

rate equivalent to the quotient obtained by dividing the amount provided for in subparagraph 1 by that provided for in subparagraph 2:

(1) the amount of the sum that the urban community on whose council the mayor sits and the local municipalities whose territories were included in 1996 in that of the urban community paid, for the 1996 fiscal year, to one or more non-profit organizations having economic promotion and development as their object and that act in their territories;

(2) the total amount of fiscal potentials, established for the purposes of the apportionment of the expenditures of the urban community for the 1996 fiscal year, of the local municipalities that made a contribution either toward the payment of the sum referred to in subparagraph 1 or toward the payment of the expenditure that such payment constitutes.

DIVISION 3 **TRANSITIONAL AND FINAL PROVISIONS**

5. The definition of “organization benefiting from the contribution”, provided for in subparagraph 1 of the second paragraph of section 1, applies subject to the second paragraph of sections 55 and 56 of Chapter 53 of the Statutes of 1997 in respect of the sum payable for the 1998 fiscal year.

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

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Notice

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

Standards and tables of personal home assistance

Notice is hereby given that the Commission de la santé et de la sécurité du travail adopted the final text of the “Regulation respecting the standards and tables of personal home assistance”, the text of which appears below.

This Regulation was prepublished in accordance with the Regulations Act (R.S.Q., c. R-18.1) on page 5000 of the *Gazette officielle du Québec* of 1 October 1997 with a Notice that, upon the expiry of 45 days following that

publication, the Commission de la santé et de la sécurité du travail could adopt the final text.

TREFFLÉ LACOMBE,
*Chairman of the board and
chief executive officer
of the Commission de la santé
et de la sécurité du travail*

Regulation respecting the standards and tables of personal home assistance

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, ss.160, 454, par. 2.1)

DIVISION I **PERSONAL HOME ASSISTANCE**

1. In accordance with sections 145 and 158 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), personal home assistance may be granted to a worker who, as a result of the employment injury he has suffered, meets the following conditions:

1° he has sustained permanent physical or mental impairment;

2° he is unable to care for himself and to perform, without assistance, the household tasks that he would normally perform himself; and

3° such assistance proves to be necessary for him to remain in or return to his residence.

2. In accordance with section 159 of the Act, personal home assistance includes payment of the cost of hiring a person to provide for the worker’s assistance and supervision needs.

That person may be the worker’s spouse.

3. The assistance measures are intended, in accordance with the worker’s needs, to help him to care for himself and to perform the household tasks he would normally perform himself were it not for his injury.

4. The supervision measures are intended to help the worker to care for himself between the periods during which he is performing his personal activities and his household tasks, described in section 2.1 of Schedule 1, where he has permanent impairment entailing neurological or mental aftereffects and he has assistance needs in accordance with the standards established in the form for evaluating the personal home assistance needs provided for in that Schedule.

DIVISION II
EVALUATION OF PERSONAL HOME ASSISTANCE

5. Personal home assistance needs shall be evaluated by the Commission de la santé et de la sécurité du travail taking into account the worker's situation before the employment injury, the changes resulting therefrom and its impact on the worker's autonomy.

Those needs may be evaluated through consultations with the worker's immediate family, the attending physician or other resource persons.

That evaluation shall be made in accordance with the standards provided for in this Regulation and by filling out the evaluation form in Schedule 1.

DIVISION III
MONTHLY AMOUNT OF PERSONAL HOME ASSISTANCE

6. The amount of personal home assistance shall be established on a monthly basis according to the evaluation form in Schedule 1 and shall be paid to the worker once every 2 weeks, in accordance with section 163 of the Act.

The monthly amount granted shall be, subject to the maximum amount of assistance determined in section 160 of the Act, the sum of the amount determined according to the table in section 2.3 of Schedule 1 for personal assistance needs and, where applicable, of the amount determined according to the table in section 3.3 of that Schedule for supervision needs to the extent that the amount established for assistance needs does not reach the maximum prescribed by the Act.

DIVISION IV
REEVALUATION OF PERSONAL HOME ASSISTANCE

7. Personal home assistance shall be reevaluated periodically, in accordance with section 161 of the Act, to take into account changes in the worker's health and the needs arising therefrom.

8. The reevaluation shall be made in accordance with the standards provided for in this Regulation and by filling out the evaluation form in Schedule 1.

9. The amount of personal home assistance shall be adjusted, in accordance with section 163 of the Act, from the first due date after the occurrence giving rise to the adjustment.

