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Part

2

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Laws and Regulations

Volume 151

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Draft Regulations

Draft regulation

An Act respecting health services and social services (chapter S-4.2)

An Act respecting health services and social services for Cree Native persons (chapter S-5)

Contribution by users of health and social services institutions and users taken in charge by family-type resources and intermediate resources

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (chapter S-5), that the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources, the text of which appears hereafter, may be made by the government on the expiry of the 60-day period following this publication.

This draft Regulation aims to standardize the provisions regarding the personal expense allowance of users of full age lodged in health and social services institutions and users of full age taken in charge by intermediate resources or by family-type resources. It also provides for a gradual increase of the indexation of this allowance.

In addition, this draft Regulation aims to modify the method of calculation of the contribution for certain categories of users of full age taken in charge by family-type resources and by intermediate resources.

Finally, this draft Regulation aims to update the provisions of the Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) so as to take into account the amendments to the laws and regulations to which they refer.

The measures proposed in this draft Regulation will not have any effects on enterprises and, in particular, on small or medium-sized enterprises.

Additional information concerning this draft Regulation may be obtained by contacting Daniel Labbé, Direction des politiques de financement et de

l'allocation des ressources, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1S 2M1, telephone: 418 266-7111, email: daniel.labbe@msss.gouv.qc.ca.

Anyone wishing to comment on this draft Regulation may write, before the expiry of the 60-day period mentioned above, to the Minister Responsible for Seniors and Informal Caregivers at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

MARGUERITE BLAIS,
Minister Responsible for Seniors and Informal Caregivers

DANIELLE MCCANN,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons and the Regulation respecting the contribution of users taken in charge by intermediate resources

An Act respecting health services and social services (chapter S-4.2, ss. 512 to 515)

An Act respecting health services and social services for Cree Native persons (chapter S-5, s. 173)

1. Section 375 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended:

(1) by replacing, in subparagraph (b) of the first paragraph “\$215” with “\$245”;

(2) by adding, at the end of the second paragraph, the following sentence: “The amount so indexed is rounded off to the nearest dollar.”.

2. The Regulation respecting the contribution of users taken in charge by intermediate resources (chapter S-4.2, r. 7) is amended by inserting, in its title, and after “charge”, “by family-type resources or”.

3. The Regulation is amended by inserting, before section 1, the following:

**“CHAPTER I
GENERAL PROVISION”.**

4. The Regulation is amended by inserting, after section 1, the following:

**“CHAPTER II
USERS OF FULL AGE TAKEN IN CHARGE
BY FAMILY-TYPE RESOURCES**

1.1 Where a user of full age taken in charge by a family-type resource has not reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the basic benefit, the adjustments and allowances for an independent adult applicable to him under the Individual and Family Assistance Act (chapter A-13.1.1), minus the personal expense allowance referred to in subparagraph (b) of the first paragraph of section 375 of the application Regulation.

If this user is not receiving any benefit under the Individual and Family Assistance Act, the benefit amount used for the calculation of the contribution referred to in the first paragraph corresponds to the basic benefit amount applicable to an independent adult under the Social Solidarity Program established by that Act, adjusted in accordance with section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

1.2 Where a user of full age taken in charge by a family-type resource has reached the age of eligibility for the full pension under the Old Age Security Act (S.R.C. (1985), c. O-9), his monthly contribution is equal to the Old Age Security pension and the maximum guaranteed income supplement payable under that Act, minus the personal expense allowance referred to in subparagraph (b) of the first paragraph of section 375 of the application Regulation. However, the monthly contribution may not exceed \$945.

Notwithstanding the first paragraph, the contribution of a user of full age is determined in accordance with section 1.1 where this user, although he has reached the age of eligibility for the full pension under the Old Age Security Act, is ineligible for a pension under that Act.

The maximum monthly contribution referred to in the first paragraph is indexed, on 1 January of each year, on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9). The amount so indexed is rounded off to the closest dollar.

1.3 Where the period of taking charge of a user of full age is less than 30 days within a given month, the monthly contribution is prorated to the number of days of presence. For the application of this section, each month is considered to comprise 30 days.

The initial day of taking charge of the user is considered a day of presence, but the day of the user’s departure is not counted. The user’s days of temporary leave are counted in the days of presence.

**CHAPTER III
USERS TAKEN IN CHARGE BY
INTERMEDIATE RESOURCES”.**

5. Section 2 of the Regulation is amended:

(1) by replacing, in the first paragraph, “Regulation” with “chapter”;

(2) by deleting the second paragraph.

6. The Regulation is amended by replacing section 4 with the following section:

“4. The provisions of chapter II apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age taken in charge by an intermediate resource in the following cases:

(1) the user receives benefits under a last resort financial assistance program provided for in the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the intervention plan of the user provides for the reintegration of the user into his natural environment within 2 years of his taking in charge by the intermediate resource;

(3) the user is taken in charge by an intermediate resource referred to in section 1 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

Notwithstanding subparagraph (2) of the first paragraph, the amount of the contribution exigible from a user of full age is determined in accordance with section 5 from first day of the month following the moment the user is taken in charge by an intermediate resource on a continuous basis for two years or more.”

7. Section 5 of the Regulation is replaced with the following section:

“5. The provisions of sections 361 to 370 and 373 to 375 of the Regulation apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age not referred to in the first paragraph of section 4.

The daily sum applicable for the purposes of the monthly billing referred to in section 361 of the Regulation is \$42.08. That amount is indexed at the beginning of each year on 1 January on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).”

8. Section 6 of the Regulation is amended by replacing “For the purposes of this Regulation” with “For the purposes of this chapter”.

9. Section 8 of the Regulation is repealed.

10. Section 9 of the Regulation is amended by deleting “and designated for that purpose by the agency responsible for recognizing the intermediate resource”.

11. Section 10 of the Regulation is repealed.

12. On 1 January 2020, the personal expense allowance referred to in subparagraph (b) of the first paragraph of section 375 of the application Regulation is to be increased by \$10 over the increase resulting from the indexation and rounding off provided for in the second paragraph of this section.

13. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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