best possible use of the available resources;

(g) to carry out, within its territory, any other function or assume the cost of any program relating to the administration of health services and social services that is entrusted to it by the Government.

1971, c. 48, s. 16; 1977, c. 48, s. 6; 1978, c. 72, s. 1; 1981, c. 22, s. 42; 1992, c. 21, s. 375.

18.0.1. Every regional council, in cooperation with the institutions and jointly with other regional councils, as the case may be, shall prepare a program of access to health services and social services in the English language for persons contemplated in section 5.1 in the institutions it indicates, taking into account the organization and resources of such institutions. The program must be approved by the Government.

1986, c. 106, s. 4; 1992, c. 21, s. 375.

18.1. Hospital centres and reception centres shall submit their criteria on the admission and discharge of beneficiaries and their policies on the transfer of beneficiaries, for approval, to the health and social service council of their region if it is designated by regulation.

Every regional council designated under the first paragraph shall establish, in accordance with the standards determined by regulation, a regional system for the admission, discharge and transfer for beneficiaries of long-term care, shelter and rehabilitation, except beneficiaries of services from rehabilitation centres for physically handicapped persons, from rehabilitation centres for persons addicted to drugs and from care and shelter centres for mothers.

Notwithstanding the first paragraph, the Minister may require a hospital centre or a reception centre that he designates for that purpose because of its special vocation to submit to him its criteria on admissions and discharge, and its policies on transfers of beneficiaries. The Minister shall in such a case obtain the opinion of the health and social service council of the region in which the institution is situated. Once approved by the Minister, such criteria and policies bind the institutions and the regional council concerned.

1981, c. 22, s. 43; 1983, c. 54, s. 72; 1984, c. 47, s. 164; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

18.2. A regional council designated by regulation may, to keep in daily touch with the situation in the public institutions and the private institutions referred to in sections 176 and 177, require statistical information from such institutions on the number and nature of registrations and admissions of beneficiaries, on the daily occupancy rate of the institution and on transfers and transport by ambulance of beneficiaries.

1981, c. 22, s. 43; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

18.3. The Conseil de la santé et des services sociaux de la région de Montréal Métropolitain shall, for the purpose of ensuring the distribution of emergency cases, exercise the following functions:

(1) to establish criteria on admissions and policies on transfers of beneficiaries to public institutions and the private institutions referred to in sections 176 and 177;

(2) to ensure that adequate operating standards for emergency services are adopted in such institutions or, if they are not, to fix such standards;

(3) to ensure that such institutions adopt and apply, in respect of the use and allocation of beds, standards in conformity with the requirements of an adequate distribution of emergency cases or, if they do not, to fix such standards;

(4) to devise and set up a regional information system to keep in daily touch with the situation in such institutions in respect of the number and nature of registrations and admissions of beneficiaries and their transfer and transport by ambulance;

(5) *(subparagraph repealed)*;

(5.1) *(subparagraph repealed)*;

(6) *(subparagraph repealed)*.

1981, c. 22, s. 43; 1984, c. 47, s. 165; 1986, c. 57, s. 6; 1988, c. 47, s. 1; 1992, c. 21, s. 375.

18.4. An institution is bound by a decision of a regional council taken under paragraph *d*, *e.1* or *g* of section 18 or section 18.2 or 18.3.

In no case may the regional council exercise the function vested by paragraph *e.1* of section 18 except where it considers it advantageous to all the institutions bound by its decision.

1981, c. 22, s. 43; 1992, c. 21, s. 375.

18.5. Notwithstanding paragraph *e.1* of section 18, the Conseil de la santé et des services sociaux de la région de Québec may, with the authorization of the Minister, to the extent and on the conditions that he determines, give to Partagec Inc., a non-profit legal person constituted by letters patent issued on 8 July 1966 under Part III of the Companies Act (chapter C-38), the mandate to carry out on its behalf, in the whole or part of the region, its function as exclusive representative of the institutions or a category of institutions for the supply in common of goods and services.

1981, c. 22, s. 43; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

19. The executive director of an institution who receives a recommendation addressed by a regional council in accordance with paragraph *c* of section 18 must, not later than 30 days after receipt of such recommendation, advise the regional council in writing of what effect it has given to the recommendation.

If, in the opinion of the regional council, there is a risk that the rights of the complainant or of other persons who could find themselves in the same circumstances as the complainant might be endangered

because of the attitude of the institution concerned, it may present a motion to the Administrative Tribunal of Québec.

1974, c. 42, s. 8; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1997, c. 43, s. 743.

20. The function of a regional council shall also be to regulate and supervise the election of the members of the boards of directors of the institutions when this Act provides for such election.

Every regulation made by a regional council under this section must deal with the procedure to be followed in such election and provide for a voting period of at least four hours for the members of each of the electoral colleges contemplated in sections 78 to 82.

Such regulation must be submitted for the approval of the Government; if it receives such approval, it shall come into force on the date of its publication in the *Gazette officielle du Québec*.

1971, c. 48, s. 17; 1974, c. 42, s. 9; 1992, c. 21, s. 375.

21. A regional council shall determine, by regulation to which the third paragraph of section 20 shall apply, the procedure which must be followed to appoint the members of the board of directors of institutions when such members must, under this Act, be appointed jointly by several institutions or bodies.

1971, c. 48, s. 18; 1992, c. 21, s. 375.

22. If there is no regional council in a region or if a regional council fails to exercise the functions assigned to it by sections 20 and 21, such functions shall be exercised by the Minister.

1971, c. 48, s. 19; 1974, c. 42, s. 10.

23. Every regional council must hold at least once a year a public information meeting in which the population of the region for which the council is established shall be invited to participate.

The members of the board of directors must then make public, in accordance with the regulations, such items of information as are prescribed with respect to the financial statements of the regional council. They must also answer any question put to them respecting the financial statements, the functions that the regional council assumes and the relations it has with the institutions of the region for which it is established.

The annual public information meeting held under this section and the elections or appointments envisaged in section 24 may take place on the same day.

1971, c. 48, s. 20; 1974, c. 42, s. 11; 1986, c. 57, s. 6; 1987, c. 104, s. 2; 1992, c. 21, s. 375.

§ 2. — *Board of directors*

24. The powers of a regional council shall be exercised by a board of directors composed of 15 members including the director general. The members must reside or hold regular employment in the region for which the regional council is established.

Two members shall be elected for three years by the mayors of the municipalities of the region.

Three members shall be appointed for three years by the Minister after consultation with the most representative socio-economic groups in the region.

One member shall be elected for three years by the executive directors of the institutions of the region from among their number.

The other members shall be appointed for three years by the following bodies of the region:

- (a) one by the hospital centres;
- (b) one by the councils of physicians, dentists and pharmacists constituted in the institutions and chosen among their members;
- (c) one by the local community service centres;
- (d) one by the social service centres;
- (e) one by the reception centres;
- (f) one by the universities;
- (g) one by the general and vocational colleges;
- (h) one by the voluntary bodies in the region working in the field of health and social services and recognized as such by the regional council.

Failing any of these classes of bodies in the region or if the election or appointment of a member does not take place, the Minister shall make the appointment after consulting the board of directors of the regional council.

No member of a regional council elected or appointed under the second or third paragraph or subparagraph *f*, *g* or *h* of the fifth paragraph may hold employment or practise a profession in an institution.

The procedure that must be followed for the election or appointment of such members shall be determined by regulation.

Any person concerned may take an application to the Administrative Tribunal of Québec for contestation or annulment of any election or appointment made in virtue of this section.

The Tribunal may confirm or annul the election or appointment of a member, or declare another person validly elected.

Where the Tribunal annuls the election of a member without declaring another person validly elected or where the Tribunal annuls the appointment of a member, a new election must be held or a new appointment made without delay.

The member so elected or appointed shall remain in office for the unexpired portion of the term of office of the member whose election or appointment was annulled.

1971, c. 48, s. 21; 1974, c. 42, s. 12; 1977, c. 48, s. 7; 1978, c. 72, s. 2; 1981, c. 22, s. 44; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1997, c. 43, s. 744.

24.1. The powers of the Conseil de la santé et des services sociaux de la région de Montréal Métropolitain shall be exercised by a board of 18 directors.

In addition to the members provided for in section 24, the Conseil shall include a second member appointed by the hospital centres, a second member appointed by the social service centres and a fourth member appointed by the Minister after consultation with the most representative socio-economic groups.

1981, c. 22, s. 45.

25. (*Repealed*).

1971, c. 48, s. 22; 1981, c. 22, s. 46.

26. The term of office of the members of the board of directors of a regional council may be renewed consecutively once.

1971, c. 48, s. 23; 1981, c. 22, s. 47.

27. The regional council may pay a remuneration to its members or reimburse their travel expenses within such limits as are determined by Government regulation established according to the functions of the members.

Such regulation may prescribe the proportion of the remuneration that may be paid to the members of the council as compensation for part of their expenses.

1971, c. 48, s. 24; 1981, c. 22, s. 48.

28. The members of the board of directors of a regional council shall remain in office, notwithstanding the expiry of their term, until reappointed, reelected or replaced.

1971, c. 48, s. 25.

29. Any vacancy occurring among the members of the board of directors of a regional council other than the director general shall be filled, for the unexpired portion of the term of office of the member to be replaced, by a resolution of the members of the board of directors remaining in office, taking into account, as far as possible, the representation of each electoral body in which the vacancy occurred.

1971, c. 48, s. 26; 1974, c. 42, s. 13; 1978, c. 72, s. 3; 1986, c. 57, s. 6.

30. The members of the board of directors of a regional council in general meeting shall each year elect the chairman and the vice-chairman of the regional council from among their number.

In the case of a tie-vote at a meeting of the members of the board of directors, the chairman shall have a casting vote.

1971, c. 48, s. 27.

31. No director general of a regional council shall, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the regional council. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces it or, after informing the board of directors thereof, he disposes of it within the time prescribed by the board.

A director general who is forfeited of office becomes disqualified from holding any executive office or employment in any regional council or public institution for the period determined in the judgment. The disqualification period shall not exceed three years.

The board of directors of a regional council must, on becoming aware that its director general is in a situation of conflict of interest, take measures with the view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof in writing, indicating to him the nature of the situation and the measures taken.

Every member of the board of directors of a regional council other than the director general who has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the regional council must, under pain of forfeiture of office, disclose his interest in writing to the board of directors and abstain from sitting on the board and participating in the deliberations or decisions when a matter pertaining to the undertaking in which he has that interest is being debated.

For any member of the board of directors, the fact of being a minority shareholder of a legal person which operates an undertaking referred to in this section does not constitute a situation of conflict of interest if the

shares of the legal person are listed on a recognized stock exchange and if the member of the board of directors involved is not an insider of the legal person within the meaning of section 89 of the Securities Act (chapter V-1.1).

1971, c. 48, s. 28; 1987, c. 104, s. 3; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

§ 3. — *Administrative Committee*

32. The board of directors of any regional council may, by by-law, establish an administrative committee and determine the functions, powers and duties thereof.

The administrative committee shall consist of the chairman of the board of directors, who shall preside, the director general and three members of the board of directors appointed annually by the members of such board in general meeting.

1971, c. 48, s. 29; 1978, c. 72, s. 4; 1986, c. 57, s. 6.

33. (*Repealed*).

1971, c. 48, s. 30; 1981, c. 22, s. 49.

34. The members of the administrative committee shall remain in office notwithstanding the expiry of their term, until reappointed or replaced, provided that they remain members of the board of directors.

1971, c. 48, s. 31; 1974, c. 42, s. 14.

35. Every vacancy among the members of the administrative committee shall be filled by following the mode of appointment prescribed for the appointment of the member to be replaced, but only for the unexpired portion of his term of office.

1971, c. 48, s. 32.

§ 4. — *Director general and staff*

1986, c. 57, s. 6.

36. The director general shall direct and coordinate all the administration of the regional council within the scope of its regulations.

1971, c. 48, s. 33; 1986, c. 57, s. 6.

37. The director general of a regional council shall, under pain of forfeiture of office, devote himself exclusively to the work of the council and the duties of his office.

Notwithstanding the foregoing, he may hold any additional employment, office or function or provide any additional service, if no remuneration or direct or indirect benefit is paid or granted to him therefor.

A director general may, with the authorization of the board of directors, hold, outside the health and social services sector, any additional employment, office or function or provide any additional service for which a remuneration or a direct or indirect benefit is paid or granted to him.

Similarly, a director general may, with the authorization of the Minister and of the board of directors, hold, within the health and social services sector, an additional employment, office or function or provide any additional service for which a remuneration or a direct or indirect benefit is paid or granted to him. However, only the authorization of the board of directors is required in the case of an office or function held within an association consisting of the majority of the regional councils or within an association of executive directors of health services and social services recognized by order for labour relations purposes.

A director general may also hold an elective public office.

The board of directors of a regional council must, on becoming aware that its director general is contravening any of the rules prescribed in this section, suspend him without remuneration or take measures with the view of instituting proceedings for forfeiture of office against him, according to the seriousness of the contravention. It must, also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and the measures taken. Any suspension imposed under this paragraph may vary from three to six months.

A director general who is forfeited of office becomes disqualified from holding any office or employment in any regional council or public institution for the period determined in the judgment. The disqualification period shall not exceed three years.

1971, c. 48, s. 34; 1981, c. 22, s. 50; 1986, c. 57, s. 6; 1987, c. 104, s. 4; 1992, c. 21, s. 375.

38. The board of directors shall appoint the director general and shall also appoint the senior management personnel on the recommendation of the director general.

When the board of directors discusses or decides the dismissal, remuneration, renewal of engagement and other conditions of employment of the director general, the latter shall abstain from sitting.

1971, c. 48, s. 35; 1974, c. 42, s. 15; 1978, c. 72, s. 5; 1981, c. 22, s. 51; 1986, c. 57, s. 6.

§ 5. — *Miscellaneous*

39. The minutes of the meetings approved by a regional council shall be authentic; the same shall apply to copies or extracts certified by the chairman of the regional council or its secretary.

1971, c. 48, s. 36.

40. No act, document or writing shall bind a regional council or be attributed to a regional council, unless signed by the chairman, the director general, the secretary or an employee of the regional council but only, in the case of the employee, to the extent determined by by-law of the regional council.

1971, c. 48, s. 37; 1986, c. 57, s. 6.

41. Every regional council shall, not later than 30 June each year, make a report of its activities to the Minister for the year ending on the preceding 31 March. Such report must also contain all information the Minister may prescribe. It shall be laid before the National Assembly within 30 days if it is in session or, if it is not, within ten days of the opening of the next session.

A regional council shall also at any time give the Minister any information he requires on its activities.

1971, c. 48, s. 38; 1977, c. 48, s. 8.

DIVISION III

PROVISIONS APPLICABLE TO REGION 10A CONTEMPLATED IN THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

42. In this division,

(a) “Regional Government” means the Regional Government created under section 13 of the Agreement;

(b) “Agreement” means the Agreement tabled in the National Assembly, 9 June 1976, as Sessional Documents, Nos. 101 and 102.

1977, c. 48, s. 9.

43. The Government may delineate the territory of Region 10A, divide it into sectors and establish a health and social services council for the said region.

The rights, powers, privileges and obligations of such council shall be exercised by the council of the Regional Government.

Notwithstanding article 2(9) of Schedule 2 to Section 12 and article 2(9) of Schedule 2 to Section 13 of the Agreement, every ordinance of the Regional Government made under this division applies to the whole territory of the Regional Government and its application shall not be restricted to the municipalities under its jurisdiction.

The functions, powers and duties of the administrative committee, director general and staff of the health and social services council contemplated in this section shall be exercised by the executive committee, the head of the Health and Social Services Department of the Regional Government and the officers of the Regional Government, respectively.

1977, c. 48, s. 9; 1986, c. 57, s. 6.

