

If the pensioner is under 60 years of age either on the date on which the annual pension becomes payable or on the date of payment if the pension is being paid on that date, the amount of pension obtained pursuant to the first and second paragraphs shall be reduced by 0.50% per month, calculated for each month between the date on which that amount of pension begins to apply and the date of the pensioner's 60th birthday, without exceeding 65%.

If the pensioner retired before the date of payment and if that date occurs after the date of his 60th birthday, the amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of his 60th birthday and the date on which that amount of pension begins to apply if the pensioner retired before the date of his 60th birthday, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his 60th birthday or thereafter.

17. For the purposes of section 15, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 6. That amount is presumed applicable on the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid on the date of assessment or would have been if the former employee had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

18. Any refund of contributions to be made following a death or any payment of actuarial value shall be reduced by the sums awarded to the spouse with interest compounded annually at the rate of 4% and accrued from the date of assessment to the date on which the refund is made, except for the period during which a retirement pension is paid.

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

4498

## Draft Regulation

Public Health Protection Act  
(R.S.Q., c. P-35)

### Regulation — Amendments

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 69 of the Public Health Protection Act (R.S.Q., c. P-35), that the Regulation to amend the Regulation respecting the application of the Public Health Protection Act, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to

- standardize the compulsory declarations by attending physicians and laboratories in order that both provide for the declaration of viral hepatitis, which would include hepatitis C;
- make the declaration of a HIV diagnosis by attending physicians and laboratories compulsory.

Those measures are necessary to ensure the monitoring of those infections and protection against their spread.

The draft Regulation proposes to revoke section 84 of the Regulation respecting the application of the Public Health Protection Act. The application of that section is no longer considered required for public health protection and its revocation constitutes a deregulation measure for the businesses concerned.

Further information may be obtained by contacting :

Dr. Horacio Arruda  
Direction générale de la santé publique  
Ministère de la Santé et des Services sociaux  
1075, chemin Sainte-Foy, 2<sup>e</sup> étage  
Québec (Québec) G1S 2M1  
Telephone: (418) 266-6720  
Fax: (418) 266-6708  
E-mail: horacio.arruda@msss.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 60-day period, to the Minister of State for Health and Social Services and Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

RÉMY TRUDEL,  
*Minister of State for Health and Social Services  
and Minister of Health and Social Services*

---

## **Regulation to amend the Regulation respecting the application of the Public Health Protection Act\***

Public Health Protection Act  
(R.S.Q., c. P-35, ss. 4, 69, 1st par., subpars. *e* and *g*)

1. Section 28 of the Regulation respecting the application of the Public Health Protection Act is amended

(1) by adding the words “human immunodeficiency virus (HIV)” at the end of paragraph *b*;

(2) by substituting “viral hepatitis 070” for “viral hepatitis A and B 070.0-070.3” in paragraph *c*; and

(3) by adding the words “human immunodeficiency virus (HIV)” at the end of paragraph *c*.

2. Section 30 is amended

(1) by inserting the words “, except the human immunodeficiency virus (HIV),” at the beginning of the second paragraph, after the letter *b*;

(2) by adding the following at the end of the second paragraph: “or, in the case of hepatitis C, in the form of Schedule 14”.

4. Section 31 is amended

(1) by inserting the words “, except the human immunodeficiency virus (HIV),” in the second paragraph after the letter *c*; and

(2) by adding the following at the end of the second paragraph: “In the case of the human immunodeficiency virus (HIV), the positive result shall be transmitted to the person designated by the Minister.”.

4. The following is inserted after section 31:

“**31.1.** In the case of the human immunodeficiency virus (HIV), the attending physician shall provide the health insurance number of the person who tested positive to the person designated by the Minister, or directly to the laboratory-file of the Laboratoire de santé publique du Québec of the Institut national de santé publique du Québec. He shall also provide him with the following epidemiological information: the month and year of birth, the sex, the place of residence, the first three characters of the postal code, the racial or ethnocultural origin, the country of birth, the date of arrival in Canada, the risk factors related to the transmission of the virus, the history of previous tests, the clinical status, other relevant laboratory data available at the time of the diagnosis, the history of blood, organ or tissue donations, the reason for the test and, in the case of a woman, the indication of whether or not she is pregnant.

**31.2.** Where a positive result confirming an infection by HIV is declared to the person designated by the Minister, that person shall verify in the laboratory-file of the Laboratoire de santé publique du Québec of the Institut national de santé publique du Québec if the result has already been subject to a declaration.

