



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 125

**An Act to amend the Health
Insurance Act and the Act
respecting the Régie de
l'assurance-maladie du Québec**

Introduction

**Introduced by
Mr Marc-Yvan Côté
Minister of Health and Social Services**

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EXPLANATORY NOTES

This bill amends the Health Insurance Act and the Act respecting the Régie de l'assurance-maladie du Québec first to implement a measure announced in the Budget Speech of 20 May 1993 concerning coverage of optometric services.

It also introduces provisions to enable the Régie de l'assurance-maladie du Québec to recover certain technical aids and devices and require the payment of administration costs in certain circumstances determined by regulation. It also adds provisions to enable the Board to assume the administration of programs previously entrusted to the Office des personnes handicapées du Québec.

The bill also amends certain provisions to facilitate the administration of the plan by the Régie de l'assurance-maladie du Québec as regards cases where a health-insurance card or the eligibility card may be issued without the beneficiary's photograph or signature and other provisions concerning the transmission of information to the Conseil consultatif de pharmacologie and regional boards.

Furthermore, the bill amends certain provisions of the Health Insurance Act with respect to the publication and coming into force of regulations and with respect to prescription in cases involving the prosecution of offences under the Health Insurance Act.

Finally, the bill amends the Act respecting the Régie de l'assurance-maladie du Québec to permit that a document transmitted by means of a magnetic medium may serve as the original, and to define more clearly the Board's power to make inquiries.

Bill 125

An Act to amend the Health Insurance Act and the Act respecting the Régie de l'assurance-maladie du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 100 of chapter 21 of the statutes of 1992, is again amended by replacing the words “apparatus, wheel chairs or other equipment, and visual or hearing aids” in the second and third lines of subparagraph *a* of the first paragraph by the words “locomotor or posture assists, medical supplies or other equipment, visual or hearing aids and communication devices”.

2. Section 3 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 1 of chapter 23 of the statutes of 1985, by section 77 of chapter 11, by section 1 of chapter 19 and by section 101 of chapter 21 of the statutes of 1992, is again amended

(1) by inserting the figure and word “71 or” after the word “section” in subparagraph *c* of the first paragraph;

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

“The Board also assumes, on behalf of every beneficiary whose age is that fixed for such purposes by regulation, the amount determined for services and for prostheses, orthopedic devices, locomotor or posture assists, medical supplies or other equipment compensating for a physical deficiency. The cases, circumstances and conditions in and on which the Board assumes the amount of those insured services, the cases, circumstances and conditions in and on which such services are furnished, the amount assumed by the Board as well as the physical deficiencies and insured services contemplated shall be determined by regulation.”;

(3) by replacing the words “in accordance with the prescribed terms and conditions” in the fifth and sixth lines of the sixth paragraph by the following sentence: “. The cases, circumstances and conditions in and on which the Board reimburses the cost of those insured services and the cases, circumstances and conditions in and on which such services are furnished shall be determined by regulation.”;

(4) by replacing the words “in accordance with the prescribed terms and conditions” in the fourth and fifth lines of the seventh paragraph by the following sentence: “. The cases, circumstances and conditions in and on which the Board assumes the cost of those insured services and the cases, circumstances and conditions in and on which such services are furnished shall be determined by regulation.”;

(5) by inserting, after the seventh paragraph, the following paragraphs:

“The Board shall reimburse to an establishment recognized for that purpose by the Minister the cost of purchase, fitting, replacement or repair of communication devices determined by regulation, lent by the establishment to a beneficiary with a communication-related physical deficiency and whose age is that fixed for such purpose by regulation. The cases, circumstances and conditions in and on which the Board reimburses the cost of those insured services and the cases, circumstances and conditions in and on which they are furnished shall be determined by regulation. The communication devices lent to a beneficiary with a communication-related physical deficiency are untransferable and unseizable.