44. Notwithstanding sections 78 to 82, the powers of a public institution belonging to the classes enumerated in subparagraphs *a*, *b*, *d* and *e* of the first paragraph of section 64 and situated in a sector of Region 10A, shall be exercised by a board of directors consisting of the following members:

(a) one representative from, and elected for three years by, each municipality of the sector;

(b) three persons elected for three years by the members of the clinical staff advisory council constituted in the institution and chosen among the members of that council, with not more than one representative for each professional order;

(c) one person elected for three years by all the members of the non-clinical staff of the institution and chosen among such members;

(d) the director of the community health department of a hospital centre, of an agency governed by the Region 10A Health and Social Services Council or of a hospital centre with which the said council has a service contract, or his nominee, or the director of professional services or his nominee, such persons shall be appointed by the Region 10A Health and Social Services Council if there is more than one such hospital centre;

(e) the head of the Health and Social Services Department of the Regional Government or his nominee;

(f) the executive director of the institution.

Only a person qualified to hold municipal office and entitled to vote in accordance with articles 13 to 15 and 45 to 47 of Schedule 2 to Section 12 of the Agreement is qualified to be elected and to vote for the application of subparagraph *a* of the first paragraph.

A person qualified to hold municipal office and entitled to vote under subparagraphs *b*, *c*, *d*, *e* and *f* of the first paragraph is not subject to residence or domicile requirements.

1977, c. 48, s. 9; 1978, c. 72, s. 6; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1994, c. 40, s. 457.

45. Any vacancy among the members elected in accordance with section 44 shall be filled by following the mode of election prescribed for the election of the member to be replaced, but only for the unexpired portion of the term of such member.

1977, c. 48, s. 9.

46. Notwithstanding section 97, the administrative committee of an institution of the region shall consist of the chairman of the board of directors, the executive director and three other members of the board of directors of the institution appointed each year by such board.

1977, c. 48, s. 9; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

47. Notwithstanding sections 27, 33, 94 and 102, the members of the board of directors and of the administrative committee of the regional council and the members of the board of directors and of the administrative committee of a public institution situated in the region shall be indemnified for attending meetings in accordance with the regulations made for such purpose by their respective councils. Such regulations shall come into force upon approval by the Minister.

1977, c. 48, s. 9; 1992, c. 21, s. 375.

48. Any person concerned may make an application to the Administrative Tribunal of Québec for contestation or annulment of any election held under subparagraphs *b* and *c* of the first paragraph of section 44.

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

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

The member thus elected shall remain in office for the unexpired portion of the term of office of the member whose election was annulled.

1977, c. 48, s. 9; 1997, c. 43, s. 745.

49. Except in the case of inconsistency with the provisions of this division and the regulations made thereunder, the provisions of the other divisions of this Act and the regulations apply with the necessary modifications to the regional council and to a public institution contemplated in this division, notwithstanding section 2.

1977, c. 48, s. 9; 1992, c. 21, s. 375.

DIVISION IV

PROVISIONS APPLICABLE TO REGION 10B CONTEMPLATED IN THE AGREEMENT CONCERNING JAMES BAY AND NORTHERN QUÉBEC

50. In this division,

(a) “Regional Authority” means the Grand Council of the Crees (of Québec) or its successors, until the coming into force of the Act establishing the regional authority provided for in Section 11A of the Agreement, and, thereafter, the Regional Authority created under the said Act;

(b) “Agreement” means the Agreement tabled in the National Assembly, 9 June 1976, as Sessional Documents, Nos. 101 and 102.

1977, c. 48, s. 9.

51. The Government may delineate the territory of Region 10B and establish in such Region a health and social services council which shall, in addition to fulfilling the functions, duties and powers of such a council, maintain a public institution belonging to the classes enumerated in subparagraphs *a*, *b*, *d* and *e* of the first paragraph of section 64 through which health services and social services are provided to any person ordinarily resident or temporarily present in the Region.

1977, c. 48, s. 9; 1978, c. 72, s. 7; 1992, c. 21, s. 375.



Pursuant to this section, a health and social services council is established in Region 10B under the name of “Conseil cri de la santé et des services sociaux de la Baie James” , in French. The council may also be designated by the name of “Cree Board of Health and Social Services of James Bay” , in English, and “Akusen Ananakeechedakanooch” in Cree; Order in Council 1213-78 dated 20 April 1978 (not published).

52. Sections 15 and 16, paragraphs *a, b, d, e* and *f* of section 18, section 23, sections 36 and 38 and sections 39 to 41 of Division II apply with the necessary modifications to the regional council established under this division.

1977, c. 48, s. 9.

53. The Minister shall receive and hear the complaints of persons to whom an institution situated in the region contemplated in this division has not furnished the health services and social services this Act entitles them to receive, and he shall make the recommendations he considers appropriate to the institution concerned.

The executive director of an institution who receives a recommendation addressed by the Minister in accordance with the first paragraph must, not later than 30 days after receipt of such recommendation, advise the Minister of what effect it has given to the recommendation.

1977, c. 48, s. 9; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

54. The powers of the regional council created under this division shall be exercised by a board of directors consisting of the following members:

(a) one Cree representative from and elected for three years by each of the distinct Cree communities of the region ordinarily served by the regional council;

(b) one Cree representative elected for four years by and from among the members of the Regional Authority;

(c) one representative elected for three years by and from among the members of the clinical staff advisory council of the institution;

(d) one representative elected for three years by and from among the members of the non-clinical staff of the institution; and

(e) the executive director of the institution;

(f) *(paragraph replaced)*.

The expression “Cree communities” as used in subparagraph *a* of the first paragraph has the same meaning as in Section 3 of the Agreement.

A person who holds an employment or practises a profession with the regional council or in the institution may not be elected as a member under subparagraph *a* or *b* of the first paragraph unless the person resigns or ceases to practise with the regional council or in the institution upon being elected.

Only persons who are Cree, within the meaning of Section 3 of the Agreement, who are entitled to hold office and to vote for a local government of the said Region, provided for in Section 10 of the Agreement, and the Inuit ordinarily resident in the community of Fort George may, provided they are of the age of majority, hold office and vote in the election of members under subparagraph *a* of the first paragraph.

All non-Cree persons who have been ordinarily resident for the 12 months preceding any election in one of the communities served by the regional council, may, provided they are of the age of majority, vote for the election of the members pursuant to subparagraph *a* of the first paragraph.

A person qualified to hold office and to vote under subparagraphs *c*, *d* and *e* of the first paragraph is not subject to residence or domicile requirements.

1977, c. 48, s. 9; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1994, c. 40, s. 457; 2002, c. 38, s. 2; 2007, c. 20, s. 1.

55. One-third of the first members elected under subparagraph *a* of the first paragraph of section 54 shall serve for one year and another one-third for two years.

Such members shall be designated by the drawing of lots at the first meeting of the board of directors of the regional council.

1977, c. 48, s. 9; 2007, c. 20, s. 2.

56. The term of office of the members of the regional council elected under subparagraphs *c* and *d* of the first paragraph of section 54 shall not be renewed consecutively more than once.

1977, c. 48, s. 9.

57. Any vacancy among the members of the board of directors provided for in section 54 shall be filled by following the mode of election prescribed for the election of the member to be replaced, but only for the unexpired portion of the term of the member to be replaced.

1977, c. 48, s. 9; 2007, c. 20, s. 3.

58. The Minister shall regulate and supervise the election of the members of the board of directors elected in accordance with subparagraphs *c* and *d* of the first paragraph of section 54.

Every regulation to that effect must be submitted for approval to the Government; if it is approved, it shall come into force on the date of its publication in the *Gazette officielle du Québec*.

The regional council may make a by-law governing the procedure for electing the member referred to in subparagraph *b* of the first paragraph of section 54

The Minister shall supervise the elections of the members of the board of directors which may be held in accordance with the customs and procedures of the Native people of the said community contemplated in subparagraph *a* of the first paragraph of section 54 and the election provided for in subparagraph *b* of the first paragraph of the said section.

The Minister shall not consider or declare to be irregular or invalid due to lack of formalities the election of the representative of a community contemplated in subparagraph *a* of the first paragraph of section 54 or the representative of the Regional Authority referred to in subparagraph *b* of that first paragraph, if he is satisfied that the election was carried out in accordance with the customs and procedures of the Native people of the said community or of the Regional Authority and that such customs and procedures did not deprive any qualified person of the right to vote or of the right to hold office.

In the event that the Minister declares the election of a community representative to be irregular or invalid in accordance with the preceding paragraph, the chief of such community shall be the Cree representative for such community on the council until another representative from such community has been validly elected.

1977, c. 48, s. 9; 2007, c. 20, s. 4.

58.1. The member referred to in subparagraph *b* of the first paragraph of section 54 is *ex officio* the chairman of the regional council.

The chairman shall exercise the functions of office on a full-time basis and is entitled to the remuneration determined by the Government.

The members of the board of directors shall designate a vice-chairman from among their number. The vice-chairman shall be appointed for a one-year term that may be renewed.

2007, c. 20, s. 5.

59. Any person concerned may make an application to the Administrative Tribunal of Québec for contestation or annulment of any election held or made under subparagraph *c* or *d* of the first paragraph of section 54.

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 validly elected.

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

The member thus elected shall remain in office for the unexpired portion of the term of office of the member whose election was annulled.

1977, c. 48, s. 9; 1997, c. 43, s. 746; 2007, c. 20, s. 6.

60. The regional council shall meet at least four times annually.

A quorum shall consist of four members elected in accordance with subparagraph *a* of the first paragraph of section 54 and two other members.

1977, c. 48, s. 9.

61. The members of the board of directors of the regional council shall be indemnified for attending meetings in accordance with the regulations made to that effect by the council. Such regulations shall come into force upon approval by the Minister.

1977, c. 48, s. 9.

62. The regional council shall establish, by by-law, an administrative committee and determine its functions, duties and powers and the mode of appointment of its members.

Such committee shall consist of the chairman of the council, the executive director of the institution and four other members of the said council, at least one of whom shall have been elected in accordance with subparagraph *c* or *d* of the first paragraph of section 54.

Section 61 applies with the necessary modifications to the members of the administrative committee.

1977, c. 48, s. 9; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 2007, c. 20, s. 7.

63. Except in the case of inconsistency with the provisions of this division and the regulations made thereunder, the provisions of the other divisions of this Act and the regulations apply with the necessary modifications to the regional council contemplated in this division, notwithstanding section 2.

1977, c. 48, s. 9.

63.1. The regional council contemplated in this division may offer midwifery services and may to that effect enter into a service contract with a midwife.

Sections 259.2 to 259.9 of the Act respecting health services and social services (chapter S-4.2) apply, with the necessary modifications, to the making of such a contract, and the midwives concerned are subject to the provisions of the agreement referred to in sections 432.1 to 432.3 of that Act.

1999, c. 24, s. 44.

63.2. Where the regional council avails itself of the provisions of section 63.1, the board of directors must, in its organization plan, provide for the setting up of the structures necessary to ensure the exercise of the functions provided for in sections 208.2, 208.3, 225.3 and 225.4 of the Act respecting health services and social services (chapter S-4.2), or assign those functions to existing structures.

In addition, the regional council must provide for all the particulars that may be necessary to ensure the proper dispensing of midwifery services for the regional council, in particular cooperative arrangements between the midwives, the physicians and the nursing personnel.

1999, c. 24, s. 44.

63.3. The regional council shall

- (1) establish a public health department;
- (2) ensure the security and confidentiality of the personal or confidential information obtained by the public health department in the exercise of its functions;
- (3) entrust the management of the regional public health action plan provided for in section 63.16 to the public health director appointed under section 63.4;
- (4) organize services and allocate available resources for the purposes of the regional public health action plan.

2002, c. 38, s. 3.

63.4. Following an agreement with the Minister, the regional council shall appoint a public health director.

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.

The public health director may remain in office at the expiry of his term until he is replaced or reappointed by the regional council, if there has been an agreement to that effect between the Minister and the regional council.

2002, c. 38, s. 3.

63.5. If the office of public health director becomes vacant or if the public health director is unable to act or is absent for an extended period of time, the regional council must appoint a person to temporarily replace the director, on the conditions determined by the council and following an agreement with the Minister, within 30 days of the vacancy, inability to act or absence or within any other time limit agreed upon by the regional council and the Minister.

2002, c. 38, s. 3.

63.6. If the office of public health director becomes vacant, the regional council shall immediately set in motion the process of selection of a new director.

2002, c. 38, s. 3.

63.7. The regional council may, if the public health director is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, withdraw the functions and powers vested in the public health director, with the consent of the Minister.

The regional council must, in that case, appoint a person to temporarily replace the director in accordance with the provisions of section 63.5.

2002, c. 38, s. 3.

63.8. If the Minister ascertains that the public health director is guilty of grave misconduct or tolerates a situation which could pose a threat to the health of the population, the Minister may request the regional council to exercise the powers conferred on it by section 63.7.

If the regional council fails to act within the time specified, the Minister may withdraw the functions and powers vested in the director. In that case, a person shall be appointed to temporarily replace the director in accordance with the provisions of section 63.5.

2002, c. 38, s. 3.

63.9. In every situation where no person is appointed to assume the functions and exercise the powers of public health director in the territory, whether for a fixed term or an interim period and for whatever reason, the national public health director or the person designated by the latter to represent him shall assume the functions and exercise the powers of public health director in the territory.

2002, c. 38, s. 3.

63.10. The public health director shall assume all the functions and exercise all the powers entrusted to a public health director by the Acts and regulations of Québec.

The public health director shall, in particular, assume the functions provided for in section 373 of the Act respecting health services and social services (chapter S-4.2), within the regional council and with respect to the population of the territory.

2002, c. 38, s. 3.

63.11. The public health director shall carry out any other mandate entrusted to the director by the regional council within the scope of his responsibilities.

2002, c. 38, s. 3.

63.12. The public health director must, without delay, inform the regional council and the national public health director of any emergency or of any situation posing a threat to the health of the population.

2002, c. 38, s. 3.

63.13. The national public health director may request the public health director to report on the decisions or advice made or given in the exercise of the national public health director's functions.

2002, c. 38, s. 3.

63.14. With respect to the Public Health Act (chapter S-2.2), the regional council shall assume all the functions entrusted under that Act to an agency or an institution operating a local community service centre, subject to the provisions of sections 63.15 to 63.18.

2002, c. 38, s. 3; 2005, c. 32, s. 308.

63.15. Sections 11 and 12, the second paragraph of section 13 and sections 14, 15 and 17 of the Public Health Act (chapter S-2.2) do not apply in the territory of the regional council. They are replaced by sections 63.16 to 63.18 of this Act.

2002, c. 38, s. 3.

63.16. The regional council must develop, implement, evaluate and regularly update a regional public health action plan and one or more local action plans.

The action plans must be consistent with the prescriptions of the national public health program and must take into account the specific characteristics of the population living in the territory.

Before implementing the plans, the regional council must consult the population living in the territory and the various resources concerned by the plans, using the means it considers the most appropriate.

2002, c. 38, s. 3.

63.17. The regional action plan of the regional council must include a plan providing for the mobilization of the resources of the health and social services institutions in the territory whenever such resources are needed by the public health director to conduct an epidemiological investigation or to take the measures considered necessary to protect the health of the population if it is threatened.

2002, c. 38, s. 3.

63.18. The regional council must submit the regional public health action plan and the local action plan or plans to the Minister, together with the proposed allocation of the budget available for such purpose in the territory, before implementing them.

2002, c. 38, s. 3.

DIVISION V

FORMATION AND ADMINISTRATION OF INSTITUTIONS

1992, c. 21, s. 375.

§ 1. — *Constitution and powers of public institutions*

1992, c. 21, s. 375.

64. The enterprise registrar shall, upon the request of the Minister, establish by letters patent under his hand and seal, public institutions of one or more of the four following classes:

- (a) local community service centres;
- (b) hospital centres;
- (c) (*subparagraph repealed*);
- (d) social service centres;
- (e) reception centres.

The composition of the board of directors of an institution which belongs to more than one category shall be determined by its letters patent. Such composition must be that fixed by one or other of sections 78 to 82 for one of the categories to which the institution belongs.

