

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 1307-98, 14 October 1998

An Act respecting the Institut de la statistique du Québec (1998, c. 44)

— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act respecting the Institut de la statistique du Québec

WHEREAS the Act respecting the Institut de la statistique du Québec (1998, c. 44) was assented to on 20 June 1998;

WHEREAS section 64 of the Act provides that it comes into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 14 October 1998 as the date of coming into force of section 1, sections 14 to 19, 21 to 24 and 63 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Prime Minister:

THAT 14 October 1998 be fixed as the date of coming into force of section 1, sections 14 to 19, 21 to 24 and 63 of the Act respecting the Institut de la statistique du Québec (1998, c. 44).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 1255-98, 30 September 1998

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

Implementation of an Understanding and an Administrative Arrangement on Social Security — Gouvernement du Québec and the Government of Republic of the Philippines

Approval of an Understanding and an Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines and Regulation respecting the implementation of the Understanding

WHEREAS an Understanding between the Gouvernement du Québec and the Government of the Republic of the Philippines on Social Security and an Administrative Arrangement for the application of the Understanding were signed on 22 October 1996 in accordance with Décret 1044-94 dated 6 July 1994;

WHEREAS the Minister of International Relations has been authorized to sign alone the Understanding and the Administrative Arrangement in accordance with the same Order in Council;

WHEREAS under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (Chapter 63 of the Statutes of 1997), in the exercise of her functions, the Minister of Employment and Solidarity may, in particular, enter into agreements in accordance with the law, with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social

benefits under paragraph 3 of section 5 extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international fiscal agreements entered into under section 9 of that Act;

WHEREAS under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which that Act shall apply to any case affected by the agreement entered into with another country;

WHEREAS under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under sections 19 and 20 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the abovementioned Understanding and Administrative Arrangement are international agreements and require the approval of the Government;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance, Minister of State for Employment and Solidarity, Minister of International Relations and Minister for Revenue:

THAT the Understanding and the Administrative Arrangement, entered into on 22 October 1996, between the Gouvernement du Québec and the Government of the Republic of the Philippines, the texts of which appear as Schedules to the Regulation respecting the implementation mentioned hereafter, be approved;

THAT the Regulation respecting the implementation of an Understanding and an Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the implementation of an Understanding and an Administrative Arrangement on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the Regulations made thereunder shall apply to any person referred to in the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines signed on 22 October 1996 and appearing in Schedule I.

2. That Act and those Regulations shall apply in the manner stipulated in the Understanding and in the Administrative Arrangement appearing in Schedule II.

3. This Regulation comes into force on 1 November 1998.

SCHEDULE I

UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUEBEC AND THE REPUBLIC OF THE PHILIPPINES

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES

AND

THE GOUVERNEMENT DU QUÉBEC,

RESOLVED to guarantee to their respective nationals the advantages of the co-ordination of the social security legislations of the Republic of the Philippines and Québec,

HAVE AGREED AS FOLLOWS:

PART I GENERAL PROVISIONS

Article 1 Definitions

In the Understanding, unless a different meaning is indicated by the context, the following expressions shall mean:

a) “competent authority”: the Minister of Québec or the Administrator of the Social Security System of the Republic of the Philippines responsible for the application of the legislation referred to in Article 2;

b) “competent institution”: the department or agency of Québec or the Social Security System of the Republic of the Philippines responsible for the administration of the legislation referred to in Article 2;

c) “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for the Republic of the Philippines, any month for which a contribution has been paid or credited;

d) “benefit”: a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the legislation of each Party, including any extension, supplement or increase thereto;

e) “national”: for Québec, a person of Canadian citizenship, who is or has been subject to the legislation referred to in Article 2 *1a*; and, for the Republic of the Philippines, a person of Philippine citizenship, who is or has been subject to the legislation referred to in Article 2 *1b*,

and any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.

Article 2 Material Scope

1. The Understanding shall apply:

(a) to the legislation of Québec concerning the Québec Pension Plan;

(b) to the Social Security Law of the Republic of the Philippines with respect to retirement, disability and death benefits.

2. The Understanding shall apply equally to any legislative or regulatory act which modifies, adds to, or replaces the legislation referred to in paragraph 1.

3. The Understanding shall apply also to a legislative or regulatory act of one Party which extends the existing systems to new categories of beneficiaries; however, this Party may, within three months of the date of the official publication of that act, notify the other Party that the Understanding shall not apply.

4. The Understanding shall not apply to a legislative or regulatory act which covers a new branch of social security, unless the Understanding is modified to that effect.

Article 3

Personal Scope

Unless otherwise provided, the Understanding shall apply:

(a) to nationals of each Party;

(b) to refugees, within the meaning of Article 1 of the Convention Relating to the Status of Refugees of July 28, 1951, and of the Protocol of January 31, 1967, to that Convention;

(c) to stateless persons, within the meaning of Article 1 of the Convention Relating to the Status of Stateless Persons of September 28, 1954;

(d) to other persons

who are or have been subject to the legislation of a Party or who have acquired rights by virtue of that legislation.

Article 4

Equality of Treatment

Unless otherwise provided in the Understanding, persons designated in Article 3 shall, in the application of the legislation of a Party, receive equal treatment with the nationals of that Party.

Article 5

Export of Benefits

1. Unless otherwise provided in the Understanding, any benefit acquired under the legislation of one Party, as well as benefits acquired under the Understanding, may not suffer any reduction, modification, suspension, suppression or confiscation solely as a result of the beneficiary residing or sojourning in the territory of the

other Party, and such benefit shall be payable in the territory of the other Party.

2. Any benefit which, under the Understanding, is payable by one Party in the territory of the other Party, shall also be payable outside the territory of either Party under the same conditions that the first Party applies to its nationals under its internal legislation.

PART II

PROVISIONS ON THE APPLICABLE LEGISLATION

Article 6

General Rule

Unless otherwise provided in the Understanding and subject to Articles 7, 8, 9, 10 and 11, persons shall be subject only to the legislation of the Party in whose territory they are working.

Article 7

Self-employed Persons

Persons residing in the territory of one Party and working for their own account in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the legislation of their place of residence.

Article 8

Detached Persons

1. Persons subject to the legislation of one Party and temporarily detached by their employers, for a period not exceeding sixty months, to the territory of the other Party shall, with respect to such work, be subject only to the legislation of the first Party during the term of their detachment.

2. However, if the time required to complete the work comes to exceed sixty months, the legislation of the first Party may continue to apply provided that the competent institutions of both Parties give their approval.

Article 9

Travelling Personnel Employed in International Transport

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods, by air or by sea, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.

2. However, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its registered office, they shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding the preceding two paragraphs, if the persons are employed wholly or mainly in the territory of the Party where they are resident, they shall be subject to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory.

Article 10

Persons in Government Service

1. Persons in Government Service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the legislation of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and being in that territory in Government Service for the other Party shall, with respect to that service, be subject only to the legislation which applies in that territory. However, if those persons are nationals of the Party by which they are employed, they may, within six months from the beginning of their employment or from the coming into force of the Understanding, choose to be subject only to the legislation of that Party.

3. No provision of the Understanding may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or to the provisions of the Vienna Convention on Consular Relations of April 24, 1963, relative to the legislation referred to in Article 2.

Article 11

Derogation from the Provisions on Coverage

The competent authorities of both Parties may by common agreement derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

PART III

PROVISIONS ON BENEFITS

Article 12

Principle of Totalization

When persons have completed periods of insurance under the legislation of both Parties and are not eligible for benefits in the case of Québec, and monthly pensions in the case of the Republic of the Philippines, by virtue of the periods of insurance completed solely under the legislation of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement to benefits or monthly pensions under the legislation which it applies, the periods of insurance completed under the legislation of each of the Parties, provided that they do not overlap.

Article 13

Benefits under the Legislation of Québec

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survivors or other rightful claimants, under the legislation of Québec without having recourse to the totalization mentioned in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation which it applies.

2. If the persons referred to in paragraph 1 do not fulfill the requirements for giving entitlement to benefits without totalization, the competent institution of Québec shall proceed as follows:

(a) it shall recognize a year of contribution when the competent institution of the Republic of the Philippines certifies that a period of insurance of at least three (3) months has been credited in a calendar year under the legislation of the Republic of the Philippines, provided that the year is included in the contributory period as defined in the legislation of Québec;

(b) years recognized under sub-paragraph *a* shall be totalized with periods of insurance completed under the legislation of Québec, in accordance with Article 12.