The Board shall publish the list of establishments recognized by the Minister for the purposes of the sixth and eighth paragraphs and each update thereof in the *Gazette officielle du Québec*, which will come into force on the date they are published or on any date fixed therein.”;

(6) by replacing the words “apparatus, wheel chairs or other equipment, visual aids or hearing aids” in the second and third lines of the eighth paragraph by the words “locomotor or posture assists, medical supplies or other equipment, visual or hearing aids or communication devices”.

3. Section 3.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

3.1 The Board may make, with a supplier of prostheses, orthopedic devices, locomotor or posture assists, medical supplies or

other equipment, visual or hearing aids or communication devices, which are referred to in the fifth, sixth, seventh and eighth paragraphs of section 3, a contract in order to establish the terms and conditions of supply to dispensers of services the cost of which is to be assumed or reimbursed by the Board.”

4. Section 9.0.2 of the said Act, enacted by section 105 of chapter 21 of the statutes of 1992, is amended by inserting the words “certain costs referred to in subparagraph *y* of the first paragraph of section 69, in respect of” after the words “ a debtor of the Board in respect of”.

5. Section 9.0.3 of the said Act, enacted by section 105 of chapter 21 of the statutes of 1992, is amended by replacing the second paragraph by the following paragraphs:

“However, the Board may issue a health-insurance card or eligibility card without the beneficiary’s photograph or signature, in the cases and circumstances and on the conditions determined by regulation or where the beneficiary resides in any of the places mentioned on the list prepared by the Minister.

The Board shall publish the list and every update thereof in the *Gazette officielle du Québec*, which come into force on the date they are published in the *Gazette officielle du Québec* or on any other date fixed therein.”

6. Section 13 of the said Act is amended

(1) by replacing the words “purchase, fittings, replacement or repair of prostheses, orthopedic devices, apparatus, wheel chairs” in the second, third and fourth lines of the first paragraph by the words “services and prostheses, orthopedic devices, locomotor or posture assists, medical supplies”;

(2) by replacing the words following the word “regulation” in the second line of the second paragraph by the words “for an insured service contemplated in the fifth paragraph of section 3”;

(3) by replacing the words “or laboratory which sells, adjusts, replaces or repairs prostheses, orthopedic devices, apparatus, wheel chairs or other equipment contemplated in section 3” in the first, second and third lines of the fourth paragraph by the words “, a laboratory or a person referred to in subparagraph *h.3* of the first paragraph of section 69 that furnishes an insured service contemplated in the fifth paragraph of section 3”.

7. Section 13.2 of the said Act is amended

(1) by replacing the first six lines of the first paragraph by the following: “Only an establishment referred to in the sixth or eighth paragraph of section 3 is entitled to exact from the Board, up to the maximum amounts fixed by regulation, the reimbursement of the cost of purchase, fitting, replacement or repair of the visual aids or communication devices contemplated in the sixth and eighth paragraphs of section 3 that have been lent to a beneficiary who is visually handicapped or to a beneficiary with a communication-related physical deficiency, on presentation of a statement of account the”;

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

“It shall not exact any payment for a visual aid or a communication device that has already been lent to and recovered from a beneficiary referred to in the sixth or eighth paragraph of section 3, except the payment of the cost of repairs.”;

(3) by replacing the words “a visual aid” in the first line of the fourth paragraph by the words “such an aid or device”.

8. The said Act is amended by inserting, after section 13.3, the following section:

“13.4 Every prosthesis, orthopedic device, locomotor or posture assist, medical supplies or other equipment and every hearing aid furnished to a beneficiary under the fifth or the seventh paragraph of section 3 shall be untransferable and unseizable.

Every such prosthesis, orthopedic device, locomotor or posture assist, medical supplies or other equipment and every hearing aid no longer used by a beneficiary owing to his death or a change in his physical condition shall become the property of the Board and shall be recovered in the cases and circumstances and on the conditions prescribed by regulation.”

