

## Draft Regulation

An Act respecting income security  
(R.S.Q., c. S-3.1.1)

### Regulation

#### — Amendments

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 to amend the Regulation respecting income security, 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 change certain conditions of eligibility for the special benefits for dental prostheses for beneficiaries of the financial support program or of the work and employment incentives program.

To that end, the draft regulation makes provisions to increase from 6 to 24 consecutive months the period required for eligibility for last resort assistance to be able to benefit from the special benefits for the purchase or replacement of a dental prosthesis, to allow its replacement only after an 8-year period instead of after a 5-year period.

To date, study of the matter reveals impacts in the form of an increase in the conditions required to benefit from the special benefits in respect of the purchase or replacement of a dental prosthesis for the beneficiaries of a last resort assistance program.

Further information may be obtained by contacting madame Geneviève Bouchard, Director of the Direction du développement des politiques et des programmes de sécurité du revenu, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1.

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 State for Employment and Solidarity and Minister of Income Security, 425, rue Saint-Amable, 4<sup>e</sup> étage, Québec (Québec), G1R 4Z1.

LOUISE HAREL,  
*Minister of State for Employment and Solidarity  
and Minister of Income Security*

## Regulation to amend the Regulation respecting income security

An Act respecting income security  
(R.S.Q., c. S-3.1.1, s. 91, 1<sup>st</sup> par., subpar. 5, and 2<sup>nd</sup> par.)

**1.** The Regulation respecting income security, made by Order in Council 922-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 1917-89 dated 13 December 1989, 1051-90 dated 18 July 1990, 1733-90 and 1734-90 dated 12 December 1990, 1793-90 dated 19 December 1990, 567-91 dated 24 April 1991, 1721-91 dated 11 December 1991, 285-92 dated 26 February 1992, 379-92 and 380-92 dated 18 March 1992, 868-92 dated 10 June 1992, 1155-92 dated 5 August 1992, 1798-92 and 1799-92 dated 9 December 1992, 123-93 dated 3 February 1993, 825-93 dated 9 June 1993, 1287-93 dated 8 September 1993, 1780-93 dated 8 December 1993, 159-94 dated 19 January 1994, 249-94 dated 9 February 1994, 827-94 dated 8 June 1994, 1160-94 dated 20 July 1994, 260-95 dated 1 March 1995, 1354-95 dated 11 October 1995, 202-96 dated 14 February 1996, 266-96 dated 28 February 1996 and 761-96 dated 19 June 1996, is further amended, in section 28, by substituting “24 consecutive months in the case of a dental prosthesis or 6 consecutive months in the other cases” for “6 consecutive months”.

**2.** Division 1.0 of the Appendix to Schedule I to the Regulation is amended by substituting “eight” for “five” in Subdivisions 1.1.2 and 1.2.2.

**3.** This Regulation comes into force on 1 November 1996.

9891

## Draft Regulation

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

### Regulation

#### — Amendments

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 to amend the Regulation respecting the application of the Health Insurance Act, 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 amend the eligibility requirements for dental and optometric services for the beneficiaries of a last resort assistance

program, excluding persons under 18 years of age or 65 years of age or over for the optometric services. It is also intended to change the frequency of examinations for children under 10 years of age.

To that end, the draft regulation provides for an extension of the time periods required to be entitled to certain dental and optometric services and for a decrease in the frequency for providing certain insured services.

To date, study of the matter reveals an impact in the form of a greater number of requirements to be met to benefit from dental services for beneficiaries of last resort assistance programs and to benefit from optometric services for beneficiaries of 18 to 64 years of age (inclusively). The frequency of dental examinations is also reduced for children under 10 years of age.

Further information may be obtained from Marie-Andrée Pelletier, tel.: (418) 682-5172, fax: (418) 643-7312, at the Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7.

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 Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,  
*Minister of Health and  
Social Services*

## **Regulation to amend the Regulation respecting the application of the Health Insurance Act**

Health Insurance Act  
(R.S.Q., c. A-29, s. 69, 1<sup>st</sup> par., subpars. *b*, *b.1*, *b.2*, *d*, *e* and *g*)

**1.** The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82 dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83

dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated 12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93 and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994, 386-95 dated 22 March 1995, 1179-95 dated 30 August 1995, 1638-95 dated 13 December 1995, 323-96 dated 13 March 1996 and 759-96 dated 19 June 1996, is further amended in section 22:

(1) by substituting the words “24-month period by a professional in the field of health to a beneficiary who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act and who is 18 years of age or over and less than 65 years of age or if they are rendered more than once during each 12-month period by a professional in the field of health to any other beneficiary contemplated in section 34” for the words “12 month period by a professional in the field of health” in paragraph *j*;

(2) by inserting the following after paragraph *k*:

“(k.1) among the services referred to in the second paragraph of section 3 of the Act, the following services shall not be considered insured services if they are rendered more than once during each 12-month period by a dentist:

- i. examination;
- ii. teaching and demonstration of oral hygiene procedures;
- iii. cleaning of teeth;
- iv. scaling;
- v. topical fluoride application.”;

(3) by adding the following sentence in paragraph *u*:

“Notwithstanding the foregoing, a service contemplated in this paragraph rendered to a beneficiary of 18 years of age or over and less than 65 years of age who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act, shall not be considered an insured service if it is rendered more than once during each 24-month period.”.