3. When the totalization prescribed in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable as follows:

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the legislation of Québec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the legislation regarding that Plan.

Article 14

Benefits under the Legislation of the Republic of the Philippines

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to monthly pensions, for themselves or for their dependants, survivors or other rightful claimants, under the legislation of the Republic of the Philippines without having recourse to the totalization mentioned in Article 12, the competent institution of the Republic of the Philippines shall determine the amount of monthly pensions in accordance with the provisions of the legislation which it applies.

2. If the persons referred to in paragraph 1 do not fulfill the requirements for giving entitlement to monthly pensions without totalization, the competent institution of the Republic of the Philippines shall proceed as follows:

(a) it shall recognize twelve months of contribution in a year when the competent institution of Québec certifies that those persons have been credited with a period of insurance under the legislation of Québec;

(b) if entitlement to monthly pensions is not acquired with the application of the preceding sub-paragraph, it shall recognize a contribution month under the legislation of the Republic of the Philippines when that month is considered as a month of residence under the Old Age Security Act which applies in the territory of Québec, provided that that month is not part of a period of insurance credited under the legislation of Québec;

(c) months recognized under sub-paragraphs *a* and *b* shall be totalized with periods of insurance completed under the legislation of the Republic of the Philippines, in accordance with Article 12.

3. When the totalization prescribed in paragraph 2 entitles persons to monthly pensions, the competent institution of the Republic of the Philippines shall determine the amount payable as follows:

(a) it shall first determine the amount of the theoretical monthly pension which would be payable under the legislation of the Republic of the Philippines solely on the basis of the minimum periods of insurance required under that legislation;

(b) it shall then multiply the amount of the theoretical monthly pension by the ratio that the periods of insurance actually completed under the legislation of the Republic of the Philippines represent in relation to the minimum periods of insurance required under that legislation.

4. For the application of the preceding paragraph, when the right to monthly pensions is acquired with the sole totalization of periods of insurance according to paragraph 2 *a* of this Article, the creditable periods under the Old Age Security Act which applies in the territory of Québec shall not be taken into account for the calculation of the monthly pension payable.

5. Notwithstanding any other provision of this Understanding, where a lump sum benefit for retirement, disability or death is payable under the legislation of the Republic of the Philippines but eligibility for a corresponding monthly pension under that legislation can be established through the application of this Understanding, the monthly pension shall be paid in lieu of the lump sum benefit.

6. Where a lump sum benefit retirement, disability or death was paid under the legislation of the Republic of the Philippines in respect of an event which happened before the date of entry into force of this Understanding and where eligibility for a corresponding monthly pension under that legislation is subsequently established through the application of this Understanding the competent institution of the Republic of the Philippines shall deduct from any benefit payable in the form of a monthly pension any amount previously paid in the form of a lump sum benefit.

Article 15

Common Provisions

If persons are not entitled to benefits after the totalization prescribed in Article 13 or in Article 14, the periods of insurance completed under the legislation of a third party bound to each Party by a legal instrument on social security containing provisions on the totalization of periods of insurance shall be taken into

account for the determination of entitlement to benefits in accordance with the terms and conditions prescribed in this Part.

PART IV MISCELLANEOUS PROVISIONS

Article 16

Administrative Arrangement

1. The terms and conditions for the application of the Understanding shall be set out in an Administrative Arrangement to be agreed to by both Parties.

2. The liaison agency of each Party shall be designated in the Administrative Arrangement.

Article 17

Claim for Benefits

1. To be entitled to a benefit under the Understanding, a person shall file a claim in accordance with the terms and conditions provided for in the Administrative Arrangement.

2. A claim for a benefit filed under the legislation of one Party after the date of the coming into force of the Understanding shall be deemed to be a claim for a corresponding benefit under the legislation of the other Party, in the following cases:

(a) when a person indicates the wish that the claim be considered as a claim under the legislation of the other Party;

(b) when a person indicates, at the time of the claim, that periods of insurance have been completed under the legislation of the other Party;

The date of receipt of such a claim shall be deemed to be the date on which that claim was received under the legislation of the first Party.

3. The presumption set out in the preceding paragraph shall not impede a person from requesting that a claim for benefits under the legislation of the other Party be deferred.

Article 18

Payment of Benefits

1. (a) The competent institution of Québec shall discharge its obligations under this Understanding in the Canadian currency.

(b) The competent institution of the Republic of the Philippines shall discharge its obligations under this Understanding:

i. in respect of a beneficiary resident in the Republic of the Philippines, in the currency of the Republic of the Philippines;

ii. in respect of a beneficiary resident in Québec or in a third State, in a freely convertible currency.

2. In the application of sub-paragraph 1*b ii*, the conversion rate shall be the rate of exchange in effect on the day when the payment is made.

3. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.

Article 19

Delay of Presentation

1. A request, a declaration or an appeal which, under the legislation of one Party, should have been presented within a prescribed time to the authority or institution of that Party shall be accepted if presented within the same time to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the second Party shall forward, without delay, the request, declaration or appeal to the authority or institution of the first Party.

2. The date on which the request, declaration or appeal is presented to the authority or institution of one Party shall be considered as the date of presentation to the authority or institution of the other Party.

Article 20

Medical Reports

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements for providing medical reports required for persons residing or sojourning in the territory of the latter Party.

2. The medical reports referred to in paragraph 1 shall not be considered invalid solely because they have been prepared in the territory of the other Party.

Article 21

Exemption of Fees and Authentication

1. Any reduction or exemption of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required in accordance with

that legislation shall be extended to the certificates and documents required in accordance with the legislation of the other Party.

2. Any document required for the application of the Understanding shall be exempt from authentication by diplomatic or consular authorities or from any other similar formalities.

Article 22

Protection of Personal Information

1. In this Article, the word “information” shall mean any indication from which the identity of an individual or legal entity can be easily established.

2. Unless disclosure is required under the legislation of a Party, any information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Understanding.

3. Access to a file containing information shall be subject to the legislation of the Party on whose territory the file is located.

Article 23

Mutual Assistance

The competent authorities and institutions shall:

(a) communicate to each other any information required for the application of the Understanding;

(b) assist each other free of charge in any matter concerning the application of the Understanding;

(c) forward to each other any information on measures adopted for the application of the Understanding or on modifications to their legislation to the extent that such modifications affect the application of the Understanding;

(d) notify each other of the difficulties encountered in the interpretation or in the application of the Understanding.

Article 24

Reimbursement between Institutions

1. The competent institution of one Party shall reimburse to the competent institution of the other Party the costs related to each medical report produced in accordance with Article 20. However, the transmission of medical or other information already in the possession of the competent institutions shall constitute an integral

part of administrative assistance and shall be performed without charge.

2. The Administrative Arrangement shall provide for the terms and conditions of the reimbursement of costs referred to in the previous paragraph.

Article 25

Communication

1. The competent authorities and institutions and the liaison agencies of both Parties may communicate with each other in their official language.

2. A decision of a tribunal or of an institution may be communicated directly to a person residing in the territory of the other Party.

Article 26

Settlement of Disputes

1. Any dispute between the two contracting Parties concerning the interpretation or the application of the Understanding shall, as far as possible, be settled by the competent authorities.

2. If a dispute cannot be settled as prescribed in paragraph 1, it shall be referred, at the request of one Party, to a joint commission.

3. The joint commission shall be formed on an ad hoc basis.

4. The joint commission shall study the dispute and try to conciliate the Parties by submitting recommendations likely to settle the dispute.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 27

Transitional Provisions

1. The Understanding shall not confer any right to the payment of benefits for a period before the date of its coming into force.