1971, c. 48, s. 39; 1974, c. 42, s. 16; 1975, c. 76, s. 11; 1977, c. 48, s. 10; 1978, c. 72, s. 8; 1981, c. 9, s. 24; 1981, c. 22, s. 52; 1982, c. 52, s. 229; 1984, c. 27, s. 97; 1992, c. 21, s. 375; 2002, c. 45, s. 557.

65. The letters patent shall designate the classes to which the institution belongs, its name, the place of its head office and at least five provisional members of its board and at most as many provisional members as must be elected or appointed thereto under sections 78 to 82, as the case may be, appointed until the elections or appointments provided for in such sections are held or made; they may also contain any other provision consistent with this Act.

1971, c. 48, s. 40; 1992, c. 21, s. 375.

66. The enterprise registrar of Financial Institutions may, upon the request of the Minister, issue letters patent amending the letters patent or the supplementary letters patent of an institution.

Notice of the issue of the letters patent and of the supplementary letters patent under section 64 and this section shall be published in the *Gazette officielle du Québec*.

1971, c. 48, s. 41; 1975, c. 76, s. 11; 1978, c. 72, s. 9; 1981, c. 9, s. 24; 1982, c. 52, s. 230; 1992, c. 21, s. 375; 2002, c. 45, s. 557.

66.1. Where letters patent contain an error of name, an incorrect designation or a clerical error, the enterprise registrar, if no contrary claim is made, may order that these letters patent be corrected or cancelled and that accurate letters patent be issued.

The corrected letters patent or the new letters patent have the same effect as if accurate letters patent had been issued at the date of the original letters patent and the acquired rights of third persons are not affected by that correction or a new issuance.

Notice of the correction of the letters patent or of the issuance of new letters patent is immediately published in the *Gazette officielle du Québec* by the enterprise registrar.

1978, c. 72, s. 10; 1981, c. 9, s. 24; 1982, c. 52, s. 233; 2002, c. 45, s. 557.

67. Subject to the publication of such notice, the public institution shall be constituted from the date of the letters patent.

The enterprise registrar, at the request of a public institution constituted pursuant to this Act, and with the written authorization of the Minister, may cancel the letters patent of such an institution, and that cancellation is effective on the sixtieth day following the publication of a notice to that effect in the *Gazette officielle du Québec*.

The institution is thereby dissolved and its property devolves, after the payment of its debts and performance of its obligations, to the Government or to a public institution designated by the Government.

1971, c. 48, s. 42; 1974, c. 42, s. 17; 1978, c. 72, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 233; 1992, c. 21, s. 375; 2002, c. 45, s. 557.

68. Every public institution is a legal person.

1971, c. 48, s. 43; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

§ 2. — *Provisions applicable to all institutions*

1992, c. 21, s. 375.

69. Every institution shall prepare an organization plan in accordance with subparagraph *b* of section 105. Such plan shall describe the administrative structures of the institution, its divisions, services and departments and any other element required by the law or the regulations.

Every such organization plan shall be submitted to the Minister on demand.

1974, c. 42, s. 18; 1977, c. 48, s. 11; 1992, c. 21, s. 375.

70. The organization plan of a hospital centre must also provide for the formation of clinical departments and services as well as the number of physicians and dentists who may practise their professions in each of such departments and services according to its permit and the financial resources at its disposal.

The board of directors of a hospital centre must, after consultation with the council of physicians, dentists and pharmacists and, in the case of a hospital centre affiliated with a university, after consultation with the university to which it is affiliated, send such part of the organization plan to the regional council which shall approve it with or without amendments.

That part of the organization plan must be reviewed at least every three years.

At the request of the Minister, a regional council must postpone its approval until authorized by the Minister.

1974, c. 42, s. 18; 1978, c. 72, s. 12; 1979, c. 63, s. 325; 1981, c. 22, s. 53; 1984, c. 47, s. 166; 1984, c. 47, s. 208; 1986, c. 57, s. 1.

70.0.1. The organization plan of a local community service centre or of a reception centre must also provide, as the case may be, for the number of physicians and dentists who may practise their professions in the institution according to its permit and the financial resources at its disposal.

The board of directors of a local community service centre or of a reception centre must send such part of the organization plan to the regional council, which shall approve it with or without amendments.

That part of the organization plan must be reviewed at least every three years.

At the request of the Minister, a regional council must postpone its approval until authorized by the Minister.

1986, c. 57, s. 2; 1992, c. 21, s. 375.

70.0.2. The regional council shall, in accordance with the regulations, prepare a regional medical and dental staffing plan for the institutions in the region, on the basis, particularly, of each and all of the organization plans it has approved under sections 70 and 70.0.1.

The regional plan must be reviewed at least every three years.

The regional plan, accompanied with the organization plans used in preparing it, must be submitted to the Minister, who shall approve it with or without amendments.

Where the Minister amends the regional plan, he shall inform any hospital centre, local community service centre or reception centre of the amendments affecting its organization plan, where such is the case.

1986, c. 57, s. 2; 1992, c. 21, s. 375.

70.1. No hospital centre may offer new services of such a nature as to necessitate teams of professionals or highly specialized equipment determined by regulation, nor acquire very highly specialized equipment determined by regulation before obtaining authorization in writing from the Minister. The Minister shall consult the regional council concerned before granting such authorization.

1981, c. 22, s. 54; 1984, c. 47, s. 167.

71. Every clinical department of a hospital centre shall be directed by a head who shall be a physician or a dentist, except the clinical biochemistry which may be headed by a clinical biochemist. Every head of department shall be appointed for not more than four years by the board of directors of the centre after consultation with the physicians, the dentists or, where applicable, the clinical biochemists practising in the department, with the director of professional services and with the council of physicians, dentists and pharmacists. If the hospital centre is affiliated with a university, appointment of the department heads must be made after consultation with the university under the terms of the contract of affiliation.

1974, c. 42, s. 18; 1984, c. 47, s. 208; 1989, c. 35, s. 1.

71.1. Under the authority of the director of professional services of the hospital centre, the head of a clinical department shall

(1) coordinate, subject to section 112, the professional activities of the physicians, dentists and, where applicable, clinical biochemists of his department;

(1.1) subject to the second paragraph, manage the resources of his department to the extent provided by the organization plan of the hospital centre;

(2) devise, for his department, rules governing the use of the resources of the hospital centre; the rules may provide administrative sanctions, in particular, to limit or suspend the right of a physician or dentist to use the resources of the hospital centre;

(3) inform, where such is the case, the director of professional services and the council of physicians, dentists and pharmacists of any failure by a physician or dentist of his department to comply with the rules governing the use of the resources;

(4) see to the distribution of medical and dental care in his department.

The head of the radiology clinical department and the head of the clinical department of medical biology laboratories shall manage the resources of their clinical departments to the extent provided by regulation or, failing that, in the organization plan of the hospital centre. The Government may provide by regulation that the management of all or part of the resources of the radiology clinical department or the clinical department of medical biology laboratories be entrusted by the director of professional services to a person other than the head of the clinical departments.

The rules governing the use of the resources must provide, in particular, that no bed may be reserved for a particular physician or dentist for beneficiaries treated by him and that, in case of necessity, the director of professional services or his representative may designate a department or service in which a bed must be put at the disposal of the beneficiary.

The rules governing the use of the resources come into force upon approval by the board of directors which shall first obtain the opinion of the council of physicians, dentists and pharmacists.

1981, c. 22, s. 55; 1984, c. 47, s. 168; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1989, c. 35, s. 2.

71.2. Under the authority of the council of physicians, dentists and pharmacists, the head of a clinical department shall

(1) supervise the manner in which medicine and dentistry are practised in his department;

(1.1) where applicable, supervise, subject to the responsibilities of the director of nursing care, the activities referred to in the second paragraph of section 31 of the Medical Act (chapter M-9) that are engaged in by nurses or other professionals of the department who are authorized to engage in those activities by a regulation of the board of directors of the Collège des médecins du Québec;

(2) devise, for his department, rules governing medical and dental care which take into account the necessity of providing adequate services to beneficiaries and the organization of the resources available in the institution.

If there is no head of the clinical department or where the head of that department is a clinical biochemist, the responsibilities provided for in the first paragraph are exercised by the council of physicians, dentists and pharmacists.

The rules contemplated in subparagraph 2 of the first paragraph must provide that the professional practise of physicians and dentists of various clinical departments must follow uniform rules of care.

These rules are submitted to the board of directors, which may grant or refuse its approval after obtaining the advice of the council of physicians, dentists and pharmacists.

1981, c. 22, s. 55; 1984, c. 47, s. 169; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1989, c. 35, s. 3; 1992, c. 21, s. 375; 2002, c. 33, s. 29; 2008, c. 11, s. 212.

71.3. The responsibilities of the head of a clinical department described in sections 71.1 and 71.2 are exercised according to such modalities as may be determined by regulation.

1981, c. 22, s. 55.

71.4. The filling of a prescription of a physician or dentist who is not a member of the council of physicians, dentists and pharmacists is subject to the rules governing care and the rules governing the use of the resources in force at the hospital centre.

1984, c. 47, s. 170.

72. No person may, without prior consultation with the regional council concerned and prior authorization of the Conseil du trésor,

(1) acquire, construct, alter or demolish an immovable for the purposes of a public institution or a private institution contemplated in sections 176 and 177;

(2) alienate an immovable owned by such an institution and used for the pursuit of its objects;

(3) cease to operate an institution.

However, the authorization of the Conseil du trésor is unnecessary for construction, alteration or demolition projects where the estimated cost of the work payable by the institution is less than the amount fixed by regulation. In such a case, the written authorization of the regional council concerned is sufficient.

In no case may a public institution or a private institution referred to in sections 176 and 177 lease an immovable required for the pursuit of its objects without the written authorization of the regional council concerned.

1971, c. 48, s. 44; 1974, c. 42, s. 19; 1977, c. 48, s. 12; 1978, c. 72, s. 13; 1981, c. 22, s. 56; 1986, c. 106, s. 5; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

72.1. (*Repealed*).

1978, c. 72, s. 14; 1981, c. 22, s. 57.

73. An institution acquired in whole or in part through a subsidy of the Government shall not, without the authorization of the Conseil du trésor, be used for other purposes.

This section shall not prevent a trustee for bondholders or hypothecary creditor from exercising rights granted with the authorization of the Conseil du trésor or, for rights granted before 19 December 1986, with the authorization of the Government or,

(a) in the case of a hospital centre, rights granted before 6 July 1962; or,

(b) in the case of any other institution rights granted before 1 June 1972.

1971, c. 48, s. 45; 1977, c. 5, s. 14; 1986, c. 106, s. 6; 1992, c. 21, s. 375.

73.1. The Conseil du trésor may delegate to the Minister, in writing, on the conditions and to the extent it determines, the powers vested in it by sections 72 and 73.

The deed of delegation shall be published in the *Gazette officielle du Québec* not later than 15 days after the decision of the Conseil du trésor.

1986, c. 106, s. 7.

74. No charter other than an Act of Québec, whether it be letters patent or another document incorporating an institution may be granted, amended, revoked or abandoned without the written authorization of the Minister.

Such a charter shall not be granted to constitute a legal person having as its object to maintain a public institution, unless granted under this Act.

However, the Minister may, with the same effects, give the authorization contemplated in the first paragraph in any case where a charter has been granted, amended, revoked or abandoned without such authorization.

1971, c. 48, s. 47; 1977, c. 48, s. 13; 1978, c. 72, s. 15; 1992, c. 21, s. 375; 1999, c. 40, s. 270.



The Government may, with the same effect, give the consent contemplated in the first paragraph of section 74 of this Act in the case where a charter has been granted, amended, revoked or abandoned before 1 February 1979, without that consent. (1978, c. 72, s. 51).

75. Every contract made by an institution without the authorization of the Government, the Conseil du trésor, the Minister or the regional council concerned is absolutely null in all cases where such authorization is required by this Act.

1971, c. 48, s. 48; 1981, c. 22, s. 58; 1986, c. 106, s. 8; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

§ 3. — *Board of directors of public institutions*

1992, c. 21, s. 375.

76. Subject to the following paragraphs, all the powers of a public institution shall be exercised by a board of directors formed according to sections 78 to 82.

The powers of a public institution contemplated in section 11 may be exercised by the board of directors formed pursuant to the institution's constituting Act, provided that

(a) the immovable assets utilized for the operation of the institution are, on 21 December 1977, the property of a religious community or of a legal person created under the constituting Act of that religious community; and

(b) the institution has received written authorization to that effect from the Minister.

Such board shall nevertheless remain subject to the other not inconsistent provisions of this Act and the regulations regarding the board of directors of a public institution.

However, in the case of an institution whose immovable assets are owned by a non-profit legal person other than a legal person constituted under this Act, such board shall not alienate such assets or change the destination thereof without the agreement of the members of the owning legal person.

1971, c. 48, s. 49; 1974, c. 42, s. 21; 1977, c. 48, s. 14; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

77. No person may form part of more than one electoral college for one category of institutions or vote in more than one institution of the same category. The groups contemplated in paragraphs *g*, *h* and *i* of sections 78, 79 and 82 and in paragraphs *f*, *g* and *h* of section 81 are not electoral colleges.

When a user is under 18 years of age, his right to vote shall be exercised by one of his parents. However, no person may vote more than once as such, and when one parent exercises such right to vote, the other parent shall enjoy no right to vote as such, irrespective of the number of their children having received services.

When a user is unable to express his will, his right to vote shall be exercised by his tutor, his curator or the mandatary he designated before his inability began.

1974, c. 42, s. 22; 1977, c. 48, s. 15; 1981, c. 22, s. 59; 1989, c. 54, s. 186; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

78. A local community service centre shall be administered by a board of directors consisting of the following members, who shall be members of it upon their election or appointment:

(a) four persons of full age elected by the meeting of the users of the centre and chosen among such users; where there is a beneficiaries' committee, one of such persons must be elected by the committee and chosen among its members;

(b) one person appointed in writing by the regional council concerned and chosen among the members on the recommendation of the voluntary bodies of the region working, in the territory served by the centre, in the field of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the council of physicians, dentists and pharmacists and chosen among the members of such council;

(g) one person elected by the board of directors of the hospital centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory of the community health department which serves the local community service centres;

(h) one person elected by the board of directors of the reception centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of

directors of the reception centres situated in the territory of the community health department which serves the local community service centre;

(i) one person elected by the board of directors of the social service centre to which the local community service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) the executive director of the centre.

1971, c. 48, s. 50; 1974, c. 42, s. 23; 1978, c. 72, s. 16; 1981, c. 22, s. 60; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

79. A hospital centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) in a hospital centre for long-term care, two persons elected by the beneficiaries' committee and chosen among the members of such committee; in another hospital centre having a beneficiaries' committee, one person elected by such committee and chosen among its members;

(b) one person appointed in writing by the regional council concerned and chosen among the members and on the recommendation of the voluntary bodies of the region working in the field of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the council of physicians, dentists and pharmacists and chosen among the members of such council;

(g) one person elected by the board of directors of the local community service centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory of the community health department which serves the hospital centre;

(h) one person elected by the board of directors of the reception centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the reception centres situated in the territory of the community health department which serves the hospital centre;

(i) one person elected by the board of directors of the social service centre to which the hospital centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) in the case of a hospital centre whose immovable assets are owned by a non-profit legal person other than a legal person constituted under this Act, three persons elected by the members of such legal person who do not hold employment or practise their profession in the hospital centre;

(k) in the case of an institution affiliated with a university, one person appointed by the university and another person elected by the interns and residents of the centre;

(l) the executive director of the centre.

1971, c. 48, s. 51; 1974, c. 42, s. 24; 1978, c. 72, s. 17; 1981, c. 22, s. 61; 1983, c. 54, s. 73; 1984, c. 47, s. 171; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

80. (*Repealed*).

1977, c. 48, s. 16; 1978, c. 72, s. 18; 1981, c. 22, s. 62.