DIVISION V
CESSATION OF PERSONAL HOME ASSISTANCE

10. Personal home assistance shall cease, in accordance with sections 162 and 163 of the Act, when:

1° the worker is again able to care for himself or to perform, without assistance, the household tasks he was unable to perform himself by reason of his employment injury; or

2° the worker is lodged or hospitalized in a facility maintained by an institution governed by the Act respecting health services and social services (R.S.Q., c. S-4.2) or by the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., c. S-5).

The amount of personal home assistance shall be cancelled from the first due date after the occurrence giving rise to the cancellation.

DIVISION VI
FINAL

11. This Regulation comes into force on 1 January 1998.

SCHEDULE 1
(ss. 4, 5, 6 and 8)
FORM FOR EVALUATING PERSONAL HOME ASSISTANCE NEEDS

1- GENERAL INFORMATION

1.1 Worker's identity:

Surname: _____ Given Name: _____
 Date of birth: _____
 CSST No: _____ S.I.N.: _____
 year month day

Address: _____
 (No) (Street)

_____ (Municipality) _____ (Postal code)

Telephone: _____ Date of occurrence _____
 area code year month day

1.2 Type of evaluation:

Initial Periodical reevaluation Change in
 since _____ situation
 year month day

Where the situation has changed, state any new developments:

1.3 Worker's medical check-up:

Diagnosis: _____

Date of consolidation: Expected Yes _____ Known _____
 No _____ year month day

Permanent physical or mental impairment: Expected
 Confirmed _____ %

Description of permanent functional disability: _____

1.4 Worker's home situation:

Resides alone Lives with spouse,
 relative or friend

Dependants No Adaptation of home Yes
 Yes No

Number and ages: _____ in progress
 or yet to come

2. EVALUATION OF PERSONAL CARE AND HOME ASSISTANCE NEEDS

2.1 Table of evaluation of assistance needs:

Circle the points corresponding to the assistance needs for performing each of the following activities or tasks	A- Complete assistance required			
	B- Partial assistance required			D- No points Enter D-1, D-2 ou D-3
	C- No assistance required			
Getting out of bed	3	1.5	0	
Going to bed	3	1.5	0	
Washing	5	2.5	0	
Dressing	3	1.5	0	
Undressing	3	1.5	0	
Bladder relief	3	1.5	0	
Bowel movements	3	1.5	0	
Eating	5	2.5	0	
Use of home facilities	4	2	0	
Preparation of breakfast	2	1	0	
Preparation of lunch	4	2	0	
Preparation of dinner	4	2	0	
Light housekeeping	1	0.5	0	
House cleaning	1	0.5	0	
Laundry	1	0.5	0	
Shopping	3	1.5	0	
Total	/48 points			

Assistance needs

A: Complete assistance required:

The worker is incapable of performing the activity or task alone, even taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence, since his contribution to performing the activity or task is not significant or presents an obvious danger for his safety.

B: Partial assistance required:

The worker is capable of safely performing a significant part of the activity or task, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence, but he requires significant assistance by another person to perform the activity completely.

C: No assistance required:

The worker is capable of performing the activity or task alone, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence. The activity or task can be performed safely.

D: No points:

Even though the worker is incapable of performing the activity or task and even though he may be eligible for personal care assistance, no points are granted for one of the following reasons:

D-1: The worker did not usually perform the activity or task before the occurrence.

D-2: The need is already covered by a specialized resource such as a nurse, or by some other rehabilitation measure.

D-3: Another reason explained in section 2.2 "Explanations or comments".

2.4 Description of items evaluated

- Getting out of bed: the ability to get out of bed unassisted, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence.
- Going to bed: the ability to get into bed unassisted, taking into consideration, where applicable, the use of an orthosis, a prosthesis or a technical aid or adaptation of the residence.
- Washing: the ability to wash oneself unassisted, without taking into consideration the ability to use a bathtub or a shower. This includes basic self-care such as hair grooming, shaving and applying make-up.
- Dressing: the ability to dress oneself unassisted, including outdoor clothing.
- Undressing: the ability to undress oneself unassisted, including outdoor clothing.
- Bladder relief: the ability to relieve one's bladder by the unassisted use, where applicable, of special equipment for that purpose.
- Bowel movements: the ability to relieve one's bowels by the unassisted use, where applicable, of special equipment for that purpose.
- Eating: the ability to lift properly prepared food from the plate to one's mouth unassisted, by using, where applicable, special equipment for that activity.
- Use of home facilities: the ability to use, unassisted, common household appliances and devices such as bathroom facilities, the telephone and television, taking into consideration, where applicable, the use of a technical aid or adaptation of the residence.
- Preparation of breakfast, lunch and dinner: the ability to prepare meals and to wash dishes. Preparation of each meal is evaluated separately.
- Light housekeeping: the ability to perform, unassisted, regular housekeeping activities such as dusting, sweeping, carrying out garbage cans and making beds.
- Housecleaning: the ability to perform, unassisted, housecleaning activities such as cleaning the refrigerator and the oven, washing floors and windows, spring cleaning.
- Laundry: the ability to use, unassisted, appliances for washing and drying clothes, including activities related thereto such as folding, ironing and putting away clothes.
- Shopping: the ability to use, unassisted, the facilities required to make the necessary purchases of groceries, hardware, pharmaceuticals, or to use public services such as banking and postal services, taking into consideration, where applicable, the use of a technical aid or adaptation of the residence.