2. For the application of Part III and subject to the provisions of paragraph 1 of this Article:

(a) a period of insurance completed prior to the date of the coming into force of the Understanding shall be taken into consideration for the purposes of determining entitlement to a benefit under the Understanding;

(b) a benefit, other than the death benefit payable under the Québec legislation, is due under the Understanding even if it is related to an event prior to the date of its coming into force;

(c) in the case of a benefit or of a monthly pension payable by virtue of the application of Article 12 and when the claim for such benefit is made within two years from the date of the coming into force of the Understanding, rights created by virtue of the Understanding shall be acquired from that date or from the date of the retirement, the death or the invalidity as confirmed by a medical practitioner creating the right to benefit, whichever is later, notwithstanding the provisions of the legislation of both Parties relative to the forfeiture of rights;

(d) a benefit which, on account of nationality or residence, has been refused, reduced or suspended shall, at the request of the person concerned, be granted or re-established from the date of the coming into force of the Understanding;

(e) a benefit granted before the date of the coming into force of the Understanding shall be revised, at the request of the person concerned. It may also be revised ex officio. If the revision leads to a benefit lower than that which was paid before the coming into force of the Understanding, the amount of benefit previously paid shall be maintained;

(f) if a request referred to in sub-paragraphs *d* and *e* is filed within two years of the date of the coming into force of the Understanding, rights created by virtue of the Understanding shall be acquired from that date, notwithstanding the provisions of the legislation of both Parties relative to the forfeiture of rights;

(g) if a request referred to in sub-paragraph *d* and *e* is filed after the limit of two years after the coming into force of the Understanding, rights which are not forfeited shall be acquired from the date of the request, unless there are more favorable provisions in the applicable legislation.

3. For the application of Article 8, a person already detached at the date of the coming into force of the Understanding shall be deemed to have become detached on that date.

Article 28

Coming into Force and Duration

1. Each contracting Party shall notify the other when the internal procedures required for the coming into force of the Understanding have been completed.

2. The Understanding shall be entered into for an indefinite duration beginning with the date of its coming into force, which shall be set by an exchange of letters between the contracting Parties. It may be denounced by one of the Parties by notifying the other Party. The Understanding shall expire on the 31st day of December which follows the date of notification by at least twelve months.

3. If the Understanding is terminated after denunciation, all rights acquired by a person under the provisions of the Understanding shall remain in effect, and negotiations shall be undertaken in order to settle any rights in the process of being acquired under the Understanding.

Done at Québec on October 22nd, 1996, in duplicate, in the English and French languages, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of the
Republic of the Philippines

SYLVAIN SIMARD

JUAN C. TAN

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE REPUBLIC OF THE PHILIPPINES

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC
OF THE PHILIPPINES,

CONSIDERING Article 16 of the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines,

DESIROUS to give application to this Understanding,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

In this Administrative Arrangement,

(a) the term "Understanding" shall mean the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of the Philippines signed on October 22nd, 1996;

(b) all other terms shall have the meaning given to them in Article 1 of the Understanding.

Article 2

Liaison Agencies

In accordance with the provisions of paragraph 2 of Article 16 of the Understanding, the liaison agencies designated by each of the Parties shall be:

(a) as regards Québec, the Direction des équivalences et de l'administration des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l'Immigration or any other agency that the competent authority of Québec may subsequently designate;

(b) as regards the Republic of the Philippines, the International and Legislative Affairs Office of the Social Security System or any other agency that the competent authority of the Republic of the Philippines may subsequently designate.

Article 3

Certificate of Coverage

1. For the application of Articles 7 to 11 of the Understanding, when a person remains subject to the legislation of one Party while working in the territory of the other Party, a certificate of coverage shall be issued

(a) by the liaison agency of Québec, when the person remains subject to the legislation of Québec;

(b) by the liaison agency of the Republic of the Philippines, when the person remains subject to the legislation of the Republic of the Philippines.

2. The liaison agency issuing the certificate of coverage shall send a copy of that certificate to the other liaison agency mentioned in paragraph 1, to the person concerned and, if applicable, to the employer of that person.

Article 4

Retirement, Disability and Survivors' Benefits

1. For the application of Part III of the Understanding, a claim for a benefit by virtue of the Understanding may be presented to the liaison agency of either Party, or to the competent institution of the Party whose legislation applies.

2. When a claim for benefit mentioned in paragraph 1 is presented to a liaison agency, that agency shall send that claim to the competent institution of the Party whose legislation is applicable, along with the required supporting documents.

3. When the claim for a benefit referred to in paragraph 2 of Article 17 of the Understanding is presented to the competent institution of one Party, that institution shall send that claim to the liaison agency of the same Party. The liaison agency shall send that claim to the competent institution of the other Party, along with the required supporting documents.

4. Any required personal information regarding an individual, mutually determined by the liaison agencies and indicated on the liaison form, shall be certified by the liaison agency transmitting the claim, which shall then be exempt from transmission of the supporting documents.

5. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

6. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the legislation which it applies.

7. As soon as decisions with respect to claims have been taken pursuant to the legislation which it applies, the competent institution shall notify the claimants and inform them about the ways of recourse and time limits for such recourse prescribed by that legislation; the competent institution shall also inform, by means of the liaison form, the liaison agency of the other Party about the decisions.

Article 5

Reimbursement between Institutions

For the application of Article 24 of the Understanding, at the end of each calendar year, when the competent institution of a Party has produced medical reports, on behalf or at the expense of the competent institution of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a statement listing the fees pertaining to the medical reports produced during the year under consideration, indicating the amount owed. That statement shall be accompanied by supporting documents.

Article 6

Forms

Any forms or other documents necessary to implement the procedures prescribed by the Administrative Arrangement shall be determined by common agreement by the competent institutions and the agencies responsible for the application of the Understanding for each of the Parties.

Article 7

Statistics

The liaison agencies of both Parties may exchange, in the form agreed upon, statistical data concerning the payments made to beneficiaries during each calendar year under the Understanding. Such data shall include the number of beneficiaries and the total amount of benefits, by benefit category.

Article 8

Coming into Force and Denunciation

The Administrative Arrangement shall come into force on the same date as the Understanding. The denunciation of the Understanding carries the denunciation of the Administrative Arrangement.

Done at Québec on October 22nd, 1996, in duplicate, in the English and French languages, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of the
Republic of the Philippines

SYLVAIN SIMARD

JUAN C. TAN

2546

Gouvernement du Québec

O.C. 1316-98, 14 October 1998

Education Act
(R.S.Q., c. I-13.3)

Childcare services provided at school

Regulation respecting childcare services provided at school

WHEREAS under section 454.1 of the Education Act (R.S.Q., c. I-13.3), enacted by section 51 of Chapter 58 of the Statutes of 1997 and amended by section 132 of Chapter 96 of the Statutes of 1997, the Government may, by regulation, prescribe standards for the provision of childcare at school, the nature and objectives of such services and the general organizational framework for childcare provided at school;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation respecting childcare services provided at school was published in Part 2 of the *Gazette officielle du Québec* of

17 June 1998 with a notice that it could be made by the Government upon the expiry of 45 days from its publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments in order to take into account the comments received following its publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT the Regulation respecting childcare services provided at school, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting childcare services provided at school

Education Act
(R.S.Q., c. I-13.3, s. 454.1; 1997, c. 58, s. 51; 1997, c. 96, s. 132)

CHAPTER I**NATURE AND OBJECTIVES OF CHILDCARE SERVICES**

1. Childcare services provided at school shall ensure care to children at the preschool and elementary level of a school board, outside the periods where educational services are provided to them.

2. The following are the objectives pursued by childcare services provided at school:

(1) looking after the children's well-being and pursuing, within the scope of the school's educational project, the global development of children through activities taking into account their interests and needs, complementing the school's educational services;

(2) providing support to children's families, particularly by offering to those who wish, an adequate place and, where possible, the necessary support to allow them to do their homework after class;

(3) providing health and safety to children in keeping with the rules of conduct and safety measures approved by the governing board of the school, in accordance with section 76 of the Education Act (R.S.Q., c. I-13.3) enacted by section 13 of Chapter 96 of the Statutes of 1997.

CHAPTER II GENERAL ORGANIZATIONAL FRAMEWORK

DIVISION I ACCESS

3. Childcare services shall be offered every day of the school year devoted to educational services, but outside the periods devoted to those services, in the manner, such as the schedule, agreed with the school board and the governing board in accordance with section 256 of the Education Act replaced by section 91 of Chapter 96 of the Statutes of 1997.

That school board and the governing board may also agree to offer services outside the days of the school year devoted to educational services, particularly during pedagogical days and spring break.

4. During registration of a child in the childcare service of a school, the principal shall ensure that the child's parent receives a document in which the rules of operation of the service are clearly established, particularly those related to the days and hours the service is open and to the costs and terms of payment.