81. A social service centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) two persons of full age elected by the meeting of the users of the centre and chosen among such users;

(b) one person appointed in writing by the regional council concerned and chosen among the members on the recommendation of the voluntary bodies of the region working in the fields of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by all the members of the non-clinical staff employed by the centre and chosen among such members;

(f) one person elected by the board of directors of the local community service centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory served by the social service centre;

(g) one person elected by the board of directors of the reception centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the reception centres situated in the territory served by the social service centre;

(h) one person elected by the board of directors of the hospital centre to which the social service centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory served by the social service centre;

(i) in the case of a social service centre maintained by a legal person contemplated in paragraph *b* of section 10, three persons elected by the members of such legal person who do not hold employment or practise their profession in that centre;

(j) in the case of an institution affiliated with a university, one person appointed by such university;

(k) the executive director of the centre.

1971, c. 48, s. 52; 1974, c. 42, s. 25; 1975, c. 61, s. 2; 1978, c. 72, s. 19; 1981, c. 22, s. 63; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

82. A reception centre shall be administered by a board of directors composed of the following members, who shall be members of it upon their election or appointment:

(a) two persons elected by the beneficiaries' committee and chosen among the members of such committee;

(b) one person appointed in writing by the regional council concerned and chosen among the members on the recommendation of the voluntary bodies of the region working in the field of health and social services and recognized as such by the regional council;

(c) two persons appointed in writing by the Minister after consultation with the most representative socio-economic groups in the territory served by the centre;

(d) one person elected by the clinical staff advisory council constituted in the centre and chosen among the members of such council;

(e) one person elected by the meeting of the members of the non-clinical staff employed by the centre and chosen among such members;

(f) where a council of physicians, dentists and pharmacists is constituted in the centre, one person elected by the council and chosen among the members of such council;

(g) one person elected by the board of directors of the local community service centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the local community service centres situated in the territory of the community health department which serves the reception centre;

(h) one person elected by the board of directors of the hospital centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres or, if there are none, elected jointly by the boards of directors of the hospital centres situated in the territory of the community health department which serves the reception centre;

(i) one person elected by the board of directors of the social service centre to which the reception centre is bound by a contract of professional services referred to in section 124 or, if there are several, elected jointly by the boards of directors of such centres;

(j) in the case of a reception centre whose immovable assets are owned by a non-profit legal person other than a legal person constituted under this Act, three persons who are elected by the members of that legal person and who do not hold employment or practise their profession in the centre;

(k) in the case of an institution affiliated with a university, one person appointed by such university;

(l) the executive director of the centre.

1971, c. 48, s. 53; 1974, c. 42, s. 26; 1975, c. 61, s. 3; 1977, c. 48, s. 17; 1978, c. 72, s. 20; 1981, c. 22, s. 63; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

82.1. For the purposes of the composition of the boards of directors of the institutions, “contract of professional services” means a contract made between institutions of the same region.

1981, c. 22, s. 63; 1992, c. 21, s. 375.

82.2. Excepting the executive director, the term of office of the members of the boards of directors of the institutions contemplated in sections 78 to 82 is three years.

1981, c. 22, s. 64; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

83. When a board of directors discusses or decides the dismissal, suspension, remuneration, renewal of engagement or other conditions of employment of the executive director, he shall abstain from sitting.

1974, c. 42, s. 27; 1977, c. 48, s. 18; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

84. The meeting contemplated in paragraph *a* of sections 78 and 81 must be held every three years on the day, in the month of May, determined by the regional council.

Before 1 April of each year during which the meeting must be held, the regional council shall designate a chairman of the meeting, fix the place thereof and shall call it by a notice published in two newspapers circulating in the territory served by the institution. The notice must indicate the date of the meeting. In the case where an institution has facilities located at a distance from one another, the regional council may decide that the meeting be held in more than one place and appoint a different chairman for each sitting.

1971, c. 48, s. 54; 1974, c. 42, s. 28; 1977, c. 48, s. 19; 1978, c. 72, s. 21; 1981, c. 22, s. 65; 1987, c. 104, s. 5; 1992, c. 21, s. 375.

85. The first elections or appointments in accordance with each of sections 78 to 82 are held during the first month of May following the issue of the first permanent permit issued in accordance with subdivision 1 of Division VI.

The first elections or appointments of members to the boards of directors of institutions established after 24 March 1982 are held at the time prescribed for the election or appointment of the members of institutions of the same category.

1974, c. 42, s. 28; 1977, c. 48, s. 20; 1978, c. 72, s. 22; 1981, c. 22, s. 66; 1992, c. 21, s. 375.

86. No person may be a member of the board of directors of an institution if:

(a) he is under tutorship or curatorship;

(b) he is placed under confinement within the meaning of article 30 of the Civil Code of Québec (Statutes of Québec, 1991, chapter 64); or

(c) he has been condemned within the preceding five years for committing an offence or crime that may entail up to three years of imprisonment;

(d) he was declared forfeited of office as a member of the board of directors of an institution in the preceding three years pursuant to paragraph *a* of section 170;

(e) he was convicted of an offence in the preceding three years pursuant to section 179 or 180.

Paragraph *c* of this section does not apply to the boards of directors of the reception centres designated by the Government, by an order which must be published in the *Gazette officielle du Québec*.

1974, c. 42, s. 28; 1977, c. 48, s. 21; 1981, c. 22, s. 67; 1986, c. 57, s. 3; 1989, c. 54, s. 187; 1990, c. 4, s. 819; 1992, c. 21, s. 375; 1997, c. 75, s. 53.

87. (*Repealed*).

1974, c. 42, s. 28; 1977, c. 48, s. 22; 1981, c. 22, s. 68; 1997, c. 43, s. 747.

88. (*Repealed*).

1975, c. 61, s. 4; 1977, c. 48, s. 23.

89. If the election or appointment of a member under sections 78 to 82 is not held or made, the regional council of the region in which the institution is situated shall make the appointment.

If there is no regional council in the region, the Minister shall make the appointment.

1971, c. 48, s. 55; 1992, c. 21, s. 375.

90. A person ceases to be a member of a board of directors of an institution upon losing the qualifications necessary for his appointment or election, except a person elected under paragraph *a* of section 78 or 81.

1977, c. 48, s. 24; 1978, c. 72, s. 23; 1981, c. 22, s. 69; 1992, c. 21, s. 375.

91. Any vacancy occurring less than two years after the election or appointment of a member of the board of directors of an institution shall be filled within a reasonable time by following the mode of election or appointment prescribed for the election or appointment of the member to be replaced, but only for the unexpired portion of the term of such member.

Any vacancy occurring more than two years after the election or appointment shall be filled, for the unexpired portion of the term of the member to be replaced, by a resolution of the members of the board who remain in office.

This section does not apply to the executive director.

1971, c. 48, s. 56; 1974, c. 42, s. 29; 1978, c. 72, s. 24; 1981, c. 22, s. 70; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

92. The members of the board of a public institution shall remain in office, notwithstanding the expiry of their term, until reappointed, reelected or replaced.

1971, c. 48, s. 57; 1992, c. 21, s. 375.

93. The members of the board of a public institution shall elect the president and the vice-president of the institution from among themselves each year.

However, neither the president nor the vice-president may hold employment in the institution.

In the case of a tie-vote at a meeting of the members of the board of directors, the president shall have a casting vote.

1971, c. 48, s. 58; 1981, c. 22, s. 71; 1992, c. 21, s. 375.

94. The members of the board of a public institution shall receive no salary as such; they may be indemnified, in accordance with the regulations, for their expenses incurred in attending meetings.

1971, c. 48, s. 59; 1992, c. 21, s. 375.

95. No executive director of a public institution shall, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the institution. However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces it or, after informing the board of directors thereof, he disposes of it within the time prescribed by the board.

An executive director who is forfeited of office becomes disqualified from holding any executive office or employment in any public institution or regional council for the period determined in the judgment. The disqualification period shall not exceed three years.

The board of directors of a public institution must, on becoming aware that its executive director is in a situation of conflict of interest, take measures with the view of instituting proceedings for forfeiture of office against him. It must, also, within the ten following days, inform the Minister thereof in writing, indicating to him the nature of the situation and the measures taken.

Every member of the board of directors of a public institution, other than the executive director, who has a direct or indirect interest in an undertaking causing his personal interest to conflict with that of the institution shall, under pain of forfeiture of office, disclose his interest in writing to the board of directors and abstain

from sitting on the board and participating in the deliberations or decisions on any question relating to the undertaking in which he has an interest.

For any member of the board of directors, the fact of being a minority shareholder of a legal person which operates an undertaking referred to in this section does not constitute a situation of conflict of interest if the shares of the legal person are listed on a recognized stock exchange and if the member of the board of directors involved is not an insider of the legal person within the meaning of section 89 of the Securities Act (chapter V-1.1).

1971, c. 48, s. 60; 1986, c. 106, s. 9; 1987, c. 104, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

§ 4. — *Administrative committee*

96. The board of directors of any public institution may, by by-law, establish an administrative committee and determine the functions, powers and duties thereof.

1971, c. 48, s. 61; 1978, c. 72, s. 25; 1992, c. 21, s. 375.

97. The administrative committee shall consist of the chairman of the board of directors, the executive director and four other members of the board of directors of the institution appointed each year by such board, one of whom must be elected under paragraph *a* of section 78, 79, 81 or 82.

1971, c. 48, s. 62; 1974, c. 42, s. 30; 1978, c. 72, s. 26; 1981, c. 22, s. 72; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

98. Nevertheless, in the case of a hospital centre, one of such members shall be the member of the board of directors designated by the council of physicians, dentists and pharmacists and another shall be the member of the board of directors designated by the clinical staff advisory council; in the case of a social service centre, one of such members shall be the member of the board of directors designated by the clinical staff advisory council.

In the case of an institution affiliated with a university, a person delegated by such university shall also be a member of the administrative committee in an advisory capacity only.

1971, c. 48, s. 63; 1974, c. 42, s. 31; 1977, c. 48, s. 25; 1981, c. 22, s. 73; 1984, c. 47, s. 208; 1992, c. 21, s. 375.

99. In an institution where there is no council of physicians, dentists and pharmacists, not less than one nor more than two members of the clinical staff must be members of the administrative committee.

In an institution where there is a council of physicians, dentists and pharmacists, not less than one nor more than two practising physicians or dentists and not less than one nor more than two members of the clinical staff, must be members of the administrative committee.

1971, c. 48, s. 64; 1974, c. 42, s. 32; 1981, c. 22, s. 74; 1984, c. 47, s. 208; 1992, c. 21, s. 375.

100. A person shall cease to be a member of the administrative committee as soon as he is no longer qualified to sit on it.

1971, c. 48, s. 65.

101. Subject to section 100, the members of the administrative committee shall remain in office notwithstanding the expiry of their term, until reappointed or replaced.

1971, c. 48, s. 66.

102. The members of the administrative committee of a public institution shall receive no salary as such; they may be indemnified, in accordance with the regulations, for their expenses incurred in attending meetings.

1971, c. 48, s. 67; 1992, c. 21, s. 375.

103. Any vacancy among the members of the administrative committee shall be filled by following the mode of appointment prescribed for the appointment of the member to be replaced, but only for the unexpired portion of the term of such member.

1971, c. 48, s. 68; 1974, c. 42, s. 33.

§ 5. — *Executive director and personnel*

1986, c. 57, s. 6; 1992, c. 21, s. 375.

104. The executive director of a public institution shall be appointed by the board of directors.

The executive director of a private institution shall be appointed by the owner of the institution.

The executive director of a public institution shall, under pain of forfeiture of office, devote himself exclusively to the work of the council and the duties of his office.

Notwithstanding the foregoing, he may hold any additional employment, office or function or provide any additional service, if no remuneration or direct or indirect benefit is paid or granted to him therefor.

An executive director may, with the authorization of the board of directors, hold, outside the health and social services sector, any additional employment, office or function or provide any additional service for which a remuneration or a direct or indirect benefit is paid or granted to him.

Similarly, an executive director may, with the authorization of the Minister and of the board of directors, hold, within the health and social services sector, an additional employment, office or function or provide any additional service for which a remuneration or a direct or indirect benefit is paid or granted to him. However, only the authorization of the board of directors is required in the case of an office or function held within an association consisting of the majority of institutions of a same category or within an association of executive directors of health services and social services recognized by order for labour relations purposes.

An executive director may also hold an elective public office.

The board of directors of a public institution must, on becoming aware that its executive director is contravening any of the rules prescribed in this section, suspend him without remuneration or take measures with the view of instituting proceedings for forfeiture of office against him according to the seriousness of the contravention. It must also, within the ten following days, inform the Minister thereof and indicate to him the nature of the situation and the measures taken. Any suspension imposed under this paragraph may vary from three to six months.

An executive director who is forfeited of office becomes disqualified from holding any office or employment in any public institution or regional council for the period determined in the judgment. The disqualification period shall not exceed three years.

1971, c. 48, s. 69; 1981, c. 22, s. 75; 1986, c. 57, s. 6; 1987, c. 104, s. 7; 1992, c. 21, s. 375.

105. The executive director, under the authority of the board of directors, shall be responsible for the administration and operation of the institution.

He shall in particular:

- (a) see that the resolutions of the board of directors and the administrative committee are carried out;
- (b) prepare and submit the organization plan of the institution to the board of directors for approval;
- (c) prepare the institution's budget, submit it to the board of directors for approval and see to its application in accordance with the approvals and authorizations obtained;
- (d) except for persons contemplated in the third paragraph of section 71.1 and pharmacists and the head of the pharmacy department of a hospital centre and unless otherwise provided for by regulation for other categories of institutions, choose and engage the members of the personnel including the junior managerial personnel and send to the board of directors recommendations on the engagement and appointment of the senior managerial personnel, in accordance with the regulations made under section 154;
- (e) see to the implementation and operation of an effective management and supervisory system to ensure the preservation and use of the institution's resources;
- (f) sign, on behalf of the institution, all contracts authorized by the board of directors or by the administrative committee;
- (g) in the case of a hospital centre, give to the heads of the clinical departments information on the financial and administrative consequences of the activities of the physicians and dentists in their departments;
- (h) in the case of a long-term care hospital centre, an institution offering such service or a reception centre, meet periodically with the beneficiaries' committee to inform it about the general administration of the centre;
- (i) in matters regarding protective supervision of incapable persons and protection mandates, fulfil the obligations provided for in the Civil Code and in the Public Curator Act (chapter C-81). He may however designate the director of professional services to fulfil such obligations.

1971, c. 48, s. 70; 1974, c. 42, s. 34; 1981, c. 22, s. 76; 1983, c. 54, s. 74; 1984, c. 47, s. 172; 1986, c. 57, s. 6; 1989, c. 54, s. 188; 1992, c. 21, s. 375; I.N. 2016-01-01 (NCCP).

106. The board of directors of a public institution shall not dismiss the executive director or reduce his salary except by a resolution passed by the affirmative vote of at least two-thirds of its members at a meeting called for that purpose.

1971, c. 48, s. 71; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

107. The board of directors and the executive director of an institution must allow the representatives of the professional orders contemplated in the Professional Code (chapter C-26) to have access to the institution for the accomplishment of the functions they must fulfill to ensure the protection of the public.

1974, c. 42, s. 35; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1994, c. 40, s. 457.

§ 6. — *Special provisions*

108. A clinical staff advisory council is constituted in each institution. Such council shall consist of all the members of the clinical staff working in the institution.

1971, c. 48, s. 72; 1974, c. 42, s. 36; 1992, c. 21, s. 375.

109. The function of the clinical staff advisory council shall be to make recommendations to the board of directors respecting the scientific and technical organization of the institution.

1971, c. 48, s. 73; 1974, c. 42, s. 37; 1992, c. 21, s. 375.

110. The powers of the clinical staff advisory council shall be exercised by an executive committee consisting of three members of the clinical staff working in the institution, the executive director of the institution and the director of professional services. In the case of an institution where there is a council of physicians, dentists and pharmacists, such committee shall also include a physician or a dentist designated by the council of physicians, dentists and pharmacists. However, the power to elect a member to the board of directors of the institution shall be exercised by all of the members of the clinical staff advisory council.

1971, c. 48, s. 74; 1974, c. 42, s. 38; 1977, c. 48, s. 27; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

111. A council of physicians, dentists and pharmacists may be constituted in an institution where at least two physicians and one pharmacist are practising. However, such council shall be constituted in every hospital centre where at least three physicians or dentists are practising and in every local community service centre where at least five physicians or dentists are practising.