**2.** The following is inserted after section 34:

“**34.0.1.** Notwithstanding section 34, the services listed therein shall be considered insured services, for a beneficiary who holds a valid claim booklet issued in accordance with section 71 or 71.1 of the Act and who is 18 years of age or over and less than 65 years of age, only if he has been entitled, for at least 12 months, to a benefit under a last resort assistance program in accordance with the Act respecting income security (R.S.Q., c. S-3.1.1).”.

**3.** Section 35 is amended by striking out the words “where the beneficiary does not hold a valid claim booklet issued in accordance with section 71.1 of the Act” in the part preceding paragraph A.

**4.** Section 36 is amended:

(1) by adding the words “10 years of age or over” after the word “beneficiary” in the part preceding paragraph A;

(2) by substituting the following for the two first paragraphs of paragraph H:

“— one complete prosthesis per 8-year period and, if first prosthesis, 3 months or more after extraction of teeth;

— one partial prosthesis with or without hooks or supports per 8-year period and, if first prosthesis, 3 months or more after extraction of teeth;”.

**5.** The following is substituted for section 36.1:

“**36.1** Notwithstanding section 36, the dental services listed therein are considered insured services, for a beneficiary of 10 years of age or over who holds a valid claim booklet issued in accordance with section 71.1 of the Act, only where he has been entitled, for at least 12 months, to a benefit under the last resort assistance program in accordance with the Act respecting income security (R.S.Q., c. S-3.1.1); however, for the acrylic prosthesis services contemplated in paragraph H of section 36, the time period shall be two years.

The 12-month time period provided for in the first paragraph does not apply where the following services, including the preliminary examination, have been rendered as emergencies:

— extraction of a tooth whose occlusal surface is entirely covered by bony tissue;

— extraction of a tooth whose occlusal surface is partially covered by bony tissue where the tooth is in a horizontal or quasi-horizontal position or where the adjacent tooth preventing the eruption has been preserved;

— opening of the pulp cavity;

— incision or drainage of an abscess;

— alveolitis;

— haemorrhage control;

— repair of laceration of soft tissue;

— reduction of an alveolar fracture;

— immobilization of a tooth loosened by traumatism;

— re-implantation of an entirely exfoliated tooth.”.

**6.** This Regulation comes into force on 1 November 1996.

9892

## Draft Regulation

Legal Aid Act  
(R.S.Q., c. A-14; 1996, c. 23)

### Legal aid

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and with paragraph 1 of section 59 of the Act to amend the Legal Aid Act (1996, c. 23), that the Regulation respecting legal aid, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

The draft Regulation comes within the framework of the reform of the legal aid system and of the adoption of the Act to amend the Legal Aid Act (1996, c. 23), assented to on 20 June 1996. That Act confers to the Government the power to determine by regulation, in particular:

- (1) the rules respecting the financial eligibility of persons applying for legal aid;
- (2) the rules respecting applications for legal aid;
- (3) the cases in which legal aid costs are to be recovered;
- (4) the benefit or compensation programs within the framework of which legal aid is granted to exercise certain recourses;
- (5) the legal services covered by legal aid, in addition to those provided for in the Legal Aid Act.

The purpose of the Regulation is to follow up on those enabling provisions.

As regards financial eligibility, the draft Regulation provides that the financial eligibility of persons applying for legal aid will be determined on the basis of their annual income, their liquidities and other assets and no longer on the sole basis of the applicant's weekly income. The draft Regulation also states what income, liquidities and other assets are to be considered or excluded for eligibility purposes.

Financial eligibility entails 2 forms of legal aid:

(1) gratuitous legal aid, for income security beneficiaries who receive last resort benefits and for persons whose income, liquidities and other assets do not exceed the income levels and values fixed by the Regulation;

(2) contributory legal aid, for those who do not qualify for gratuitous legal aid, but whose income does not exceed the income levels fixed by the Regulation. The draft Regulation fixes the contribution payable by persons who qualify for that form of legal aid. Such contribution ranges from \$100 to \$800, depending on the income level, without exceeding the cost of the legal services obtained.

The thresholds of financial eligibility for gratuitous or contributory legal aid are increased by 20 % for persons who reside in a remote region. As regards both forms of legal aid, the Regulation prescribes their coming into force at different times.

With respect to applications for legal aid, the draft Regulation specifies the information and undertakings to be included in any application, as well as the documents and particulars to be provided by the applicant.

As for the recovery of the costs of legal aid, the draft Regulation describes the cases in which the recipient will be required to repay to the legal aid centre the costs of the legal services provided and specify when those costs become exigible. The draft Regulation mentions that those costs may be repaid in instalments, with the director general's agreement.

Concerning the legal services for which legal aid is granted, the draft Regulation contains 2 provisions which complete the list of covered legal services provided for in the Act.

The first provision establishes a list of the benefit, compensation or payment exemption programs for which legal aid is to be granted to ensure that a person is assisted to have a decision reviewed or to exercise a recourse before a court.

The second provision adds the hearings of the National Parole Board or of the Commission québécoise des libérations conditionnelles to the list of services already covered by the Act.

The draft Regulation has an impact on the clients of legal aid. Firstly, the new rules of financial eligibility substantially increase the availability of legal aid. There will be approximately 1.7 million of eligible persons (or 1 citizen out of 4), compared to the present number of