DIVISION II STAFF

5. Childcare staff members must hold a document, dating back not more than 3 years, attesting that the person has successfully completed:

(1) a general first aid course lasting at least 8 hours; or

(2) a refresher course lasting at least 6 hours intended to update the knowledge acquired in the course mentioned in paragraph 1.

DIVISION III HYGIENE, SALUBRITY AND SAFETY

6. The number of children per childcare staff member in a childcare service provided at school shall not exceed 20 children present.

7. Where only one childcare staff member is present in a childcare service, the principal shall ensure that someone is available to replace that member if he is obliged to leave due to an emergency.

8. If an illness or a serious accident occurs, a childcare staff member shall immediately call for medical assistance, in particular, by contacting a physician or by going to the nearest medical emergency service.

As soon as possible, the person shall notify the parent of the child or any other person the parent has designated in the registration card.

9. The childcare provider shall lock medication, toxic and household cleaning products in a storage intended specifically for that purpose, out of reach of children and away from food.

10. The childcare provider shall post near the telephone a list of the following telephone numbers:

(1) a physician;

(2) the nearest hospital;

(3) the local community service centre (CLSC) in the territory of which the centre is located;

(4) the Centre anti-poison du Québec;

(5) the ambulance service; and

(6) the Info-Santé service.

He must also keep close to the telephone

(1) a list of the telephone numbers of the regular staff members and their replacements, if any; and

(2) a list of the telephone numbers of the parent of each child and those, according to registration cards, of other persons to contact in case of emergency.

11. During outings outside the premises of the childcare service, the principal shall take particular measures to ensure the safety of children, in compliance with the rules of conduct and safety measures approved by the governing board, in accordance with section 76 of the Education Act.

12. The principal shall ensure that the premises, equipment, furnishings and playthings used by the childcare service are in good condition.

13. The principal shall ensure that childcare staff members have a first-aid kit that is kept out of reach of children.

14. Childcare staff members shall ensure that each child leaves the centre with his parent or any other person authorized to do so, unless the parent has agreed, in writing, that the child returns home by himself.

DIVISION IV REGISTRATION AND ATTENDANCE CARDS

15. The principal shall ensure that a registration card of each child attending childcare service is kept and put at the disposal of childcare staff members at all times.

A childcare provider shall keep and update daily an attendance card for each child he receives.

A childcare provider shall give written or verbal communication of those cards, or facilitate the access thereof, to a parent who requests it.

16. The registration card shall contain the following information:

(1) the name, address and telephone number of the child;

(2) the name, address and telephone number of the parent, and that of a person authorized to pick up the child and those of another person to contact in case of emergency;

(3) the name of the child's teacher and his grade;

(4) the date of admission of the child and the periods of attendance planned per week; and

(5) data respecting the health and feeding of the child that may require special care and, where applicable, the name, address and telephone number of the physician and of the establishment where the child generally receives care.

17. The attendance card of each child shall contain the following information:

(1) the name of each child;

(2) his periods of attendance planned per week; and

(3) his dates and hours of attendance.

DIVISION V CHILDCARE PARENTS' COMMITTEE

18. The governing board may form a childcare parents' committee made up of the childcare provider and of 3 to 5 parents elected by and among the parents of children attending that service.

The committee may make any representation or recommendation to the principal, governing board or school board on all aspects of the life of children in childcare,

in particular the governing board's obligation to inform the community served by the school of the services it offers and to give an account of their quality.

DIVISION VI TRANSITIONAL AND FINAL

19. Childcare staff members hired before the date of coming into force of this Regulation shall comply with the provisions of section 5 within 12 months following that date.

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

2558

Gouvernement du Québec

O.C. 1326-98, 14 October 1998

Professional Code
(R.S.Q., c. C-26)

Office des professions du Québec — Amount of the contribution of each member of a professional order for the fiscal year 1999-2000

Amount of the contribution of each member of a professional order for the fiscal year 1999-2000 of the Office des professions du Québec

WHEREAS under section 196.2 of the Professional Code (R.S.Q., c. C-26), the expenditures incurred by the Office des professions in a fiscal year shall be payable by the members of the professional orders;

WHEREAS under section 196.3 of that Act, each member of a professional order is required to pay a contribution equal to the total of the expenditures incurred by the Office for a year of reference, divided by the total number of members entered on the rolls of all orders, on the last day of the year of reference;

WHEREAS under section 196.5 of that Act, where, for a particular fiscal year, the total amount of the contributions paid under section 196.3 is less than or is more than the amount of the expenditures incurred by the Office, the contribution of each member, established in accordance with section 196.3, shall be increased or reduced, as the case may be;

WHEREAS that increase or reduction shall be determined by establishing the difference between the expenditures incurred by the Office for that fiscal year and the

total amount of contributions paid for the year of reference and dividing that difference by the total number of members entered on the roll of every order on the last day of that fiscal year; the charge payable pursuant to section 196.8 shall be deducted when the increase or reduction is determined;

WHEREAS for the purposes of that section, the year of reference used as the basis for computing the contribution extends from 1 April 1996 to 31 March 1997;

WHEREAS it is expedient to fix the amount of the contribution of each member of an order;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT \$16.70 be fixed as the amount of the contribution of each member of a professional order for the fiscal year 1999-2000.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2559

Gouvernement du Québec

O.C. 1334-98, 14 October 1998

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

Devices which compensate for a physical deficiency — Amendments

Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act

WHEREAS under subparagraph *h* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance-maladie du Québec or upon its recommendation, make regulations to 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 Régie de l'assurance-maladie du Québec 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;

WHEREAS the Government made the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act by Order in Council 612-94 dated 27 April 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Régie de l'assurance-maladie du Québec was consulted in respect of those amendments;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* on 27 August 1997, on page 4413, accompanied by a notice that it could be made by the Government upon the expiry of a 45-day period from the date of that publication;

WHEREAS following that publication, comments were made, reports were submitted and amendments were made;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social services:

THAT the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act^(*)

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 5th par., and s. 69, 1st par., subpar. *h*)

1. The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act is amended by adding the following at the end of section 2:

“There are two types of orthopedic devices: ambulation aids and standing aids.”

2. Section 9 is amended by adding the following after subparagraph 5 of the second paragraph:

“(6) 10 years for a cane, crutch or children’s depth-adjustable, height-adjustable, 4-wheeled walker with thoracic support; and

(7) 5 years for a walker.”

3. Section 11 is amended,

(1) in the French version, by substituting the word “ne” for the word “seules” in the first paragraph;

(2) in the French version, by inserting the word “que” after the word “réparation” in the first paragraph; and

(3) in the English version, by adding the words “and in a responsible manner” at the end of the first paragraph.

4. The following is substituted for section 12:

“**12.** Notwithstanding section 10, fittings and repairs of a device, component or adjustment are insured only where the estimate of the cost of one or all of such services does not exceed 80 % of the cost of purchase or previous replacement of the device, component or adjustment, as the case may be.

In addition, only those services are insured in such a case. Where such is not the case, only the replacement of the device is insured in accordance with the provisions of this Title.

Notwithstanding the second paragraph, the replacement is insured only if the device, component, adjustment or supplement has been used solely for the purposes for which it was designed and intended.

Notwithstanding the second paragraph, for a two-year period from the event of damage or irreparable breakage, the replacement of a device, component, adjustment or supplement is not insured if the only reason for the replacement is that the device, component, adjustment or supplement was used negligently or was lost, stolen or destroyed. That two-year period shall cease when the minimum duration period of the device expires and shall not be extended beyond that expiry.

If, before the expiry of either period, the beneficiary, at his own expense and in accordance with this Title, replaces a broken or damaged device, component, adjustment or supplement with an insured device, component, adjustment or supplement, fittings and repairs of the new device, component, adjustment or supplement are insured, subject to the relevant provisions of this Title.”

5. Section 13 is amended

(1) by substituting the following for the first paragraph:

“Any device appearing on the list in Division II of Part II of Chapter V that is no longer used by a beneficiary owing to his death or that has been replaced owing to a change in his physical condition shall be returned to an institution that has signed with the Board an agreement authorized by the Government under section 23 of the Act respecting the Régie de l’assurance-maladie du Québec.”; and

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

“Furthermore, a children’s depth-adjustable, height-adjustable, 4-wheeled walker with thoracic support shall be returned to such an institution or laboratory where it is no longer used by the beneficiary.

For that purpose, such an institution or laboratory shall verify annually that such a device or walker is used by the beneficiary in accordance with the provisions of this Title.”