Such council shall consist of all the physicians, dentists and pharmacists who practise their profession in the institution and, in the case of a hospital centre, who enjoy the status required by regulation.

1971, c. 48, s. 75; 1974, c. 42, s. 38; 1977, c. 48, s. 28; 1981, c. 22, s. 77; 1984, c. 47, s. 173; 1992, c. 21, s. 375.

112. The council of physicians, dentists and pharmacists, in accordance with such standards as may be determined by regulation, shall be responsible to the board of directors for

- (1) supervising and appreciating the medical, dental and pharmaceutical acts performed in the institution;
- (2) maintaining the competence of the physicians, dentists and pharmacists practising in the institution;
- (3) making the necessary recommendations to ensure that medical, dental and pharmaceutical services are properly distributed;
- (4) making recommendations on the scientific and technical organization of the institution;
- (5) giving its opinion on the rules governing medical and dental care, on pharmaceutical services and on the rules governing the use of the resources devised by the head of a clinical department;
- (6) establishing the modalities of a system of continuous duty in the hospital centre.

In carrying out its functions, the council of physicians, dentists and pharmacists shall take into account the necessity of providing adequate services to beneficiaries, the organization of the institution and the resources available in the institution.

1971, c. 48, s. 76; 1981, c. 22, s. 78; 1984, c. 47, s. 173; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

113. The powers of the council of physicians, dentists and pharmacists in an institution having more than five physicians or dentists shall be exercised by an executive committee consisting of five physicians, dentists or pharmacists designated by the council, the executive director of the institution and the director of professional services. However, the power to elect a member to the board of directors of the institution shall be exercised by all of the members of the council of physicians, dentists and pharmacists.

The executive committee shall, in particular, carry out the functions prescribed by regulation.

1971, c. 48, s. 77; 1977, c. 48, s. 29; 1984, c. 47, s. 173; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

114. The clinical staff advisory council and the council of physicians, dentists and pharmacists may make by-laws for their internal management, the creation and functioning of committees and the pursuit of their objects. Such by-laws come into force on approval by the board of directors.

In the case of a hospital centre, the council of physicians, dentists and pharmacists must constitute the committees determined by by-law.

Notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the records and minutes of the council of physicians, dentists and pharmacists and of each of its committees relating to the carrying out of responsibilities described in subparagraphs 1 and 2 of section 112 are confidential. No person may gain access to them except members of the council and of its committees, the Administrative Tribunal of Québec and the representatives of a professional order in the performance of functions assigned to it by law. The executive committee of the council of physicians, dentists and pharmacists has access to the records and minutes of its committees.

1971, c. 48, s. 78; 1974, c. 42, s. 39; 1981, c. 22, s. 79; 1984, c. 47, s. 208; 1987, c. 68, s. 115; 1994, c. 40, s. 457; 1997, c. 43, s. 748.

115. The board of directors of every hospital centre must appoint a director of nursing care, after obtaining the advice of the executive director. Such director must be a member in good standing of the Ordre des infirmières et infirmiers du Québec; he shall perform the duties provided in the organization plan and in the by-laws.

If the organization plan so provides, the board of directors shall also appoint, after obtaining the advice of the executive director, a director of hospital services and a director of administrative services; such directors shall perform the duties provided in the organization plan and in the by-laws.

1974, c. 42, s. 40; 1977, c. 5, s. 229; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

115.1. The director of nursing care may, for disciplinary reasons or on grounds of incompetence, particularly on the advice of the head of a clinical department or the director of professional services, limit or suspend a nurse's right to engage in one or more of the activities referred to in section 36.1 of the Nurses Act (chapter I-8) in the centre.

In urgent cases, if the director of nursing care is unable or fails to act, the head of a clinical department or the director of professional services may apply a measure referred to in the first paragraph for a period not exceeding five days. The head of a clinical department or the director of professional services shall notify the director of nursing care as soon as possible.

If the director of nursing care refuses to apply a measure referred to in the first paragraph, such a measure may be applied by the executive director of the institution after consultation with the council of physicians, dentists and pharmacists.

The Ordre des infirmières et infirmiers du Québec must be informed of any measure applied under this section.

2002, c. 33, s. 30.

116. The board of directors of every hospital centre or social service centre must appoint a director of professional services.

The board shall appoint such director after taking the advice of the clinical staff advisory council; in the case of a hospital centre it shall also take the advice of the council of physicians, dentists and pharmacists.

In the case of an institution affiliated with a university, the council shall also take the advice of such university.

1971, c. 48, s. 79; 1974, c. 42, s. 41; 1977, c. 48, s. 30; 1981, c. 22, s. 80; 1984, c. 47, s. 208; 1992, c. 21, s. 375.

117. In the case of a hospital centre, the director of professional services must be a physician authorized to practise his profession under the Medical Act (chapter M-9).

1971, c. 48, s. 80.

118. The director of professional services, under the authority of the executive director, must

(1) direct, coordinate and supervise the activities of heads of clinical departments that are provided for in section 71.1 and coordinate with the other directors concerned the professional and scientific activities of the institution, subject to the organization plan;

(2) implement the administrative sanctions provided for in subparagraph 2 of the first paragraph of section 71.1 and inform thereof the council of physicians, dentists and pharmacists and the heads of clinical departments;

(3) supervise the operation of the committees of the clinical staff advisory council and of the council of physicians, dentists and pharmacists and satisfy himself that they are performing their functions and, in the case of the council of physicians, dentists and pharmacists, that it is adequately supervising the medical, dental and pharmaceutical acts performed in the institution;

(4) assume any other function provided for in the organization plan of the institution;

(5) take all means to ensure that an examination, autopsy or expertise required under the Act respecting the determination of the causes and circumstances of death (chapter R-0.2) is made or performed.

1971, c. 48, s. 81; 1974, c. 42, s. 42; 1978, c. 72, s. 27; 1981, c. 22, s. 81; 1983, c. 41, s. 207; 1984, c. 47, s. 174; 1984, c. 47, s. 208; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

§ 6.1. — *Beneficiaries' Committee*

1981, c. 22, s. 82; 1986, c. 57, s. 6.

118.1. Every long-term care hospital centre, every reception centre and every institution offering such service must institute a beneficiaries' committee and provide financing standards for the operation of the committee.

Such committee shall consist of five members elected by the beneficiaries, two of whom may be voluntary members or, as the case may be, beneficiaries who are out-patients. However, no such persons may be employees of the institution, members of the legal person maintaining the institution or members of the board of directors of the institution.

The committee shall make by-laws for its internal management and the election or replacement of its members.

1981, c. 22, s. 82; 1983, c. 54, s. 75; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

118.2. Parents and tutors of beneficiaries less than 18 years of age may be elected as members of a beneficiaries' committee.

1981, c. 22, s. 82; 1986, c. 57, s. 6.

118.3. Where the health of the beneficiaries in an institution does not allow them to be members of a beneficiaries' committee, the committee may be composed of parents or representatives of the beneficiaries chosen by the regional council concerned, after consultation with the board of directors of the institution.

1981, c. 22, s. 82; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

118.4. The executive director of the institution must foster the proper functioning of the beneficiaries' committee and inform in writing every beneficiary, or every parent or tutor of a beneficiary less than 18 years of age or whose health does not allow him to be a member of a committee, of the existence of such a committee.

The executive director must allow the beneficiaries' committee to use premises for its meetings, and make it possible for the committee to keep confidential records.

1981, c. 22, s. 82; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

118.5. The functions of the beneficiaries' committee are

(1) to defend the collective interest of the beneficiaries or, at the request of any beneficiary, his interests as a beneficiary, before the institution or any competent authority;

(2) to represent and assist, on request, any beneficiary who wishes to file a complaint as provided for in paragraph *c* of section 18;

(3) to participate in the organization of the recreational activities of the beneficiaries and advise the board of directors of the institution on any matter relating to recreation and the conditions of accommodation of beneficiaries; and

(4) to inform the beneficiaries about the general administration of the institution.

1981, c. 22, s. 82; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

§ 7. — *Amalgamation and conversion*

119. The enterprise registrar may, upon the request of the Minister, issue letters patent under his hand and seal amalgamating with any legal person which maintains an institution under this Act:

(a) any other such institution; or

(b) any other legal person which has similar objects, by whatever law governed, even if it is constituted under a special Act.

1971, c. 48, s. 82; 1975, c. 76, s. 11; 1978, c. 72, s. 28; 1981, c. 9, s. 24; 1982, c. 52, s. 231; 1992, c. 21, s. 375; 1999, c. 40, s. 270; 2002, c. 45, s. 557.

120. The enterprise registrar may in like manner convert any legal person contemplated in paragraph *b* of section 119 into a legal person contemplated in paragraph *a* of the same section, or amalgamate several legal persons contemplated in paragraph *b* of the said section.

1971, c. 48, s. 83; 1974, c. 42, s. 43; 1975, c. 76, s. 11; 1978, c. 72, s. 29; 1981, c. 9, s. 24; 1982, c. 52, s. 232; 1999, c. 40, s. 270; 2002, c. 45, s. 557.

121. No institution contemplated in sections 10 to 13 may be amalgamated or converted under section 119 or 120 except with its consent and on the conditions agreed between it and the Minister.

However, an institution contemplated in paragraph *a* of section 10 or a public institution whose immovable assets have been acquired out of funds derived for the most part from Government subsidies may be amalgamated in accordance with section 119 where the Minister considers, after consulting the regional council concerned, that the public interest warrants it. In such a case, the Minister shall publish in the *Gazette officielle du Québec* a notice of his intention to propose to the Government, 45 days after publication of such notice, that it order the amalgamation of such institution and the issue of letters patent to that effect by the enterprise registrar.

After publication of the notice, the Minister must give the institutions concerned the opportunity to present observations.

1971, c. 48, s. 84; 1977, c. 48, s. 31; 1981, c. 22, s. 83; 1982, c. 52, s. 233; 1992, c. 21, s. 375; 1997, c. 43, s. 749; 2002, c. 45, s. 557.

122. Notice of the issue of letters patent under section 119, 120 or 121 must be published in the *Gazette officielle du Québec*.

Subject to publication of the notice provided for in the preceding paragraph but from the date of the letters patent, the legal persons shall be amalgamated and form a single legal person or the converted legal person shall cease to exist, as the case may be.

1971, c. 48, s. 85; 1981, c. 22, s. 84; 1999, c. 40, s. 270.

122.1. Notwithstanding section 65, the provisional members of the board of directors of the new legal person resulting from an amalgamation referred to in the second paragraph of section 121 remain in office for at least 12 months from the date of issue of the letters patent.

1981, c. 22, s. 85; 1999, c. 40, s. 270.

123. The new legal person resulting from the amalgamation or conversion shall, under the new name granted to it by the letters patent, have all the rights, acquire all the property and assume all the obligations of the amalgamated legal persons or of the converted legal person and proceedings in which these legal persons are parties may be continued without continuance of suit.

1971, c. 48, s. 86; 1999, c. 40, s. 270.

§ 8. — *Miscellaneous*

124. Every public institution may make contracts of professional services with any other institution or body whereby one party binds itself to make services of a professional nature available to the other or by which the parties exchange such services; such a contract shall be valid only from the date on which it is filed with the regional council of the region where each institution which makes it is situated.

1971, c. 48, s. 87; 1992, c. 21, s. 375.

125. In addition to the services which it may offer having regard to the class to which it belongs, an institution may offer teaching and research services if bound by a contract of affiliation with an educational institution recognized by the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology and by the Minister of Health and Social Services; the terms of such contract, however, must be approved by the Minister of Health and Social Services and the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective competence.

Such a contract must indicate the person who is responsible for the teaching provided in the institution.

1971, c. 48, s. 88; 1974, c. 42, s. 44; 1985, c. 21, s. 83; 1985, c. 23, s. 24; 1988, c. 41, s. 88; 1992, c. 21, s. 375; 1993, c. 51, s. 56; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2013, c. 28, s. 203.

126. Every public institution must, at least once each year, hold a public information meeting, in which the population of the territory served by the institution shall be invited to participate.

The members of the board of directors must then make public, in accordance with the regulations, such items of information as are prescribed with respect to the financial statements of the institution. They must also answer any question put to them respecting the financial statements, the services provided by the institution and the relations it has with the other institutions and with the regional council of the region in which it is situated.

The mode of calling such meeting and the procedure to be followed at it shall be determined by the regional council of the region where the institution is situated.

The annual public information meeting held under this section may take place at the same time as the meeting of users contemplated in paragraph *a* of section 78 or 81.

That meeting may be held jointly by several public institutions serving the same territory.

1971, c. 48, s. 89; 1974, c. 42, s. 45; 1977, c. 48, s. 32; 1978, c. 72, s. 30; 1981, c. 22, s. 86; 1987, c. 104, s. 8; 1992, c. 21, s. 375.

127. No institution, nor its directors, employees, or agents, nor any professional may solicit a renunciation by any person or his agents of the responsibility resulting from professional fault or resulting from the hospitalization or lodging of such person, or from medical examinations, treatments or surgical operations.

If such a renunciation is made, it shall be void.

This section also applies to foster families regarding their fault or negligence.

1971, c. 48, s. 90; 1974, c. 42, s. 46; 1992, c. 21, s. 375.

128. Every physician or dentist practising in an institution must hold a valid professional liability insurance policy for himself and his succession, accepted by the board of directors, and establish each year that such insurance is in force.

A physician or dentist may however fulfil the obligation contemplated in the first paragraph by furnishing each year to the board of directors proof that he is a member of the Canadian Medical Protective Association.

1971, c. 48, s. 91; 1974, c. 42, s. 47; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

129. A physician or dentist may practise his profession in an institution upon his appointment by the board of directors; he shall have the status and privileges granted him by the board of directors after recommendation of the council of physicians, dentists and pharmacists, if any.

The engagement of a pharmacist by a hospital centre must have previously been recommended by the council of physicians, dentists and pharmacists. The status given to the pharmacist on the council is determined in accordance with the regulation.

In the case of a hospital centre, the status and privileges that may be granted to a physician or a dentist are granted in accordance with the regulations.

Furthermore, the enjoyment of the privileges is subject to compliance with the rules approved by the board of directors of the centre.

1971, c. 48, s. 92; 1974, c. 42, s. 48; 1981, c. 22, s. 87; 1984, c. 47, s. 175; 1984, c. 47, s. 208; 1992, c. 21, s. 375.

129.1. The director of professional services, the chairman of the council of physicians, dentists and pharmacists, the head of a clinical department or, in the case of a pharmacist, the head of the pharmacy department may, in case of emergency, temporarily authorize a physician, dentist or a pharmacist to practise his profession in a hospital centre. In that case, the person who gives the authorization must so notify the executive director immediately.

Where there is a risk that the period involved in obtaining the authorization could be prejudicial to a beneficiary, any physician, dentist or pharmacist may, without such authorization, give the treatment or services that the condition of the beneficiary requires.

1981, c. 22, s. 88; 1984, c. 47, s. 176; 1986, c. 57, s. 6; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

130. A physician, dentist or pharmacist wishing to practise his profession in a hospital centre must send to the executive director a form of application for appointment in accordance with the regulations.

The committee of examination of titles of the council of physicians, dentists and pharmacists, the composition of which is determined by by-law, shall consider the application of the candidate and shall report to the council of physicians, dentists and pharmacists within 30 days of the receipt of the application by the executive director.

The council of physicians, dentists and pharmacists shall then send a recommendation to the board of directors within the ensuing 30 days in the case of an application for appointment by a physician or a dentist, and to the executive director in the case of an application for appointment by a pharmacist.

The board of directors shall send a written decision to the physician or dentist within 90 days of the receipt of the original application by the executive director.

In the case of a hospital centre affiliated with a university, the board of directors shall take the decision after consultation with the university in accordance with the terms of the contract of affiliation.

The board of directors of a hospital centre shall accept or refuse the candidature of a physician or dentist taking into account the organization plan contemplated in section 70, the number of physicians and dentists provided for in such organization plan and the resources available and the special requirements of the centre.

