

1994, chapter 8

AN ACT TO AMEND THE HEALTH INSURANCE ACT AND THE ACT RESPECTING THE RÉGIE DE L'ASSURANCE-MALADIE DU QUÉBEC

Bill 125

Introduced by Madam Lucienne Robillard, Minister of Health and Social Services

Introduced 11 November 1993

Passage in principle 13 December 1993

Passage 24 May 1994

Assented to 26 May 1994

Coming into force: 26 May 1994, except paragraph 5 of section 2, section 7, paragraph 2 of section 9, section 10, paragraphs 6 and 8 of section 15 and paragraphs 1 and 3 of section 21 which will come into force on the date or dates fixed by the Government

Acts amended:

Health Insurance Act (R.S.Q., chapter A-29)

Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5)





CHAPTER 8

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

[Assented to 26 May 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. A-29, s. 1,
am.

1. Section 1 of the Health Insurance Act (R.S.Q., chapter A-29) is 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”.

c. A-29, s. 3,
am.

2. Section 3 of the said Act is 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:

Prostheses,
orthopedic
devices or
other equip-
ment

“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:

Communica-
tion devices

“The Board shall reimburse to an institution recognized for that purpose by the Minister the cost of purchase, fitting, replacement or repair of communication devices determined by regulation, lent by the institution 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.

List of insti-
tutions

The Board shall publish the list of institutions 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”.

c. A-29,
s. 3.1, am.

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

Contract
with supplier

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.”

c. A-29,
s. 9.0.2, am.

4. Section 9.0.2 of the said Act is amended by replacing the words “the fees payable for the replacement of a health-insurance card” in the fifth and sixth lines by the words “costs exigible by the Board”.

c. A-29,
s. 9.0.3, am.

5. Section 9.0.3 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Exception

“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.

Publication
of list

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 date fixed therein.”

c. A-29,
s. 13, am.

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”.

c. A-29,
s. 13.2, am.

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 institution 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:

Visual aid or
communica-
tion device
lent

“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”.

c. A-29,
s. 13.4, added

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

Prostheses
and other
equipment
untransfer-
able, unseiz-
able

“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.

Death or
change in
physical con-
dition of ben-
eficiary

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.”

c. A-29,
s. 14, am.

9. Section 14 of the said Act is amended

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

Insured ser-
vices

“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:

Claim by
institution

“An institution referred to in the sixth or eighth paragraph of section 3 is not entitled to exact from the Board 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.”

c. A-29,
s. 19, am.

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”.

c. A-29,
s. 40, am.

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

Access to
information

“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.”

c. A-29,
s. 65, am.

12. Section 65 of the said Act, amended by section 17 of chapter 51 of the statutes of 1993, is again amended by inserting, after the second paragraph, the following paragraph:

Disclosure
of informa-
tion

“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 a centre operated by an institution, 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.”

c. A-29,
s. 66.0.1,
added

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

Forwarding
of informa-
tion

“**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.”

c. A-29,
s. 67, am.

14. Section 67 of the said Act is 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 or 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”.

c. A-29,
s. 69, am.

15. Section 69 of the said Act is 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 inserting, after subparagraph *b.2* of the first paragraph, the following subparagraph:

“(b.3) determine, for mammography services used for detection purposes, which services are not to be considered insured services for beneficiaries determined under such regulation, according to their age and in the places of practice designated by the Minister for the dispensing of such services, and prescribe the intervals at which such services must be rendered in order to remain insured services. The intervals may vary according to the cases, conditions and circumstances indicated therein;”;

(3) 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;”;

(4) 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”;

(5) 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”;

(6) 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;”;

(7) 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;

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

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

Publication
of list

“The Minister shall publish, in the *Gazette officielle du Québec*, a list of the places he designates for the purposes of subparagraph *b.3* of the first paragraph and every update of the list; the list and updates come into force on the date they are published or on any later date fixed therein.”

c. A-29,
s. 69.0.1, am.

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*”.

c. A-29,
s. 71, am.

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”.

c. A-29,
s. 72, am.

18. Section 72 of the said Act is amended

(1) by striking out the words “any other additional mode of making a statement of fees according to which a professional may

claim fees from the Board,” in the first and second lines of subparagraph *b* of the first paragraph;

(2) by inserting, after subparagraph *c* of the first paragraph, the following subparagraph:

“(c.1) fixing the amount of the costs exigible by the Board for applications for the renewal of the registration of a beneficiary who is a person deemed to be resident in Québec;”;

(3) by inserting, after subparagraph *d* of the first paragraph, the following subparagraphs:

“(d.1) fixing the amount of the costs exigible by the Board for applications for the renewal of the registration of a person referred to in subparagraph *a* of subparagraph 2 of the first paragraph of section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., chapter M-19.2);

“(d.2) fixing the amount of the costs exigible by the Board from a health professional who submits to the Board a statement of fees or a claim for payment by means of a billing system other than an electronic data processing or telecommunication system, determining the terms and conditions of payment of the costs and exempting, in such cases, conditions and circumstances as it indicates, certain health professionals or certain classes of health professionals from the payment of such costs;”;

(4) 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, visual or hearing aids or communication devices contemplated in section 3”.

c. A-29,
s. 73,
repealed

19. Section 73 of the said Act is repealed.

c. A-29,
s. 76.1, added

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

Prescription

“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.”

c. R-5, s. 2.1,
am.

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:

Electronic
data process-
ing systems

“16.1 The Board may authorize a person who submits to the Board a notice, report, declaration, statement of fees, claim for payment, statement of account or any other document to do so by means of an electronic data processing system or by telecommunication, on the conditions it determines by by-law, according to the classes of documents indicated therein. To come into force, the by-law must be approved by the Government.

Intelligible
transcrip-
tion in writ-
ing

“16.2 An intelligible transcription in writing of the data stored by the Board on a computer-based storage 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.

Data

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

c. R-5, s. 20,
am.

23. Section 20 of the said Act is 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.”

Effect

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

Regulation

25. The Government may make, on or before 23 June 1994, a regulation under subparagraphs *b.2* and *g* of the first paragraph of section 69 of the Health Insurance Act, even though the regulation has not been published as provided for in section 8 of the Regulations

Act (R.S.Q., chapter R-18.1). Such a regulation comes into force, notwithstanding section 17 of that Act, on the date it is published in the *Gazette officielle du Québec* or on any later date fixed therein. Such a regulation may, where it so provides, apply from any date not prior to 26 May 1993.

Coming into
force

26. This Act comes into force on 26 May 1994, except paragraph 5 of section 2, section 7, paragraph 2 of section 9, section 10, paragraphs 6 and 8 of section 15 and paragraphs 1 and 3 of section 21 which will come into force on the date or dates fixed by the Government.