^{*} The Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act, made by Order in Council 612-94 dated 27 April 1994 (1994, *G.O.* 2, 1589), was last amended by Order in Council 20-98 dated 7 January 1998 (1998, *G.O.* 2, 345). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

6. The following is inserted after section 15:

“**15.1.** An ambulation aid is insured only where it is furnished to a beneficiary on the written prescription of a physician referred to in this Title whose contents meet the requirements of section 28 and where the beneficiary must use such aid on a daily basis for at least 12 months.

Notwithstanding any provision to the contrary, an ambulation aid is insured only in respect of a beneficiary whose inability to walk cannot be compensated for, if he requires a cane, by a cane on the list in this Title or, if he requires a crutch, by a cane or crutch on the list in this Title or, if he requires a walker or a children’s depth-adjustable, height-adjustable, 4-wheeled walker with thoracic support, by a cane, a crutch, a walker or a children’s depth-adjustable, height-adjustable, 4-wheeled walker with thoracic support on the list in this Title.”.

7. Section 16 is amended by substituting the following in the second paragraph:

(1) “, an additional component or an additional supplement in the case where the latter is also listed as a device” for “or an additional component”; and

(2) “, component or supplement” for “or component”.

8. The following is substituted for the first two paragraphs of section 22:

“**22.** The fixed price for a cane includes the safety tip and the fixed price for a pair of height-adjustable axillary crutches includes the safety tips, the axillary pads and the elastomer handrest covers.

In respect of canes and height-adjustable axillary crutches, the Board assumes, per 12-month period, the cost of replacement of not more than 1 set of ice tips with 4 or 5 prongs and safety tips, and not more than 2 pairs of axillary pads and handrest covers, if any.”.

9. Section 24 is amended

(1) by deleting the word “, adjustment” after the word “repair” at the beginning of the first paragraph; and

(2) by substituting the words “paragraphs 1 and 2” for the words “paragraph 1” at the end of paragraph 3 of the first paragraph.

10. The following is added after section 25:

“**25.1.** Where a children’s depth-adjustable, height-adjustable, 4-wheeled walker with thoracic support is furnished to a beneficiary and has already been returned to an institution or laboratory in accordance with the second paragraph of section 13, the total cost assumed by the Board for all of the following services is \$56:

(1) the recovery of the walker, the safety check and cleaning, after it has been returned, providing it to another beneficiary; and

(2) administrative and inventory management services.

Furthermore, the Board shall assume the purchase or replacement cost of such a walker only if no other walker, which had already been paid for by the Board or by the Office des personnes handicapées du Québec, was recovered by an institution or laboratory and none is available for the beneficiary. For that purpose, subject to section 12, the institution or laboratory must repair the walker or have it repaired as soon as it has been recovered to make it available for the beneficiary.”.

11. Section 26 is amended by deleting the words “or cosmetic” at the end of the third paragraph.

12. Section 28 is amended by adding the following paragraph at the end:

“Furthermore, for the purposes of section 15.1, the written medical prescription shall also certify that the beneficiary must use an ambulation aid on a daily basis for medical reasons and for the duration shown on the prescription.”.

13. Section 30 is amended

(1) by substituting the words “on the following additional conditions” for the words “provided that the following additional conditions are met” at the end of the first paragraph; and

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

“(3) in respect of an ambulation aid, whether it is furnished to a beneficiary in Québec by the institution or the laboratory, its technical specifications have been set forth in writing by a physiotherapist or occupational therapist in a centre operated by an institution referred to in subparagraph 1 of the first paragraph of section 27 and that person has also certified that the beneficiary’s medical record contains a written medical prescription meeting the requirements of the first and third paragraphs of section 28, that the beneficiary has undergone

a rehabilitation process notwithstanding which the aid is required to ensure the beneficiary's ability to walk; to that end, the physiotherapist or occupational therapist must have met with the beneficiary."

14. Section 38 is amended by adding the words "or to allocate the device without such component" at the end of the third paragraph.

15. Section 39 is amended by adding the words "or on an exclusive list of components" at the end.

16. Section 42 is amended

(1) by substituting "The" for "Provided that it is authorized in advance by the Board, the" in the first line of the first paragraph;

(2) by substituting the following for the semi-colon at the end of subparagraph 2 of the first paragraph:

"and, in the latter case, where one of those persons also certifies that the device cannot be adjusted."; and

(3) by deleting subparagraph 3 of the first paragraph.

17. The following is substituted for section 43:

"**43.** Fitting, adaptation and repair services for an insured device, component or supplement are insured.

Notwithstanding the foregoing, fitting or repair services for a wheel chair or a component referred to in section 38 are insured only for a beneficiary referred to in section 51 or 53, as the case may be.

Furthermore, adaptation services for a device are insured only if they are to install a ventilator or a compressor, where the device is a powered wheel chair and such service is furnished to a beneficiary referred to in section 53 with a written medical prescription for that service.

In addition, fitting and repair services for a device, component or supplement no longer appearing on a list in this Title but for which the Board previously assumed the purchase or replacement cost are also insured services, but only in respect of a beneficiary who is still referred to in section 51 or 53, as the case may be, at the time the fitting or repair service is furnished.

Finally, fitting and repair services for a three-wheeled scooter or a four-wheeled scooter, any of the components or supplements that have already been furnished to any beneficiary within the meaning of the Health Insurance Act by the Office des personnes handicapées

du Québec on 12 November 1998 and for which the aforementioned Office has assumed the cost are insured services."

18. Section 44 is amended,

(1) in the French version, by deleting the word "que" in the first paragraph and by inserting that word after the word "réparation";

(2) in the English version, by adding the words "and in a responsible manner" at the end of the first paragraph; and

(3) in the French version, by deleting the word "que" in the first line of the second paragraph and by inserting that word after the word "nécessaires".

19. Section 45 is amended

(1) by substituting the following for the first paragraph:

"**45.** Notwithstanding section 43, fitting and repair services for a device or component and the replacement of a component are insured only where the estimate of the cost at a given time of one or all of such services does not exceed 80 % of the cost of purchase or previous replacement of the device."; and

(2) by deleting the third paragraph.

20. Section 46 is revoked.

21. The following is substituted for section 47:

"**47.** Notwithstanding the second paragraph of section 45, the replacement of a device or component and the replacement of a supplement is insured only if it has been used for the purposes for which it was designed and intended.

Notwithstanding the second paragraph of section 45, for a two-year period from the event of damage or irreparable breakage, the replacement of a device, component or supplement is not insured if the only reason for the replacement is that the device, component or supplement was used negligently or was lost, stolen or destroyed.

That two-year period shall cease to run when the minimum duration period of the device expires and shall not be extended beyond that expiry.

If, before the end of either of those periods, the beneficiary, at his own expense and in accordance with this

Title, replaces a broken or damaged device, component or supplement with an insured device, component or supplement, fittings and repairs of the new device, component or supplement are insured, subject to the relevant provisions of this Title.”.

22. Section 48 is revoked.

23. Section 50 is amended

(1) by substituting the following for the first paragraph:

“Only one device is insured for each beneficiary; fitting services and repair services are also insured for that one device.”; and

(2) by substituting the words “where the device is required for specific activities pertaining essentially to recognized studies or professional activities” for the words “for the purposes of recognized studies or professional activities” at the end of the second paragraph.

24. Section 51 is amended

(1) by adding the following after subparagraph 6 of the first paragraph:

“(7) to a beneficiary with a degenerative deficiency of the musculoskeletal system, who already has a device allocated under section 53 and who requires a manual wheel chair or a lightweight manual wheel chair to maintain his residual abilities, which allow him nonetheless to use such a wheel chair independently.”;

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

“For a beneficiary referred to in subparagraph 7 of the first paragraph, and notwithstanding section 38 and the first paragraph, only a manual wheel chair or a lightweight manual wheel chair having been returned to an institution in accordance with the second paragraph of section 57 is insured.

Notwithstanding section 38 and the first paragraph, where such beneficiary already owns a manual wheel chair or a lightweight manual wheel chair for which the Board has already assumed the purchase or replacement cost, that wheel chair is insured without having been returned to an institution.”; and

(3) by adding the following at the end:

“In addition, where a beneficiary referred to in subparagraph 7 of the first paragraph agrees to have the

Board assume responsibility for a manual wheel chair or a lightweight manual wheel chair belonging to him on 12 November 1998 but for which the Board has not assumed the purchase or replacement cost, fitting and repair services for such wheel chair and its components or supplements are insured.