The council may also refuse the candidature of a physician or dentist on the basis of criteria of the qualifications, scientific competence or conduct of the physician or dentist, having regard to the special requirements of the hospital centre.

Every refusal must be substantiated in writing.

Within 30 days after accepting a candidature, the council must notify the regional council concerned.

1974, c. 42, s. 48; 1978, c. 72, s. 31; 1981, c. 22, s. 89; 1984, c. 47, s. 177; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

131. The board of directors of a hospital centre may take disciplinary measures in respect of a physician, dentist or pharmacist. The disciplinary measures that may be taken in respect of a physician or dentist are the following: the non-renewal of status or privileges, a reprimand, a change of status, the deprivation of privileges, the suspension of status or privileges for a specific period, the prohibition from using certain resources of the institution, and the revocation of status or privileges. The disciplinary measures that may be taken in respect of a pharmacist are the following: a reprimand or the suspension or revocation of status. The revocation of status of a pharmacist entails his dismissal by the hospital centre.

The board of directors of a hospital centre shall consult the council of physicians, dentists and pharmacists before deciding to apply any measure under this section. If the hospital centre is affiliated with a university, the board of directors shall also consult the university in accordance with the terms of the contract of affiliation.

The non-renewal or the revocation of status or privileges must be substantiated and based only on a lack of qualification, on scientific incompetence, negligence, misconduct or non-observance of the regulations and the by-laws of the hospital centre or of the council of physicians, dentists and pharmacists, having regard to the particular requirements of the hospital centre.

The application of disciplinary measures must be done in accordance with the procedure prescribed by regulation.

1974, c. 42, s. 48; 1984, c. 47, s. 178; 1992, c. 21, s. 375.

132. Any physician or dentist who is not satisfied with a decision rendered in his regard under the seventh paragraph of section 130 or under section 131 may, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec.

He may also appeal to the Tribunal within 60 days of the expiry of the time prescribed in the fourth paragraph of section 130, as if the decision were unfavourable, if no decision on his application for appointment has been sent to him within the time prescribed in that paragraph.

Any pharmacist who is not satisfied with a decision rendered in his regard under section 131 may also contest the decision before the Tribunal.

1974, c. 42, s. 48; 1981, c. 22, s. 90; 1984, c. 47, s. 179; 1997, c. 43, s. 750.

132.1. No physician or dentist may cease to practise his profession in an institution before giving at least 60 days' notice in writing to the board of directors.

The board of directors may authorize a physician or a dentist to cease to practise his profession in an institution without notice or upon notice of less than 60 days if it considers that his termination of employment does not affect the quality or the sufficiency of the medical or dental services provided to the population served by the institution.

1986, c. 57, s. 4; 1992, c. 21, s. 375.

132.2. Where a physician or a dentist ceases to practise his profession in an institution without the authorization of the board of directors and without notice or before the time stated in the notice, he shall become, from the date fixed by the Régie de l'assurance maladie du Québec, a non-participating professional, for the purposes of the Health Insurance Act (chapter A-29), for a period equal to twice the number of days remaining of the time given in the notice.

The board of directors shall forthwith inform the Régie de l'assurance maladie of the termination of employment and indicate the period for which the professional becomes a non-participating professional.

Where the board of directors believes that the termination of employment may affect the quality or sufficiency of the medical or dental services provided to the population served by an institution, it shall, in writing, inform the Ordre professionnel des médecins du Québec or the Ordre professionnel des dentistes du Québec, as the case may be.

1986, c. 57, s. 4; 1992, c. 21, s. 375; 1994, c. 40, s. 457; 1999, c. 89, s. 53.

133. No provision of this Act shall be interpreted as limiting the powers of revisory committees instituted by section 41 of the Health Insurance Act (chapter A-29) or of the professional orders contemplated by the Professional Code (chapter C-26).

1974, c. 42, s. 48; 1994, c. 40, s. 457.

134. Any institution may receive benevolent contributions from individuals or public or private bodies wishing to assist in the attainment of the objectives pursued by the institution.

If a contribution is made for special purposes the amount thereof shall not be paid into the institution's general fund; it shall be paid into a special fund managed by the institution and invested or deposited by it in accordance with the provisions of the Civil Code relating to investments presumed sound, until disposed of for the special purposes for which the contribution was made.

However, the amount may be entrusted to a non-profit legal person constituted under the laws of Québec whose sole object is to manage the contributions paid to such institution or to several institutions and to receive directly contributions paid by other persons for special purposes. It must be entrusted to such a legal

person if such a condition is attached to the contribution and be used for the special purposes stipulated. The legal person shall be subject to the rules set forth in the preceding paragraph respecting the management of the contributions and their investment.

The bonds or other securities held by a legal person contemplated in this section must be entrusted to the safekeeping of an institution registered with the Autorité des marchés financiers pursuant to the Deposit Insurance Act (chapter A-26), unless the Minister orders otherwise.

In case of dissolution of such a legal person and in the absence of particular provisions in that respect in the letters patent, the Government shall determine the apportionment of the assets of the said legal person.

The funds paid into a non-profit legal person in accordance with this section are deemed received in trust by such legal person; the legal person receiving such funds shall be, in respect of such funds, subject to the same obligations and powers as a trust company incorporated in Québec.

The preceding rules also apply to funds established by contribution before 1 June 1972 which have been habitually used for special purposes.

In the cases where an amount contemplated in the third paragraph of this section had been entrusted to a legal person not constituted in accordance with the laws of Québec, before 8 January 1975, such amount must be transferred to a legal person constituted under the laws of Québec before 1 January 1976.

1971, c. 48, s. 93; 1974, c. 42, s. 49; 1977, c. 5, s. 14; 1992, c. 21, s. 375; 1999, c. 40, s. 270; 2002, c. 45, s. 558; 2004, c. 37, s. 90.

134.1. No executive director or senior or intermediate officer of a public institution may accept any sum of money or any direct or indirect benefit from any foundation or legal person which solicits funds or donations from the public for purposes related to health services or social services.

Any public institution which receives any sum of money or any direct or indirect benefit from a foundation or legal person referred to in the first paragraph must report it in a schedule forming part of its financial statements and indicate the purpose for which such sum of money or such benefit was paid or granted.

1987, c. 104, s. 9; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

135. A hospital centre or a reception centre having at least 50 beds available for persons to whom it provides health services or social services may acquire, by expropriation, any immovable located in the same local municipal territory as that centre or in an adjacent local municipal territory which it needs to enlarge or improve its facilities or to organize services relating to its general operations.

1973, c. 38, s. 142; 1977, c. 48, s. 33; 1981, c. 22, s. 91; 1996, c. 2, s. 904.

135.1. A public institution may

(a) operate a day care centre in accordance with the Educational Childcare Act (chapter S-4.1.1);

(b) if it has been designated by the Minister of Families, Seniors and the Status of Women under section 121 of that Act to be the Minister's regional representative, act in that capacity and exercise the related functions;

(c) exercise any power that Minister authorizes it to exercise under that Act;

(d) make an agreement with that Minister under section 10 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2).

1979, c. 85, s. 84; 1992, c. 21, s. 375; 1996, c. 16, s. 68; 1997, c. 58, s. 136; 2005, c. 47, s. 146; 2006, c. 25, s. 15.

DIVISION VI

PERMITS

§ 1. — *Issue of permits*

136. No person may operate an institution unless he holds a permanent permit or a temporary permit issued for such purpose by the Minister.

1971, c. 48, s. 94; 1978, c. 72, s. 32; 1992, c. 21, s. 375.

137. The permanent permit indicates the category of the institution and its class, kind and capacity, if any.

The temporary permit indicates, in addition, the conditions within which the institution is authorized to carry on its activities.

Where an institution belongs to more than one category, the provisions of the Act and the regulations apply to the various parts or activities of the institution according to the categories to which it belongs. However, there shall be only one clinical staff advisory council and only one council of physicians, dentists and pharmacists.

Notwithstanding the third paragraph, in the category of local community service centres, only those designated by regulation may also belong to the category of hospital centre.

1971, c. 48, s. 95; 1974, c. 42, s. 50; 1975, c. 61, s. 5; 1978, c. 72, s. 33; 1984, c. 47, s. 180; 1992, c. 21, s. 375.

138. Every person applying for a permit must send his application to the Minister in accordance with the regulations.

The Minister shall issue a permanent permit or a temporary permit if he considers that it is in the public interest.

1971, c. 48, s. 96; 1978, c. 72, s. 34.

139. A permanent permit is granted for a period of two years ending on 31 March.

A temporary permit is granted for a period of less than two years.

1971, c. 48, s. 97; 1978, c. 72, s. 35; 1981, c. 22, s. 92.

139.1. A permanent permit is renewed for two years if its holder fulfils the conditions prescribed by regulation.

However, the Minister may, after consultation with the regional council concerned, change the category, the class, the kind or capacity indicated on the permit if he considers that the public interest warrants it.

Before changing the category, class or kind indicated on the permit, the Minister shall, pursuant to section 5 of the Act respecting administrative justice (chapter J-3), advise the institution concerned and give it the opportunity to present its observations.

The decision of the Minister is final and without appeal; it is not considered a refusal of renewal for the purposes of subdivision 2 of this division.

The holder of a permit that has been modified must take the necessary steps to comply with the new permit within six months of receiving it.

1981, c. 22, s. 92; 1992, c. 21, s. 375; 1997, c. 43, s. 751.

140. Every permit holder must carry on his activities within the limits fixed in his permit and keep the books and accounts prescribed by the regulations.

1971, c. 48, s. 99; 1978, c. 72, s. 36.

141. Every permit holder must, at the times fixed by regulation or, failing such, at the request of the Minister, furnish to the Minister, in such form as the latter may prescribe,

(1) a detailed report of his activities containing the information prescribed by regulation;

(2) financial statements certified by the auditor of the institution, in the case of a public institution or a private institution contemplated in sections 176 and 177.

1971, c. 48, s. 100; 1981, c. 22, s. 93; 1992, c. 21, s. 375.

142. A person authorized in writing by the Minister to carry out an inspection may, at any reasonable time, enter any premises other than a professional's private consulting office, where he has reason to believe that operations or activities for which a permit is required under this Act are carried on and any institution, in order to ascertain whether the Act and the regulations thereunder are being complied with.

That person must, if he is so required, produce a certificate signed by the Minister attesting his capacity.

Every person who hinders, impedes or attempts to hinder or to impede that person in the performance of his duties is guilty of an offence.

1971, c. 48, s. 101; 1974, c. 42, s. 52; 1978, c. 72, s. 37; 1984, c. 27, s. 98; 1986, c. 95, s. 308; 1992, c. 21, s. 375.

143. No permit may be transferred without the written permission of the Minister.

1971, c. 48, s. 102; 1999, c. 40, s. 270.

144. *(Repealed).*

1971, c. 48, s. 103; 1974, c. 42, s. 53; 1981, c. 22, s. 94.

145. No permit shall be required from a foster family under this Act.

1974, c. 42, s. 54; 1977, c. 48, s. 34.

§ 2. — *Suspension, cancellation and refusal of renewal of permits; proceeding before the Administrative Tribunal of Québec*

1997, c. 43, s. 752.

146. The Minister may suspend, cancel or refuse to renew the permit of any holder who:

(a) is guilty of an offence against this Act or the regulations;

(b) no longer fulfils the conditions for obtaining his permit;

(c) is insolvent or is about to become so;

(d) is not able to ensure adequate health services and social services.

1971, c. 48, s. 104; 1977, c. 48, s. 35.

147. The Minister shall, before suspending, cancelling or refusing to renew a permanent permit, notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the holder at least 10 days to present observations.

The Minister shall give notice of his decision in writing, with the reasons on which it is based, to any person whose permit he cancels, suspends or refuses to renew.

1971, c. 48, s. 105; 1978, c. 72, s. 38; 1997, c. 43, s. 753.

148. Any person whose permit is suspended, cancelled or not renewed may contest the Minister's decision before the Administrative Tribunal of Québec within 60 days of the date on which the decision was notified to him.

1971, c. 48, s. 106; 1974, c. 42, s. 55; 1997, c. 43, s. 754.

149. (*Repealed*).

1971, c. 48, s. 107; 1974, c. 42, s. 56; 1997, c. 43, s. 755.

DIVISION VI.1

Repealed, 2002, c. 69, s. 156.

1988, c. 47, s. 2; 2002, c. 69, s. 156.

§ 1. —

Repealed, 2002, c.69, s. 156.

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.1. (*Repealed*).

1988, c. 47, s. 2; 1999, c. 40, s. 270; 2002, c. 69, s. 156.

149.2. (*Repealed*).

1988, c. 47, s. 2; 1996, c. 2, s. 905; 2002, c. 69, s. 156.

149.3. (*Repealed*).

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.4. (*Repealed*).

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.5. (*Repealed*).

1988, c. 47, s. 2; 1992, c. 21, s. 342, s. 375; 2002, c. 69, s. 156.

149.6. (*Repealed*).

1988, c. 47, s. 2; 1992, c. 21, s. 343, s. 375; 2000, c. 56, s. 219; 2002, c. 69, s. 156.

149.7. (*Repealed*).

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.8. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.9. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.10. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.11. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.12. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.13. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.14. *(Repealed).*

1988, c. 47, s. 2; 1999, c. 40, s. 270; 2002, c. 69, s. 156.

149.15. *(Repealed).*

1988, c. 47, s. 2; 2000, c. 8, s. 190; 2002, c. 69, s. 156.

149.16. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.17. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.18. *(Repealed).*

1988, c. 47, s. 2; 2001, c. 60, s. 166; 2002, c. 69, s. 156.

149.19. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.20. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.21. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.22. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.23. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.24. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.25. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.25.1. *(Repealed).*

1991, c. 39, s. 1; 2001, c. 60, s. 166; 2002, c. 69, s. 156.

149.25.2. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.3. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.4. *(Repealed).*

1991, c. 39, s. 1; 1997, c. 43, s. 756; 2002, c. 69, s. 156.

149.25.5. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.6. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.7. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.8. *(Repealed).*

1991, c. 39, s. 1; 1999, c. 40, s. 270; 2002, c. 69, s. 156.

149.25.9. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.10. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

149.25.11. *(Repealed).*

1991, c. 39, s. 1; 2002, c. 69, s. 156.

§ 2. —

Repealed, 2002, c. 69, s. 156.

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.26. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 344, s. 375; 1998, c. 39, s. 189; 2002, c. 69, s. 156.

149.27. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 345; 1998, c. 39, s. 190; 2002, c. 69, s. 156.

149.28. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 346, s. 375; 1998, c. 39, s. 191; 2002, c. 69, s. 156.

149.29. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 347; 2002, c. 69, s. 156.

§ 3. —

Repealed, 2002, c.69, s. 156.

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.30. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

149.31. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 348, s. 375; 2002, c. 69, s. 156.

149.32. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 349; 2002, c. 69, s. 156.

149.32.1. *(Repealed).*

1992, c. 21, s. 350; 1994, c. 23, s. 22; 1998, c. 39, s. 192; 2001, c. 43, s. 69.

149.33. *(Repealed).*

1988, c. 47, s. 2; 1992, c. 21, s. 351, s. 375; 1998, c. 36, s. 194; 2002, c. 69, s. 156.

149.34. *(Repealed).*

1988, c. 47, s. 2; 2002, c. 69, s. 156.

DIVISION VII

MISCELLANEOUS

150. The Minister shall draw up the list of the medications which may be used in an institution. The list shall be updated periodically after considering the recommendations of the Institut national d'excellence en santé et en services sociaux established by the Act respecting the Institut national d'excellence en santé et en

services sociaux (chapter I-13.03). The Régie shall publish the list and each of its updatings. It comes into force on the date of publication in the *Gazette officielle du Québec* or on any later date fixed therein of a notice from the Minister stating that the list is drawn up or updated and that the list or updating has been published by the Régie.

An institution may furnish only the medications appearing on the list referred to in the first paragraph or the prostheses or apparatus referred to in section 3 of the Health Insurance Act (chapter A-29) or included in the insured services referred to in the Hospital Insurance Act (chapter A-28).