9. Section 14 of the said Act is amended

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

“He is not entitled to exact from the Board payment of the cost of any insured service contemplated in the fifth paragraph of section 3, except in accordance with section 13.”;

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

“An establishment referred to in the sixth or eighth paragraph of section 3 is not entitled to exact from the Board the payment of the cost of purchase, fitting, replacement or repair of any visual aid or communication device contemplated in the sixth and eighth paragraphs of section 3, except in accordance with section 13.2.”

10. Section 19 of the said Act, replaced by section 564 of chapter 42 of the statutes of 1991, is amended by replacing the word “tenth” in the thirteenth paragraph by the word “twelfth”.

11. Section 40 of the said Act is amended by adding, at the end, the following paragraph:

“The Conseil may have access to the information obtained by the Board for the purposes of section 20 of the Act respecting the Régie de l'assurance-maladie du Québec where the information is needed by the Conseil for the purposes of sections 4.3 and 4.5. No such information may be obtained if it allows a beneficiary to be identified.”

12. Section 65 of the said Act, amended by section 108 of chapter 21 of the statutes of 1992, is again amended by inserting, after the second paragraph, the following paragraph:

“The Board is bound to disclose to a regional board established by the Act respecting health services and social services (R.S.Q., chapter S-4.2) information concerning the participation in institutional practice of a physician who is a party to an agreement entered into under the sixth paragraph of section 19 of this Act and concerning the remuneration for such participation.”

13. The said Act is amended by inserting, after section 66, the following section:

“66.0.1 For the purposes of section 40, the Board shall, on request, forward the information referred to in the third paragraph of that section to the Conseil consultatif de pharmacologie.”

14. Section 67 of the said Act, amended by section 110 of chapter 21 of the statutes of 1992, is again amended by replacing the words “apparatus, wheel chairs or other equipment the cost of which is assumed by the Board under subparagraph *b* or *c* of the first paragraph of the second, the third, the fifth, the sixth or the seventh paragraph” in the third, fourth, fifth and sixth lines of the third paragraph by the words “locomotor or posture assists, medical supplies or other equipment, visual or hearing aids or communication

devices the cost of which is assumed or reimbursed by the Board under subparagraphs *b* and *c* of the first paragraph, the second, the third, the fifth, the sixth, the seventh and the eighth paragraphs”.

15. Section 69 of the said Act, amended by section 7 of chapter 19 and by section 112 of chapter 21 of the statutes of 1992, is again amended

(1) by inserting the figure and word “71 or” after the word “section” in the fifth line of subparagraph *b.2* of the first paragraph;

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

“(h) determine the services and the prostheses, orthopedic devices, locomotor or posture assists, medical supplies or other equipment that compensate for a physical deficiency indicated therein and that must be considered to be insured services for the purposes of the fifth paragraph of section 3, fix the age at which beneficiaries may be entitled thereto and the classes of such beneficiaries, determine the amount that may be assumed on behalf of a beneficiary indicated therein, the cases, circumstances and conditions in and on which the Board assumes the amount of those insured services and the cases, circumstances and conditions in and on which such services are furnished, and prescribe the cases, circumstances and conditions in and on which such property may be recovered;”;

(3) by replacing the words “prescribe the conditions on which they may be furnished, fitted, replaced, repaired or recovered” in the fourth, fifth and sixth lines of subparagraph *h.1* of the first paragraph by the words “determine the cases, circumstances and conditions in and on which the Board reimburses the cost of those insured services and the cases, circumstances and conditions in and on which such services are furnished, prescribe the cases, circumstances and conditions in and on which such visual aids may be recovered”;

(4) by replacing the words “prescribe the conditions on which they may be furnished, fitted, replaced or repaired” in the fourth, fifth and sixth lines of subparagraph *h.2* of the first paragraph by the words “determine the cases, circumstances and conditions in and on which the Board assumes the cost of those insured services and the cases, circumstances and conditions in and on which such services are furnished, prescribe the cases, circumstances and conditions in and on which such hearing aids may be recovered”;