The Board shall assume responsibility only for a wheel chair that is similar to a wheel chair appearing on a list in Subdivision I or II of Division I of Part I of Chapter V, that complies with the requirements of section 41 and that meets the requirements of the first paragraph of section 45.”.

25. Section 53 is amended

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

“(3) to a beneficiary who has been suffering for more than 6 months from a severe cardiovascular or cardio-respiratory insufficiency associated with a physical deficiency within the meaning of this Title, who already has a device allocated under section 51, who is still able to use a powered wheel chair and who requires such wheel chair because, by reason of that insufficiency and that deficiency, and notwithstanding optimal medical treatment, he is now unable to use a manual wheel chair or a lightweight manual wheel chair independently.”;

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

“For a beneficiary referred to in subparagraph 3 of the first paragraph, and notwithstanding section 38 and the first paragraph, only a powered wheel chair having been returned to an institution in accordance with the second paragraph of section 57 is insured.”;

(3) by substituting the following for the second paragraph:

“Only fitting and repair services for a powered wheel chair and its components or supplements furnished in the same cases are insured.”; and

(4) by adding the following at the end:

“Furthermore, where a beneficiary referred to in subparagraph 3 of the first paragraph agrees to have the Board assume responsibility for a powered wheel chair belonging to him on 12 November 1998 but for which the Board has not assumed the purchase or replacement cost, fitting and repair services for such wheel chair and its components or supplements are insured.

The Board shall assume responsibility only for a wheel chair that is similar to a wheel chair appearing on a list in Subdivision III of Division I of Part I of Chapter V, that complies with the requirements of section 41 and that meets the requirements of the first paragraph of section 45.

For the purposes of subparagraph 3 of the first paragraph, a severe cardiorespiratory insufficiency is that of Group B of the respiratory impairment classification used by the Régie des rentes du Québec, as determined when the beneficiary is under optimal treatment and the insufficiency has been present for more than six months.

Furthermore, for the purposes of subparagraph 3 of the first paragraph, a severe cardiovascular insufficiency is that of Class III of the functional cardiovascular impairment classification used by the New York Heart Association, as determined when the beneficiary is under optimal treatment and the insufficiency has been present for more than six months.”.

26. Section 55 is amended by substituting the following for the first paragraph:

“**55.** Notwithstanding section 38, a device appearing on a list in Division II or III of Part I of Chapter V, or one of its components or supplements, is insured only if the device is furnished to a beneficiary who requires a personalized technical posture assist.”.

27. Section 56 is amended by substituting the following for the first paragraph:

“**56.** Notwithstanding section 38, a posture assist appearing on a list in this Title is insured only if it is furnished to a beneficiary who is referred to in section 51 or 53 and who owns an insured wheel chair or to whom a non-insured wheel chair is furnished by an institution referred to in section 52 and in which the beneficiary resides.”.

28. Section 57 is amended

(1) by adding the following at the end of the first paragraph:

“or subparagraph 7 of the first paragraph of section 51”; and

(2) by substituting the following for the second paragraph:

“Furthermore, a device that is no longer used by a beneficiary owing to his death or a change in his physical condition shall be returned to an institution under

agreement with the Board as authorized by the Government under section 23 of the Act respecting the Régie de l’assurance-maladie du Québec.”.

29. Section 58 is amended by deleting the words “preventive adjustment,” and by substituting the word “a” for the words “for the preventive adjustment, if any,”.

30. Section 63 is amended by inserting the word “, adaptation” after the word “repair” at the beginning of the first paragraph.

31. Section 64 is amended by substituting the words “a posture assist” for the words “an insured device” in the first paragraph.

32. The following is substituted for section 65:

“**65.** Where a beneficiary dies before taking final receipt of a wheel chair or a stroller, the total cost assumed by the Board for the device is as follows:

(1) a lump sum of \$255 for a powered wheel chair;

(2) a lump sum of \$147 for a manual wheel chair or a lightweight manual wheel chair;

(3) a lump sum of \$35 for a stroller.”.

33. Section 66 is amended by adding the following after the second paragraph:

“Where a wheel chair having already been returned to an institution in accordance with section 57 is again furnished to a beneficiary, the total cost assumed by the Board for all such services is \$362 for a powered wheel chair and \$215 for any other type of wheel chair.

Where a device must be adjusted to the growth of a beneficiary less than 19 years old, the total cost assumed by the Board for all the services referred to in the first paragraph is a lump sum of \$150.”.

34. Section 68 is amended

(1) by deleting the words “preventive adjustment,” at the beginning of the first paragraph; and

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

“(3) a physician specializing in cardiology or pneumology, in respect of a beneficiary referred to in subparagraph 3 of the first paragraph of section 53.”.

35. Section 69 is amended by deleting the words “preventive adjustment,” at the beginning of the paragraph.

36. Section 70 is amended by adding the following at the end:

“Furthermore, for the purposes of subparagraph 7 of the first paragraph of section 51, the written medical prescription shall also confirm that the beneficiary has a degenerative deficiency of the musculoskeletal system, that his residual abilities are such that he can still independently use the manual wheel chair that may be allocated to him and that such wheel chair is required to maintain those residual abilities.

For the purposes of subparagraph 3 of the first paragraph of section 53, the written medical prescription shall also confirm that the beneficiary has a severe insufficiency defined in the fifth or sixth paragraph of section 53, as determined in the circumstances provided for in that section, and shall confirm that the insufficiency is associated with a physical deficiency within the meaning of this Title, that the beneficiary is able to use a powered wheel chair independently and that, owing to the confirmed insufficiency associated with the physical deficiency, and notwithstanding optimal medical treatment, he is unable to use a manual wheel chair or a lightweight manual wheel chair independently.”.

37. Section 72 is amended by substituting the words “on the condition that” for the word “if” in the seventh line.

38. Section 76 is amended by inserting the word “, component” after the word “device”.

39. The following is inserted under the title that precedes section 77 and before the last section:

“**76.1.** Subject to the last paragraph of section 43, repairs, fittings and the replacement of a device with an insured device that belongs to a beneficiary on 12 November 1998, shall remain insured only if all the provisions of these Titles are complied with from that date.”.

40. The Regulation is amended, in Divisions I and IV of Parts I and II of Chapter V of Title One,

(1) by substituting, in the French version, the words “Béquilles avec appui axillaire ajustables en hauteur” for every instance of the word “Béquilles” and by substituting, in the English version, the words “Height-adjustable axillary crutches” for every instance of the word “Crutches, under the headings “Purchase price or

replacement price of device” and “Replacement of component or supplement”, the price “\$49” for every instance of the price “\$40”;

(2) by substituting the following three expressions in order for the words “Canadian crutches”; under the headings “Purchase price or replacement price of device” and “Replacement of component or supplement”, by substituting the prices opposite the expressions for \$117:

“Height-adjustable crutches with forearm support, from 25 in. (63.5 cm) to 31 in. (79 cm), from 30 in. (77 cm) to 36 in. (89 cm) or from 35 in. (87 cm) to 41 in. (102.5 cm)”

“\$118.00 \$118.00”

“Height-adjustable crutches with forearm support, from 19 in. (47.5 cm) to 27 in. (71 cm), for children”

“\$158.00 \$158.00”

“Height-adjustable crutches with forearm support, from 12 in (30 cm) to 18 in (45 cm), for children”

“\$141.00 \$141.00”.

41. Schedule I attached hereto is substituted for Division VII of Part I of Chapter V of Title One of the Regulation.

42. Division VII appearing in Schedule II to this Regulation is added to Part II of Chapter V of Title One.

43. The Regulation is amended by deleting the three battery models provided by “La Compagnie de batteries R.M. Ltée” in Subdivision V of Division I of Part I of Chapter V of Title Two.