However, a hospital centre may supply medications not appearing on the list in the case of medications used for purposes exclusive to hospital centres, such as curariforms, general anesthetics, diagnostic agents, immunological products, radioactive substances and physiological solutions.

It may in addition supply medications other than those mentioned in the first paragraph, for purposes of clinical and fundamental research or particular medical necessity. In such case, the physician or dentist having used or prescribed such medications must so inform in writing the executive of the council of physicians, dentists and pharmacists, which must request the committee of pharmacology to give its opinion on the necessity of using such medications again in the same circumstances.

1971, c. 48, s. 108; 1974, c. 42, s. 57; 1977, c. 48, s. 36; 1981, c. 22, s. 95; 1984, c. 27, s. 99; 1984, c. 47, s. 208; 1992, c. 21, s. 375; 1996, c. 32, s. 110; 2002, c. 27, s. 41; 2010, c. 15, s. 87.

150.1. Force, isolation, mechanical means or chemicals may not be used to place a person under control in an installation maintained by an institution except to prevent the person from inflicting harm upon himself or others. The use of such means must be minimal and resorted to only exceptionally, and must be appropriate having regard to the person's physical and mental state.

Any measure referred to in the first paragraph applied in respect of a person must be noted in detail in the person's record. In particular, a description of the means used, the time during which they were used and a description of the behaviour which gave rise to the application or continued application of the measure must be recorded.

Every institution must adopt a procedure for the application of such measures that is consistent with ministerial orientations, make the procedure known to the users of the institution and evaluate the application of such measures annually.

1997, c. 75, s. 54.

151. The Gouvernement du Québec shall be *ipso facto* subrogated in the right of recovery of any beneficiary against any third party to the extent of the cost of the services assumed or to be assumed by it in respect of damage caused by the fault of such third party.

In case of contributory negligence the amount of such subrogation shall be subject to reduction in the same proportion as the beneficiary's right of recovery.

The Minister shall have authority to compromise any claim under this section and may delegate such authority.

An insurer of a third party's liability shall notify the Board in writing as soon as he begins negotiations to settle a claim for damages that may entail the payment of insured services.

An insurer of a third party's liability shall not discharge his obligation to indemnify the latter of his liability under this section otherwise than by payment.

An undertaking by a person to discharge a third party's or an insurer's liability under this section or to save them harmless from such liability shall be invalid and be deemed unwritten in any agreement, transaction or release.

The rights acquired by the subrogation provided for in this section shall form part of the domain of the State from their origin and are subject to the rules applicable to the rights forming part thereof; however, the right of action resulting therefrom shall be prescribed by three years.

1971, c. 48, s. 109; 1974, c. 42, s. 57; 1977, c. 5, s. 14; 1986, c. 57, s. 6; 1989, c. 50, s. 45; 1999, c. 40, s. 270.

152. No reception centre may receive moneys out of the Consolidated Revenue Fund or paid by a social service centre for services supplied to children or young persons who have not been entrusted to it through a social service centre or in accordance with the Youth Protection Act (chapter P-34.1) or the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1).

Where a young person is placed in accordance with the Youth Criminal Justice Act, the contribution for a minor beneficiary established pursuant to section 159 of this Act applies, and every person from whom the contribution is required is bound to pay it unless he is exempted from paying the contribution in accordance with the provisions of sections 160 and 162.

A foster family must submit to the control and supervision of the social service centre through which children or adults have been entrusted to it.

1971, c. 48, s. 110; 1974, c. 42, s. 57; 1981, c. 22, s. 96; 1985, c. 23, s. 22; 1986, c. 57, s. 6; 2009, c. 45, s. 38.

153. The Government shall determine by regulation the supervision that social service centres shall exercise over foster families and fix, by order, the amounts that the social service centres may pay to foster families to take charge of beneficiaries.

1971, c. 48, s. 111; 1974, c. 42, s. 57; 1984, c. 47, s. 181; 1986, c. 57, s. 6.

154. The Government may, by regulation, determine the standards and scales to be followed by regional councils, public institutions and the private institutions contemplated in sections 176 and 177, for

(1) the selection, appointment, remuneration and other conditions of employment of executive directors and senior and intermediate officers;

(2) the remuneration and other conditions of employment of the other staff members, taking account of the collective agreements in force.

The Government may establish by regulation, for the persons contemplated in subparagraphs 1 and 2 of the first paragraph who are not governed by a collective agreement, a procedure of appeal for cases of dismissal, non-renewal or termination of appointment other than cases resulting from proceedings for forfeiture of office. The regulation may also establish a procedure for the settlement of disagreements arising from the interpretation and implementation of the conditions of employment it determines. Finally, the regulation may prescribe the designation of an arbitrator and the measures that the arbitrator may take following the hearing of the parties.

1971, c. 48, s. 112; 1974, c. 42, s. 57; 1981, c. 22, s. 97; 1984, c. 47, s. 182; 1986, c. 57, s. 6; 1987, c. 104, s. 10; 1989, c. 35, s. 4; 1992, c. 21, s. 375.

154.1. The Government may, by regulation, establish standards for senior and intermediate officers of a regional council or public institution with respect to conflicts of interest, as well as standards for senior officers of such council or institution with respect to exclusivity of office.

No senior or intermediate officer, as the case may be, may, under pain of dismissal, contravene any of the standards established under the first paragraph.

1987, c. 104, s. 11; 1992, c. 21, s. 375.

155. The owner, a member of the board of directors or a person employed in an institution or a member of a foster family shall not solicit or accept any gift or legacy from a person sheltered in that institution or taken in charge by that foster family.

1971, c. 48, s. 113; 1974, c. 42, s. 57; 1992, c. 21, s. 375.

156. The consent of the consort shall not be required for the furnishing of services in an institution.

1971, c. 48, s. 114; 1974, c. 42, s. 57; 1992, c. 21, s. 375.

157. (*Repealed*).

1971, c. 48, s. 115; 1974, c. 42, s. 57; 1985, c. 23, s. 23.

158. No municipal permit or certificate may be refused and no proceedings may be instituted under a municipal by-law on the sole ground that a group home, a pavilion or a foster family within the meaning of this Act or the regulations intends to occupy the whole or a part of a structure or a dwelling unit.

This section prevails against any general law or special Act.

1977, c. 48, s. 37.

159. The Government shall determine, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family.

The amount of the contribution may vary according to the circumstances or the needs identified by regulation. The contribution shall be required by an institution or by the Minister. The beneficiaries themselves are bound to pay it; however, in the case of a beneficiary who is a minor, the contribution may be required from his father or mother or any other person determined by regulation; in the case of a married beneficiary, the contribution may be required from his consort, and, in the case of a member of a religious community, the contribution may be required from his community.

1971, c. 48, s. 116; 1974, c. 42, s. 57; 1977, c. 48, s. 38; 1979, c. 85, s. 85; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

160. The Minister or an institution designated by regulation may, upon the request of a person from whom payment of a contribution is required under section 159, exempt such person from paying that contribution in accordance with the terms and conditions and in the cases determined by regulation.

1971, c. 48, s. 117; 1974, c. 42, s. 57; 1978, c. 72, s. 39; 1992, c. 21, s. 375.

161. The Government shall determine, by regulation, the conditions and cases in which the Minister may pay an expense allowance to a beneficiary sheltered in an institution or pay that expense allowance in the name of a beneficiary to the institution where he is sheltered.

That regulation shall also fix the amount of that allowance.

1971, c. 48, s. 118; 1974, c. 42, s. 57; 1978, c. 72, s. 39; 1979, c. 85, s. 86; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

161.1. The Government may, in a regulation made under section 159, 160 or 161, prescribe the automatic indexing of all or part of the amounts fixed in the regulation, in accordance with the Pension Index established in conformity with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

1984, c. 47, s. 183.

162. Any person concerned by a decision respecting the exemption from payment requested under section 160 or the payment of an expense allowance requested under section 161 may, within 60 days of the date on which the decision was notified to him, contest the decision before the Administrative Tribunal of Québec.

1971, c. 48, s. 119; 1974, c. 42, s. 57; 1978, c. 72, s. 39; 1979, c. 85, s. 86; 1997, c. 43, s. 757.

162.1. Proceedings for forfeiture of office under sections 31, 37, 95 and 104 shall be instituted exclusively by the regional council or public institution concerned or by the Minister.

1987, c. 104, s. 12; 1992, c. 21, s. 375.

DIVISION VIII

PROVISIONAL ADMINISTRATION

163. The Minister may assume provisional administration of an institution for not more than 120 days,

(a) if that institution has no permit, no longer meets the conditions required for obtaining a permit, or has had its permit cancelled under this Act;

(b) if that institution's permit has been suspended under this Act and the causes of such suspension have not been remedied within 30 days after the date on which it took place;

(c) if an institution indulges in practices or tolerates a situation which could endanger the health or well-being of persons the institution receives or could receive; or,

(d) in case of malfeasance, breach of trust or other misconduct by one or more members of the board of directors or the administrative committee of a public institution or of a private institution under agreement, or if that board or committee is seriously remiss in the performance of the obligations imposed upon it under this Act, especially by incurring expenditures not provided for in the budget approved by the Minister or not specially authorized under section 178.

1971, c. 48, s. 120; 1978, c. 72, s. 40; 1992, c. 21, s. 375.

163.1. The Minister may also assume provisional administration of a regional council for not more than 120 days in case of malfeasance, breach of trust or other misconduct by one or more members of the board of directors or the administrative committee or if that board or committee is seriously remiss in the performance of the obligations imposed upon it by this Act.

1978, c. 72, s. 41.

164. The 120 days' period provided in sections 163 and 163.1 may be extended by the Government for such period as it determines provided that the additional period does not exceed 90 days.

1971, c. 48, s. 121; 1978, c. 72, s. 42; 1999, c. 40, s. 270.

165. As soon as possible after he assumes provisional administration of an institution or a regional council, the Minister shall make a provisional report of his findings to the Government, accompanied by his recommendations.

1971, c. 48, s. 122; 1978, c. 72, s. 42; 1992, c. 21, s. 375.

166. Before submitting his provisional report to the Government, the Minister shall give the institution or the regional council an opportunity to present observations.

The Minister must attach to his report a summary of the observations the institution or the regional council has presented to him.

1971, c. 48, s. 123; 1978, c. 72, s. 42; 1992, c. 21, s. 375; 1997, c. 43, s. 758.

167. The Government may, if the Minister's provisional report confirms the existence of any situation contemplated in section 163 or 163.1,

(a) attach such restrictions and conditions to the institution's permit as it sees fit;

(b) prescribe a period within which the institution must remedy any situation contemplated in section 163;

(c) order the Minister to continue administering the institution or to discontinue it and not resume it unless the institution fails to comply with the conditions the Government imposes under subparagraph *a* or *b*, and to make a final report to it.

Subparagraphs *b* and *c* of the first paragraph apply with the necessary modifications to a regional council.

1971, c. 48, s. 124; 1978, c. 72, s. 42; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

168. Where the Minister assumes provisional administration of an institution or a regional council under this division, the powers of the board of directors of the institution or of the regional council or of the director of the institution or the regional council shall be suspended and the Minister shall exercise the powers of such board of directors or director and all those of the institution or the regional council.

1971, c. 48, s. 125; 1978, c. 72, s. 42; 1992, c. 21, s. 375.

169. The Minister must make a final report to the Government upon ascertaining that the situation contemplated in section 163 or 163.1 has been corrected or cannot be corrected.

1971, c. 48, s. 126; 1978, c. 72, s. 42.

170. After receiving the Minister's final report, the Government may,

(a) declare the members of the board of directors of the institution or of the regional council or the director of the institution or of the regional council forfeited of office and provide for the appointment or election of the persons replacing them;

(b) exercise any power granted it under section 167.

1971, c. 48, s. 127; 1978, c. 72, s. 42; 1992, c. 21, s. 375.

171. The Government may entrust a person whom it designates with making an inquiry into any matter in connection with the administration or operation of an institution or a regional council.

The person so designated shall, for the purposes of such inquiry, have the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

When an inquiry is so ordered, the Government may order that the powers of the board of directors of the institution or of the regional council be suspended and appoint an administrator to exercise its powers for the duration of the inquiry.

1971, c. 48, s. 128; 1978, c. 72, s. 42; 1992, c. 21, s. 375; 1992, c. 61, s. 563.

172. The Government may, upon the recommendation of the Minister, appoint a controller charged with ensuring the proper use of public funds in any institution or regional council which does not exercise adequate budgetary control.

Where a controller is appointed in accordance with this section, his powers shall be determined by the order in council appointing him and every person holding administrative duties in the institution or regional council shall be bound to submit to the directives of such controller within the limits of the powers assigned him.

No engagements may be made in the name of the institution or regional council nor any disbursement made without the counter-signature of such controller. Every engagement made without compliance with this paragraph shall be void.

1974, c. 42, s. 58; 1978, c. 72, s. 43; 1992, c. 21, s. 375.

DIVISION IX

REGULATIONS

173. In addition to the other regulatory powers assigned to it by this Act, the Government may make regulations to:

(a) establish, within each category of institutions fixed by this Act, classes of institutions and, within each of those classes, kinds of institutions, and determine the activities that each of such classes or kinds of institutions may carry on and prescribe the by-laws which a regional council or an institution may or must make;

(a.1) establish categories of foster families and determine the activities they may carry on;

(a.2) determine the activities a pavilion and group home may carry on;

(b) rule on the establishment of the records of beneficiaries, the essential elements and documents of these records, their examination and their photographic reproduction;

(c) determine the modalities of registration for hospitalization or for diagnostic purposes, admission, transfer and discharge of beneficiaries in an institution or of their taking in charge by a foster family, depending, if necessary, on the category, class or kind of institution or the category of the foster family and the necessity of establishing a program of intervention;

(c.1) provide for the creation of admissions committees by regional institutions and councils and establish their function and minimum composition requirements;

(d) determine the criteria relating to the residence of beneficiaries;

(e) determine for an institution or a foster family in matters of hygiene, sanitation and safety,

i. the minimum conditions to be complied with;

ii. the cases and circumstances in which measures must be taken;

iii. those measures, where required;

(f) rule on the content and form of the liability insurance contemplated in section 128 and the fire and explosion insurance as well as the civil liability insurance to be taken out by institutions and the minimum amount of such insurance;

(g) determine the form and content of the application for issuing or renewing permits, the qualifications required of a person applying for a permit or its renewal, the requirements that person must meet and the information and documents he must furnish;

(h) require, in the case of a private institution not contemplated in sections 176 and 177, that the permit holder give security at the time of its issuance, and determine the amount, form and term of the security and the modalities of its collection, payment, administration and use;

(i) determine, according to the category of institution indicated by it, the divisions, services and departments to be included in the organization plan of an institution, the functions of the head of each such division, service and department and, as the case may be, his qualifications and the form and content of the organization plan and the methods or rules according to which it must be prepared;

(i.0.1) determine, in the case of a regional council, the form and content of the regional medical and dental staffing plan and the methods and rules according to which it must be prepared;

(i.0.2) determine, for the purposes of the preparation of a regional medical and dental staffing plan or of an organization plan of an institution, the methods or rules relating to the computation of the medical and dental staff, which may vary according to regions, to the categories, classes or kinds of institutions, and to the activities of an institution;

(i.1) determine, in the case of institutions other than hospital centres, the mode of appointment of the heads of divisions, services or departments contemplated in paragraph *i* and the person or authority appointing them;

(i.2) determine, in the case of hospital centres, the mode of appointment of the head of the pharmacy department and the pharmacists as well as the person or authority appointing them;

(i.3) identify, in the case of institutions other than hospital centres, divisions, services or departments for which the organization plan of an institution, instead of providing that they be set up, may provide for the designation of a person responsible for the activities that would be carried on in such a division, service or department;

(i.4) provide, in the case of a hospital centre, for the designation of a person responsible for activities to be carried on in the radiology clinical department, in the clinical department of medical biology laboratories, and in the pharmacy department;