3. EVALUATION OF SUPERVISION NEEDS

3.1 Table OF EVALUATION OF SUPERVISION NEEDS:				
Higher cerebral functions Circle the points corresponding to the supervision need pertaining to each of the following functions	A- Close supervision required			
	B- Moderate supervision required			C - No supervision required
	D - No points			
	Enter D-1, D-2 or D-3			
Memory	2	1	0	
Temporal orientation	2	1	0	
Spatial orientation	2	1	0	
Communication	2	1	0	
Self-control	2	1	0	
Contact with reality	2	1	0	

Supervision needs
A: Close supervision required:
 The occurrence has altered this higher cerebral function and the worker must usually be kept under constant supervision except in certain daily situations where he may be left alone.
B: Moderate supervision required:
 The occurrence has altered this higher cerebral function and the worker must be supervised in certain daily situations. He may be left alone outside of those daily situations. Those situations are foreseeable and probable on a daily basis.
C: No supervision required:
 The occurrence has not significantly altered the worker's abilities with respect to this higher cerebral function and he requires no supervision or only in occasional or unforeseeable circumstances.
D: No points: (enter D-1, D-2 or D-3)
 Even though the worker is incapable of performing the activity or task and even though he may be eligible for personal care assistance, no points are granted for one of the following reasons:
 D-1: The worker already had significant difficulties before the occurrence.
 D-2: The need is already covered by a specialized resource or other rehabilitation measure.
 D-3: Another reason explained in section 3.2 "Explanations or comments".

3.2 Explanations or comments:
 (specify the activities affected, the ability to stay by oneself for a few hours or a day and the degree of supervision required)

3.3 Table for determining the monthly amount of personal home assistance for supervision needs

A single score is assigned. The highest score (2, 1 or 0) is kept and corresponds to a percentage, shown below, that applies to the maximum monthly amount of assistance prescribed in section 160 of the Act. By multiplying the maximum monthly amount by that percentage, the Commission determines the amount of personal home assistance for supervision needs, which is added to the amount determined in Table 2.3 (subject to the maximum amount prescribed in section 160 of the Act).

On 1 January of each year, the Commission revalorizes the amount of assistance, adjusted where applicable under Division IV of this Regulation, by multiplying the maximum monthly amount of assistance, as revalorized on that date in accordance with the Act, by the percentage corresponding to the total of points. The product thus obtained is rounded off to the nearest dollar.

Score	Percentage
0	0.0 %
1	13.0 %
2	39.1 %

Results to be carried over to section 4 entitled "Summary".

3.4 Description of items evaluated

Higher cerebral functions:

- Memory: the ability to recall very recent events such as a running bath or something cooking on the stove, recent events such as an activity that took place a few hours earlier or more distant events such as paying one's rent, and the ability to act accordingly.
- Temporal orientation: the ability to situate oneself in the context of passing hours and days such that one can follow a schedule and keep appointments, and the ability to act accordingly.
- Spatial orientation: the ability to situate oneself in a known or familiar environment such that one can find the rooms in a house, recognize one's address and find one's way around the neighbourhood, and the ability to act accordingly.
- Communication: the ability to express one's needs in a comprehensible manner, verbally, in writing, with gestures and with sounds and to understand simple orders and instructions in everyday life, and the ability to act accordingly.
- Self-control: the ability to behave appropriately in terms of the surroundings or the people present and to control one's impulses or inhibitions so as to avoid placing oneself or others in a dangerous or socially unacceptable situation.
- Contact with reality: the ability to analyze and solve problems of everyday life and to make reasonable, safe and opportune decisions on the social, financial and personal level.