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

SCHEDULE I**DIVISION VII
AMBULATION AIDS**

Ambulation aids

Price

DEVICE

Quad cane, height-adjustable (any size) \$56.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tip

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
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BASIC COMPONENT(S)

Tip	N.C.	\$2.00
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Price

DEVICE

Axillary crutches, height-adjustable (any size) \$49.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

Axillary pads (2)

Handrest covers (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
Axillary pads (2)	N.C.	\$2.00
Handrest covers (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Flip up ice tips with 4 or 5 prongs (2)	\$8.00	\$4.00
		Price

DEVICE

Height-adjustable crutches with forearm rest, from 25 in. (62.5 cm) to 31 in. (79 cm), from 30 in. (77 cm) to 36 in. (89 cm) or from 35 in. (87 cm) to 41 in. (102.5 cm) \$118.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Flip up ice tips with 4 or 5 prongs (2)	\$8.00	\$4.00
		Price

DEVICE

Height-adjustable crutches with forearm support, from 19 in. (47.5 cm) to 27 in. (71 cm), for children \$158.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Flip up ice tips with 4 or 5 prongs (2)	\$8.00	\$4.00
		Price

DEVICE

Height-adjustable crutches with forearm support,
from 12 in. (30 cm) to 18 in. (45 cm), for
children

\$141.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Flip up ice tips with 4 or 5 prongs (2)	\$8.00	\$4.00

	Price
DEVICE	
Anterior walker, non-folding, with wheels (2), Rollator type, height-adjustable, from 13 in. (32.5 cm) to 15 in. (37.5 cm), for children	\$163.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Tips (2)	
DURATION OF GUARANTEE: 12 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00

	Price
DEVICE	
Anterior walker, non-folding, with wheels (2), Rollator type, height-adjustable from 16 in. (40 cm) to 21 in. (52.5 cm), for children	\$157.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Tips (2)	
DURATION OF GUARANTEE: 12 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00

	Price
DEVICE	
Anterior walker, folding, without wheels and height-adjustable from 28 in. (73 cm) to 36 in. (89 cm)	\$96.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Tips (4)	
DURATION OF GUARANTEE: 12 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Walker skis on rear legs (2)	\$26.00	\$13.00
Forearm support (2)	\$122.00	\$61.00

	Price
DEVICE	
Anterior walker, folding, with wheels (2) and height-adjustable, from 28 in. (73 cm) to 32 in. (81 cm), from 32 in. (81 cm) to 36 in. (89 cm) or from 32 in. (81 cm) to 39 in. (97.5 cm)	\$103.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Tips (2)	
DURATION OF GUARANTEE: 12 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Walker skis on rear legs (2)	\$26.00	\$13.00
Rear hand brakes (2)	\$40.00	\$20.00
Forearm support (2)	\$122.00	\$61.00
		Price

DEVICE

Anterior walker, folding, with wheels (2), Rollator type, height-adjustable, from 11 $\frac{1}{2}$ in. (28.5 cm) to 21 in. (52.5 cm), for children \$181.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
		Price

DEVICE

Anterior walker, folding, with wheels (2), Rollator type, height-adjustable, from 22 in. (55 cm) to 37 in. (92.5 cm), for children \$197.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
Price		

DEVICE

Anterior walker, folding, with wheels (2), Rollator type, height-adjustable from 27 in. (71 cm) to 40 in. (100 cm), for children \$207.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
Price		

DEVICE

Posterior walker, folding, with wheels (2), Kaye W type, height-adjustable, 14° in. (36.5 cm) to 20 in. (50 cm), for children \$242.00

BASIC COMPONENT(S) AND SUPPLEMENT(S)

Tips (2)

DURATION OF GUARANTEE: 12 months

COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Forearm support (2)	\$122.00	\$61.00
		Price
DEVICE		
Posterior walker, folding, with wheels (2), Kaye W type, height-adjustable, from 16 in. (40 cm) to 22 in. (55 cm), for children		\$244.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Tips (2)		
DURATION OF GUARANTEE: 12 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Forearm support (2)	\$122.00	\$61.00
		Price
DEVICE		
Posterior walker, folding, with wheels (2), Kaye W type, height-adjustable, from 19 in. (47.5 cm) to 24° in. (61 cm), for children		\$252.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Tips (2)		
DURATION OF GUARANTEE: 12 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Forearm support (2)	\$122.00	\$61.00
Price		
DEVICE		
Posterior walker, folding, with wheels (2), Kaye W type, height-adjustable, from 22 in. (55 cm) to 30 ³ / ₄ in. (78.5 cm), for children		\$288.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Tips (2)		
DURATION OF GUARANTEE: 12 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Tips (2)	N.C.	\$2.00
OPTIONAL COMPONENT(S)		
Forearm support (2)	\$122.00	\$61.00
Price		
DEVICE		
Walker with wheels (4), height-adjustable, from 18 ¹ / ₂ in. (46.5 cm) to 25 ³ / ₄ in. (64 cm), with thoracic support, depth-adjustable from 0 in. to 8 in. (20 cm) and width-adjustable from 0 in. to 9 ¹ / ₂ in. (23.5 cm), for children		\$612.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Steel frame		
Thoracic support with cover		
Flexible seat		
Front bumpers (4)		
Wheelbrakes (4)		
DURATION OF GUARANTEE: 12 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Steel frame, height-adjustable, from 18½ in. (46.5 cm) to 25¾ in. (64 cm)	N.C.	\$397.00
Thoracic support, depth-adjustable, from 0 in. to 8 in. (20 cm), width-adjustable, from 0 in. to 9½ in. (23.5 cm), including cover	N.C.	\$154.00
Thoracic support, depth-adjustable to more than 8 in. (20 cm) and width-adjustable to more than 9½ in. (23.5 cm), including cover	\$56.00	\$210.00
Flexible seat	N.C.	\$54.00
Front bumpers (4)	N.C.	N/A
Wheelbrakes (4)	N.C.	\$27.00
OPTIONAL COMPONENT(S)		
Lower limb abductor	\$139.00	\$139.00
Back/headrest and cover	\$218.00	\$218.00
Thoracic support cover only	N/A	\$80.00
		Price
DEVICE		
Walker with wheels (4), height-adjustable, from 25¾ in. (64 cm) to 38¾ in. (97 cm), with thoracic support, depth-adjustable, from 0 in. to 10 in. (25 cm) and width-adjustable, from 0 in. to 12° in. (31 cm), for children		\$673.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Steel frame		
Thoracic support with cover		
Flexible seat		
Front bumpers (4)		
Wheelbrakes (4)		
DURATION OF GUARANTEE: 12 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		

	Purchase price or replacement price of device	Replacement of component or supplement Unit price
BASIC COMPONENT(S)		
Steel frame, height-adjustable, from 25 ³ / ₄ in. (64 cm) to 38 ³ / ₄ in. (97 cm)	N.C.	\$443.00
Thoracic support, depth-adjustable, from 0 in. to 10 in.(25 cm), width- adjustable, from 0 in. to 12 ¹ / ₂ in. (31 cm), including cover	N.C.	\$178.00
Thoracic support, depth-adjustable to more than 10 in. (25 cm), width- adjustable to more than 12 ¹ / ₂ in. (30 cm), including cover	\$56.00	\$234.00
Flexible seat	N.C.	\$54.00
Front bumpers (4)	N.C.	N/A
Wheelbrakes (4)	N.C.	\$27.00
OPTIONAL COMPONENT(S)		
Lower limb abductor	\$139.00	\$139.00
Back/headrest and cover	\$218.00	\$218.00
Thoracic support cover only	N/A	\$80.00
DIVISION VIII		
STANDING AIDS		
Standing aids		
		Price
DEVICE		
Parapodium, child (Variety Village System)		\$1 717.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)		
Prefabricated parapodium orthosis		
DURATION OF GUARANTEE: 3 months		
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE		
None		
ADJUSTMENT(S) AVAILABLE		
Any pertinent adjustment		

	Price
DEVICE	
Parapodium, adult (Variety Village System)	\$2 332.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Prefabricated parapodium orthosis	
DURATION OF GUARANTEE: 3 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	
None	
ADJUSTMENT(S) AVAILABLE	
Any pertinent adjustment	

	Price
DEVICE	
Orthopodium	\$1 009.00
BASIC COMPONENT(S) AND SUPPLEMENT(S)	
Prefabricated orthopodium	
DURATION OF GUARANTEE: 3 months	
COMPONENT(S) AND SUPPLEMENT(S) AVAILABLE	
None	
ADJUSTMENT(S) AVAILABLE	
Any pertinent adjustment	

SCHEDULE II**DIVISION VII**
AMBULATION AIDS

Ambulation aids

	Price
DEVICE	
Other ambulation aids of the same type	S.C.
DURATION OF GUARANTEE: 1 year	
2560	