(i.5) determine the functions and required qualifications of the person responsible contemplated in paragraphs *i.3* and *i.4*, his mode of appointment and the person or authority who or which appoints him;

(i.6) designate the hospital centres the organization plan of which must include the establishment of a community health department;

(j) determine the status that the board of directors of hospital centres may grant to physicians, dentists and pharmacists, the conditions upon which the status is granted, the powers related to the status and the standards relating to the granting of privileges to a physician or a dentist;

(j.1) determine the committees that the council of physicians, dentists and pharmacists of a hospital centre is to establish, the functions of these committees, standards relating to their composition, the mode of appointment of their members and the operation of the committees, and standards relating to the establishment, transmission and the person responsible for keeping the records of the committees;

(j.2) determine the procedure according to which disciplinary measures may be taken by the board of directors of a hospital centre in respect of a physician, a dentist or a pharmacist, and the circumstances in which such measures may be imposed;

(j.3) determine the person or authority who or which may suspend the privileges of a physician or a dentist, or the status of a pharmacist, in case of emergency, and the procedure applicable for such a suspension;

(k) determine, for each category and class of institutions, and for the regional councils, the books, accounts and statistics they must keep, the reports and information they must supply to the Minister, the audit of those reports and the time at which they must be submitted;

(l) prescribe the obligation for the board of directors of an institution to establish an auditing committee and, in the case of a hospital centre, an advisory committee to the general management, and determine the functions and powers of the committees, their operating rules, their composition, the qualifications of their members and the mode of their appointment;

(m) prescribe standards respecting the accounting, finance, and budgets of regional councils, public institutions and of private institutions contemplated in section 177, particularly in respect of

i. the master budget contemplated in section 178;

ii. the preparation of the itemized budget and the plan to balance the budget contemplated in section 178 and the date they are to be submitted to the Minister and, in the case of an institution, to the regional council concerned;

iii. the items of the itemized budget or of the plan for which the approval of the Minister is required before their implementation;

iv. allowable expenses for financing by the Minister, the activities with which they are connected and the cases or circumstances in which an institution or a regional council is entitled, in addition to the financing of its allowable expenses, to the reimbursement by the Minister of other expenses specified in the regulation;

v. the modalities of payment of the sums to be paid to the regional councils and the institutions by the Minister;

vi. the use of the revenues by a regional council or an institution, that is, the portion of those revenues that is to be set off against expenses or returned to the Minister and the portion to be kept or, in the case of an institution, to be paid to the regional council concerned to be used for such purposes as the regulation prescribes or allows the Minister to prescribe;

(n) determine, in respect of institutions or regional councils,

i. the standards governing fees or costs for the supply of goods or services, the accepting of gifts, and endowment funds or funds for special uses;

ii. the cases or circumstances in which the authorization of the Minister or of the regional council is required, in connection with the matters referred to in this paragraph;

(o) compel an institution or a regional council to appoint an auditor for its financial statements or to use the services of an auditor appointed *ex officio* by the Minister and determine

i. the matters with which the auditor's report is to deal;

ii. the time at which the report is to be sent to the board of directors and the Minister;

iii. the modalities of acceptance or refusal of the report by the board of directors;

(o.1) determine the items of information with respect to financial statements that a public institution or a regional council must make public at the time of the annual public information meeting held by it and the form in which they are to be presented;

(p) (subparagraph repealed);

(q) determine the categories or classes of institutions that must offer emergency services to beneficiaries who require such services, prescribe the cases where beneficiaries are entitled to receive emergency services and, as the case may be, determine the care these services include, fix the maximum period for the occupancy of a bed by a beneficiary in an emergency service, and provide for the measures to be taken by an institution in case of disaster;

(r) prescribe the measures to be adopted by every institution and regional council as well as every person holding an employment or carrying on an occupation therein in order to preclude or cause to cease conflicts of interest to which occasion might be given by the award of contracts between an institution or regional council and a person or enterprise in which such persons hold a direct or indirect interest;

(s) determine the cases, conditions or circumstances where an institution that cannot itself carry out diagnostic tests must entrust the institutions or laboratories indicated by it with such tests and, when these cannot carry them out, specify the information the institution must supply to the regional council concerned to obtain authorization to use another laboratory.

The Government may, by regulation, for any region it indicates, designate which of the establishments recognized under paragraph *f* of section 113 of the Charter of the French language (chapter C-11) are required to make their health services and social services available in the English language to the persons contemplated in section 5.1.

Any draft regulation made under this section or sections 153, 159, 160 and 161 shall be published by the Minister in the *Gazette officielle du Québec* with a notice that upon the expiry of at least 60 days following such publication, they will be submitted for approval to the Government. However, this paragraph does not apply when the object of the regulation is merely to index the amounts, contributions or allowances contemplated in sections 159, 160 and 161 in accordance with the Pension Index established under section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

1971, c. 48, s. 129; 1974, c. 42, s. 59; 1975, c. 61, s. 6; 1977, c. 48, s. 39; 1978, c. 72, s. 44; 1981, c. 22, s. 98; 1982, c. 58, s. 73; 1983, c. 38, s. 77; 1983, c. 54, s. 76; 1984, c. 47, s. 184; 1986, c. 57, s. 5; 1986, c. 57, s. 6; 1986, c. 106, s. 10; 1987, c. 104, s. 13; 1992, c. 21, s. 375; 1999, c. 40, s. 270.

173.1. The Minister may, with the approval of the Conseil du trésor, make regulations applicable to institutions and regional councils on the procedure and the conditions governing the franchising of services, the alienation of property, the lease of buildings, contracts relating to such matters and the keeping of documents relating thereto.

The Minister may, in like manner, make regulations respecting the procedure to be observed for the construction of buildings and for the procurement of goods and services, joint procurements and mandates given for such purposes.

1981, c. 22, s. 99; 1992, c. 21, s. 352, s. 375; 2006, c. 29, s. 46.

173.2. The Minister, in a regulation made under section 173.1, may determine the cases in which the approval of the Minister or regional council is required.

The Minister may also prescribe, for the carrying out of regulations contemplated in section 173.1, the use of standard contract forms or other standard documents issued by the Minister of Health and Social Services.

1983, c. 54, s. 77; 1985, c. 23, s. 24.

173.3. (Repealed).

1998, c. 39, s. 193; 2012, c. 23, s. 168.

174. Every regulation made by the Government under this Act comes into force on the day of the publication in the *Gazette officielle du Québec* of a notice indicating that it has received the approval of the Government, or, if amended by it, of its final text, or on any other later date fixed in the notice or in the final text.

However, every regulation not subject to the notice provided for in the second paragraph of section 173 comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

1971, c. 48, s. 130; 1978, c. 72, s. 45.

DIVISION X

FINANCIAL PROVISIONS

175. The fiscal year of a regional council shall end on 31 March each year; the fiscal year of institutions shall be fixed by regulation.

1971, c. 48, s. 131; 1977, c. 48, s. 40; 1992, c. 21, s. 375.

176. The Minister may make a contract with a private institution contemplated in section 177.1 to remunerate it, for the health services or social services it provides under the contract, at a rate fixed outright by the Government for each category of institutions or of services which it designates.

The Minister may pay instalments in advance to the private institution on the basis of a provisional estimate of the total sums to be paid for the aggregate of the fiscal year of the institution, after deducting a sum equal to the estimated revenues derived from the contributions of beneficiaries in accordance with the regulation made under section 159.

Where the private institution does not have adequate facilities or staff to provide all the services contemplated in its contract, it shall make the necessary arrangements to have the services provided elsewhere, at its expense, and shall itself assume the cost of transportation of the beneficiaries.

1971, c. 48, s. 133; 1974, c. 42, s. 60; 1978, c. 72, s. 46; 1984, c. 47, s. 185; 1986, c. 57, s. 6; 1992, c. 21, s. 375.

177. The Minister may also, in all cases where an outright rate is not fixed by regulation in accordance with section 176, agree with a private institution contemplated in section 177.1 to repay to it all or part of the expenses incurred by it which are allowable for financing or reimbursement by the Minister in accordance with the regulation established under subparagraph iv of paragraph *m* of the first paragraph of section 173. Such amounts may be paid to the institution in advance or periodic instalments.

1971, c. 48, s. 134; 1974, c. 42, s. 61; 1978, c. 72, s. 47; 1984, c. 47, s. 186; 1992, c. 21, s. 375.

177.1. Sections 176 and 177 do not apply except to a private institution which on 1 February 1979 is already receiving amounts paid under a contract or an agreement made with the Minister for the purposes contemplated in those sections.

However, if the Minister considers that the requirements of the region so justify in the public interest, he may make a contract or an agreement contemplated in section 176 or 177 with a private institution not contemplated in the first paragraph.

1978, c. 72, s. 47; 1992, c. 21, s. 375.

178. The Minister shall, on 1 April each year and in accordance with the standards prescribed by regulation, send, to each of the regional councils, public institutions and private institutions contemplated in section 177, its master budget for the current fiscal year. Failing such, the master budget sent by the Minister

for the preceding fiscal year is renewed until the regional council or the institution receives the budget for the current fiscal year.

On receiving the master budget sent by the Minister, the regional council or the institution shall prepare and send to the Minister, in the form and in accordance with the standards prescribed by regulation, an itemized budget in conformity with the master budget received and, where such is the case, budget balancing plan. Such items of the itemized budget and of the plan as are specified by regulation are void until approved by the Minister.

The particular functions entrusted by the Government to a regional council under paragraph g of section 18 are to be so interpreted as not to increase, restrict or change the scope of this section or any regulation thereunder, except to the extent expressly prescribed by the Government.

1971, c. 48, s. 135; 1982, c. 58, s. 74; 1992, c. 21, s. 375.

178.0.1. Every regional council or public institution may, with the authorization of the Minister and according to the modalities he determines, borrow by any mode recognized by law.

At the request of the Minister, a regional council or a public institution shall, either directly or through financial institutions with which it does business, provide him with any information on its financial condition.

1982, c. 58, s. 75; 1992, c. 21, s. 375.

178.0.2. The Minister may, under such terms and conditions as he may determine, grant, on behalf of the Government, a subsidy to any regional council or public institution in order to provide, in whole or in part, out of the funds voted annually for such purpose by Parliament, for the payment in principal and interest of any loan contracted or to be contracted by the regional council or public institution.

The Minister may entrust to the Minister of Finance the management of all amounts intended for the payment in principal of the debentures issued by a regional council or a public institution, in order to constitute a sinking fund for the purposes of paying out of such amounts, at the maturities under the terms of the loan, the principal of the debentures and, out of the proceeds or revenue of the fund, the loans of any regional council or public institution.

The second paragraph applies only to loans contracted before 1 April 1991.

1982, c. 58, s. 75; 1990, c. 66, s. 12; 1992, c. 21, s. 353, s. 375; 2016, c. 7, s. 183

178.0.3. The Minister may entrust to the Minister of Finance the management of sums intended for the repayment of the principal of a loan in respect of which a subsidy has been granted under section 178.0.2, in order to constitute a sinking fund for the purpose of repaying, out of such sums, the principal of the loan, on the maturity dates under the terms of the loan.

The income of the sinking fund shall be used for the repayment of any duly authorized loan of any regional council or public institution, or shall be allocated for the repayment of any loan for which a sinking fund is constituted, in replacement of the sums that would otherwise be deposited under the first paragraph.

This section applies only to loans contracted on or after 1 April 1991.

1990, c. 66, s. 13; 1992, c. 21, s. 354, s. 375; 2016, c. 7, s. 183

178.1. (*Repealed*).

1978, c. 72, s. 48; 1982, c. 58, s. 76; 1985, c. 23, s. 24; 1992, c. 21, s. 355.

178.2. *(Repealed).*

1978, c. 72, s. 48; 1992, c. 21, s. 355.

178.3. *(Repealed).*

1978, c. 72, s. 48; 1992, c. 21, s. 355.

DIVISION XI

PENAL PROVISIONS

1992, c. 61, s. 564.

179. Every person who contravenes any of the provisions of this Act or the regulations of the Government or of the Minister is guilty of an offence and liable to a fine of not less than \$250 nor more than \$1,150 in the case of a natural person, or a fine of not less than \$575 nor more than \$5,750 in the case of a legal person.

Notwithstanding the first paragraph, every executive director, senior officer or intermediate officer of a public institution who contravenes the first paragraph of section 134.1 is guilty of an offence and is liable to a fine equal to twice the sum of money or value of the benefit he received, and every person who contravenes a regulatory provision referred to in the second paragraph of section 173.3 is guilty of an offence and liable to a fine of \$325 to \$1,150 in the case of a natural person, or a fine of \$700 to \$7,000 in the case of a legal person.

1971, c. 48, s. 137; 1981, c. 22, s. 100; 1986, c. 58, s. 107; 1987, c. 104, s. 14; 1990, c. 4, s. 820; 1992, c. 21, s. 375; 1998, c. 39, s. 194; 1999, c. 40, s. 270.

180. When a legal person is guilty of an offence against this Act or the regulations, any director, employee or agent of such legal person who has prescribed or authorized the commission of such offence or assented thereto, or acquiesced or participated therein is deemed a party to such offence and is liable to the same penalty as that provided for the legal person, whether or not it has been prosecuted or found guilty.

1971, c. 48, s. 138; 1999, c. 40, s. 270.

181. *(Repealed).*

1971, c. 48, s. 139; 1992, c. 61, s. 565.

182. Where activities for which a permit is required under section 136 have been carried on without a permit in a facility, the Minister may cause the evacuation and relocation of the persons sheltered therein.

The Minister, before acting as in the first paragraph, shall notify his decision giving the reasons therefor to the person maintaining the facility.

On receipt of the decision of the Minister, that person shall not, except in the case of a medical emergency or with the written authorization of the Minister, permit the relocation of the persons sheltered in that facility whose names are attached to the substantiated decision of the Minister.

Every person who contravenes the third paragraph of this section is guilty of an offence and liable to a fine of not less than \$2,000 nor more than \$5,000 in the case of a natural person or a fine of not less than \$5,000 nor more than \$10,000 in the case of a legal person.

1974, c. 42, s. 62; 1980, c. 33, s. 13; 1981, c. 22, s. 101; 1990, c. 4, s. 821; 1999, c. 40, s. 270; I.N. 2016-01-01 (NCCP).

182.1. The person concerned by the Minister's decision under section 182 may contest the decision before the Administrative Tribunal of Québec.

The Minister may, if no proceeding is brought within 10 days of notification of the decision and after obtaining the authorization of the Tribunal, evacuate and relocate the persons lodged in a facility referred to in section 182.

If the decision of the Minister is contested before the Tribunal, the Minister cannot act before a decision is rendered by the Tribunal.

1980, c. 33, s. 13; 1997, c. 43, s. 759.

183. No person may operate an institution under a name including the words “hospital”, “hospital centre”, “reception centre”, “social service centre” or “local community service centre” unless he holds a permit issued in conformity with this Act.

However, a person may operate an institution under a name including the words “veterinary hospital” without holding a permit issued in conformity with this Act.

No person may, in any way, give to understand that he is authorized to operate an institution unless he holds a permit issued in conformity with this Act.

1974, c. 42, s. 62; 1977, c. 48, s. 41; 1978, c. 72, s. 49; 1981, c. 22, s. 102; 1992, c. 21, s. 375.

DIVISION XII

FINAL PROVISIONS

184. The Minister of Health and Social Services shall be entrusted with the application of this Act.

1971, c. 48, s. 167; 1985, c. 23, s. 24.



The Minister of Health and Social Services is authorized to delegate to the Régie de l'assurance maladie du Québec the exercise of functions related to the contribution of adults sheltered in a facility maintained by a public or private institution under agreement within the meaning of this Act and that are conferred on the Minister by this Act and the relevant regulations made thereunder. Order in Council 520-99 dated 5 May 1999, (1999) 131 G.O. 2 (French), 2082.

185. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 48 of the statutes of 1971, in force on 31 December 1977, is repealed, except sections 132, 136, 149, 159 to 163, 165, 166 and 168, effective from the coming into force of chapter S-5 of the Revised Statutes.