(5) by inserting, after subparagraph *h.2* of the first paragraph, the following subparagraph:

“(h.2.1) define what constitutes a person with a communication-related physical deficiency, determine the communication devices to be considered as insured services for the purposes of the eighth paragraph of section 3, fix the cost of purchase, fitting, replacement or repair thereof, determine the cases, circumstances and conditions in and on which the Board reimburses the cost of those insured services and the cases, circumstances and conditions in and on which they are furnished, prescribe the cases, circumstances and conditions in and on which such communication devices may be recovered, fix the age of the persons with a communication-related physical deficiency who may be entitled thereto and determine the classes of such beneficiaries;”;

(6) by inserting the words “outside Québec and, for each territory defined therein, in Québec” after the word “persons,” in the first line of subparagraph *h.3* of the first paragraph;

(7) by replacing the word “eleventh” in subparagraph *i.1* of the first paragraph by the word “thirteenth”;

(8) by adding, after subparagraph *x* of the first paragraph, the following subparagraph:

“(y) establish the amount of the expenses payable to the Board for the carrying of this Act, the persons from whom payment may be required and the terms and conditions of payment of such expenses, and exempt certain categories of persons from the payment thereof.”;

(9) by striking out the second paragraph.

16. Section 69.0.1 of the said Act is amended by replacing the word and figure “or *h.2*” in the first line by the words “, *h.1*, *h.2* or *h.2.1*”.

17. Section 71 of the said Act is amended by replacing the words “the fourth paragraph of section 3” in the fourth line by the words “subparagraph *c* of the first paragraph and in the fourth paragraph of section 3, and to the services determined by a regulation made under subparagraph *b.2* of the first paragraph of section 69”.

18. Section 72 of the said Act, amended by section 115 of chapter 21 of the statutes of 1992, is again amended by replacing the words “wheel chairs or hearing aids” in the second line of subparagraph *f* of the first paragraph by the words “prostheses, orthopedic devices, locomotor or posture assists, medical supplies or other equipment or visual or hearing aids or communication devices contemplated in section 3”.

19. Section 73 of the said Act is repealed.

20. The said Act is amended by inserting, after section 76, the following section:

“76.1 Penal proceedings for an offence under a provision of this Act or any of its regulations are prescribed by two years from the date on which the offence is committed.”

21. Section 2.1 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5) is amended

(1) by replacing the words “and seventh” in the second line of subparagraph *a* of the second paragraph by the words “, seventh and eighth”;

(2) by replacing the words “apparatus, wheelchairs” in the second line of subparagraph *b* of the second paragraph by the words “locomotor or posture assists, medical supplies”;

(3) by replacing the word “tenth” in the fifth line of the third paragraph by the word “twelfth”.

22. The said Act is amended by inserting, after section 16, the following sections:

“16.1 The Board may, on the conditions it determines by by-law, authorize a person to use a magnetic medium or electronic link for the transmission of notices, reports, declarations or other documents to the Board.

“16.2 An intelligible transcription in writing of the data stored by the Board in a computer or any other magnetic medium forms part of its documents and is proof of its contents when certified by the secretary or by any other officer of the Board authorized in accordance with section 16.

In the case of data sent to the Board under section 16.1, the transcription must reproduce the data accurately.”

23. Section 20 of the said Act, amended by section 511 of chapter 61 of the statutes of 1992, is again amended by adding, at the end of the first paragraph, the following sentence: “It may also, in the same manner, inquire into any matter concerning the conditions governing the recognition of a manufacturer of medications or a wholesaler distributing medications, their commitments and the conditions

governing their practices as regards the price of medications, prescribed by regulation of the Minister under section 69.1 of the Health Insurance Act.”

24. Paragraph 1 of section 2, paragraph 1 of section 15 and section 17 have effect from 26 May 1993.

25. The provisions of this Act will come into force on the date or dates fixed by the Government.