Gouvernement du Québec

O.C. 1335-98, 14 October 1998

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

Forms and statements of fees — Amendments

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act

WHEREAS under subparagraph *a* of the first paragraph of section 72 of the Health Insurance Act (R.S.Q., c. A-29), the Régie de l'assurance-maladie du Québec may make regulations prescribing the content of the statement of fees or of any other form of the Board which may or must be used by a professional in the field of health, a beneficiary, a resident or deemed resident of Québec, an institution or a laboratory;

WHEREAS under subparagraph *d.2* of the first paragraph of section 72 of the Health Insurance Act, the Board may make regulations 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;

WHEREAS under the second paragraph of section 72 of the Health Insurance Act, such a regulation must, before coming into force, be approved by the Government;

WHEREAS the Régie de l'assurance-maladie du Québec made the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r.2) and it was approved by the Government;

WHEREAS on 22 April 1998, the Board made the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act;

Whereas in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 August 1998, on pages 3615 and 3616, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS comments on the Regulation were received before the expiry of the 45-day period;

WHEREAS under section 17 of the Regulations Act, a regulation may come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS it is expedient that the Regulation be approved by the Government, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting forms and statements of fees under the Health Insurance Act(*)

Health Insurance Act
(R.S.Q., c. A-29, s. 72, 1st par., subpars. *a* and *d.2*)

1. The Regulation respecting forms and statements of fees under the Health Insurance Act is amended in section 9.5:

- (1) by striking out the words “or pharmacist” in the first paragraph;
- (2) by substituting the amount “\$0.50” for the amount “\$0.25” in the first paragraph;
- (3) by striking out the words “or pharmacist” in the third paragraph;
- (4) by striking out the words “ou la profession de pharmacien” in the third paragraph of the French version.

* The Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, c. A-29, r.2) was last amended by the Regulation made by Order in Council 1522-96 dated 4 December 1996 (1996, *G.O.* 2, 4948). For previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

2. The Regulation is amended by substituting the following for section 9.6:

“9.6 The Board shall reimburse the fees collected from a physician where he is accredited after submitting an application to the Board, under section 15, within 12 months following the date he obtained his permit to practise or specialist’s certificate issued by the Collège des médecins du Québec.”.

3. Section 10 is amended

(1) by striking out the words and number “Notices and mandates of professionals in the field of health: (1)” at the beginning; and

(2) by striking out paragraphs 2 and 3.

4. The Regulation is amended by revoking forms 7 and 10.

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

2562

M.O., 1998

Order of the Minister of Health and Social Services of dated 7 October 1998 to designate breast cancer detection centre

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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate breast cancer detection centre under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

THAT the following breast cancer detection centre be designated for Nord-du-Québec region:

Centre de santé et de services sociaux de la Radissonie
Pointe de service de Chibougamau
51, 3^e Rue
Chibougamau (Québec)
G8P 1N1.

Québec City, on 7 October 1998

JEAN ROCHON

2561

M.O., 1998

Order of the Minister of Education concerning the Regulation to amend the Regulation respecting private educational institutions at the college level dated 13 October 1998

An Act respecting private education
(R.S.Q., c. E-9.1)

THE MINISTER OF EDUCATION,

CONSIDERING that under section 111 of the Act respecting private education (R.S.Q., c. E-9.1), as amended by section 32 of Chapter 87 of the Statutes of 1997, the Government may define the expression “resident in Québec”, for the purposes of the Act;

CONSIDERING that under section 84.1 of that Act, as introduced by section 29 of Chapter 87 of the Statutes of 1997, the Minister of Education may provide in the budgetary rules for the additional financial contribution chargeable to students who are not resident in Québec, within the meaning of government regulations;

CONSIDERING that under section 112 of the Act respecting private education, as amended by section 33 of Chapter 87 of the Statutes of 1997, the Minister of Education may establish rules for determining the maximum amount of the compensation or penalty provided for in cases of cancellation of an educational service contract, where the student is not a resident in Québec;

CONSIDERING that the Regulation respecting private educational institutions at the college level, made by Minister’s Order 1-93 dated 1 September 1993, contains, in particular, rules for determining the additional financial contribution an institution may require of a student from outside Québec;

CONSIDERING that it is expedient to amend the Regulation in order to increase the maximum amount of the compensation or penalty provided for in case of cancellation of an educational service contract;

CONSIDERING that on 30 April 1998 the Commission consultative de l’enseignement privé gave its advice on the draft Regulation attached to this Minister’s Order;

CONSIDERING that pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Minister’s Order was published in Part 2 of the *Gazette officielle du Québec* of 15 April 1998 with a notice that it could be made by the Minister of Education upon the expiry of 45 days following its publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS THAT:

The Regulation to amend the Regulation respecting private educational institutions at the college level, attached hereto, be made.

Québec, 13 October 1998

PAULINE MAROIS,
Minister of Education

Regulation to amend the Regulation respecting private educational institutions at the college level (*)

An Act respecting private education
(R.S.Q., c. E-9.1, s. 112; 1997, c. 87, s. 33)

1. Section 7 of the Regulation respecting private educational institutions at the college level is amended by substituting the following for paragraph 2:

“(2) his birth certificate and, in the case of a student who is not a Canadian citizen or a permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2), his certificate of citizenship;”.

2. Chapter VI of the Regulation is revoked.

3. Section 17 is amended by adding at the end “if the student is a Canadian citizen or permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2), or \$1,500 if such is not the case.”.

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

2555

* The Regulation respecting private educational institutions at the college level made by Minister's Order 1-93 of the Minister of Education dated 1 September 1993 (1993, *G.O.* 2, 5842) was only amended once by the Regulation made by Minister's Order of the Minister of Education dated 27 March 1998 (1998, *G.O.* 2, 1535).

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Pointe-de-l'Est Wildlife Preserve

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the Pointe-de-l'Est Wildlife Preserve, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to establish the standards and conditions for the use of the territory and resources of the Pointe-de-l'Est Wildlife Preserve.

To that end, it determines the conditions to be complied with by a person who enters or travels about the wildlife preserve or who carries on an activity there.

To date, study of the matter has shown a positive impact on users and businesses.

Further information may be obtained by contacting:

Mr. Michel Jean
Ministère de l'Environnement et de la Faune
Direction des territoires fauniques,
de la réglementation et des permis
675, boulevard René-Lévesque Est, 10^e étage
Québec (Québec)
G1R 5V7

Telephone: (418) 521-3880 extension 4095
Fax: (418) 528-0834
E-mail: michel.jean@mef.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
*Minister of the Environment
and Wildlife*

Regulation respecting the Pointe-de-l'Est Wildlife Preserve

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 125, pars. 3 and 4, and 162, par. 14)

1. This Regulation applies to the Pointe-de-l'Est Wildlife Preserve, established by a Minister's Order.

2. Any person may use a bicycle or an all-terrain vehicle to travel in the wildlife preserve provided that corridors or trails designated for that purpose be used.

Notwithstanding the first paragraph, a person who carries out scientific research or maintenance work in the performance of his duties may use a bicycle or an all-terrain vehicle to travel anywhere in the wildlife preserve.

In this section, "all-terrain vehicle" means a vehicle referred to in subparagraph 2 of the first paragraph of section 1 of the Act respecting off-highway vehicles (1996, c. 60).

3. Any person who enters the wildlife preserve with a domestic animal shall keep it on a leash unless it is a hunting dog within the meaning of section 1 of the Regulation respecting hunting, made by Order in Council 1383-89 dated 23 August 1989, and during the hunting season for wildfowl within the meaning of paragraph 3 of section 2 of the Hunting in Wildlife Sanctuaries Regulation, made by Order in Council 838-84 dated 4 April 1984.

4. No one may, in the wildlife preserve, engage in any activity likely to modify a biological, physical or chemical element of the habitat of the piping plover (*Charadrius melodius*) or the horned grebe (*Podilymbus podiceps*).

5. Any person who contravenes section 2, 3 or 4 commits an offence.

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

Erratum

Notice

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Experience ratios for 1999

— Erratum

Gazette officielle du Québec, Part 2, September 30, 1998, Vol. 130, No. 40.

Unit 28060 “Workshop painting, dyeing or coating metal products”, ratios should read, respectively, “0.8827, 0.8307, 0.6267 and 1.3559” instead of “0.6304, 0.7029, 0.6017 and 1.0132”.

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

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