During that verification, in order to ensure confidentiality of the result and the information that may accompany it, the following procedure shall be complied with:

(a) where a positive result confirming an HIV infection is accompanied by the health insurance number of the infected person when it is sent to the person designated by the Minister, that person shall proceed to the encryption of that number. If the number has already been encrypted, the system shall enter “Already declared” in the record and no additional procedure shall be undertaken;

(b) where a positive result confirming an HIV infection is not accompanied by the health insurance number of the infected person, the person designated by the Minister shall contact the applicant for the test in order to obtain the health insurance number of the infected person. After the number has been obtained, the person designated by the Minister shall proceed to the encryption of the number. If the number has already been encrypted, the system shall enter “Already declared” in the record and no additional procedure shall be undertaken.

---

\* The Regulation respecting the application of the Public Health Protection Act (R.R.Q., c. P-35, r. 1) was last amended by the Regulation made by Order in Council 776-2001 dated 20 June 2001 (2001, *G.O.* 2, 3448). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.



**TO BE DECLARED URGENTLY BY TELEPHONE OR TELEGRAM SIMULTANEOUSLY TO THE MINISTER OF HEALTH AND SOCIAL SERVICES AND TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY AND TO BE CONFIRMED WITHIN 48 HOURS USING THIS FORM:**

- |                    |  |                           |                  |
|--------------------|--|---------------------------|------------------|
| - botulism (005.1) | - Lassa fever (078.8)                        | - yellow fever (060)      | - plague (020)   |
| - cholera (001)    | - African haemorrhagic fever (Ebola) (078.8) | - Marburg disease (078.8) | - smallpox (050) |

**TO BE DECLARED TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY WITHIN 48 HOURS USING THIS FORM:**

- |   |  |   |  |
|---|--|---|--|
| - pertussis (033)   | - <b>Chlamydia trachomatis</b>   | - meningococcal infections (036)  | - rabies (071)                                 |
| - epidemic diarrhea (009.2)                               | <b>infections:</b>   | - invasive streptococcal infections (035.0, 038.0, 038.2, 041.0, 041.2, 320.2, 481, 482.3, 711.0, 728.0, 730.2, 785.5, 998.5) | - measles (055)                                |
| - diphtheria (032)  | • <i>genital</i> (099.4, 099.8, 616)   | - legionnaire's disease   | - rubella (056)                                |
| - typhoid and paratyphoid fevers (002)                    | • <i>ocular</i> (076, 077, 0)  | - leprosy (030)   | - congenital rubella (771.0)                   |
| - viral hepatitis, except hepatitis C (070)               | • <i>pulmonary</i> (483)   | - mumps (072)   | - scarlet fever (034.1)                        |
| - neonatal herpes (054)                                   | - <b>Haemophilus influenza</b>   | - poliomyelitis (045)   | - tetanus (037)                                |
|   | <b>infections:</b>   |   | - food poisoning (005)                         |
|   | • <i>meningitis</i> (320.4)  |   | - tuberculosis (010-018)                       |
|   | • <i>bacteraemia</i> (038.4)   |   |  |
|   | • <i>other invasive forms</i> (041.5)  |   |  |
| Intoxication with:  | - <b>carbon monoxide (986)</b>   | • <i>cyanide</i> (989.0)  | • <i>dioxide</i> (gas) (987.3)                 |
| - <b>benzene (982.0)</b>                                  |  | • <i>mixture</i> (989.4)  | • <i>hydrogen</i> (987.8)                      |
| - <b>beryllium and its compounds (985.3)</b>              | - <b>nitro and amino by-products of benzene, phenol and similar substances</b> | • <i>organochlorine</i> (989.2)   | • <i>medicinal</i> (ointment) (976.4)          |
| - <b>chlorine and its compounds (985.6)</b>               | • <i>vapour</i> (987.8)  | • <i>organophosphorus</i> (989.3)   | • <i>pesticide</i> (vapour) (989.4)            |
| • <i>gaseous chlorine</i> (987.6)                         | • <i>solvents</i> (982.9)  | • <i>strychnine</i> (989.1)   | • <i>vapour NOC</i> (987.8)                    |
| • <i>compounds</i> (983.9)                                | • <i>non solvents</i> (989.9)  | • <i>thallium</i> (985.8)   |  |
| - <b>copper, nickel and zinc (985.8)</b>                  | - <b>pesticides</b>  | - <b>phosphorus and its compounds (983.9)</b>   | - <b>nitrous vapours</b>                       |
| - <b>fluorine (987.8)</b>                                 | • <i>vapour</i> (989.4)  | - <b>sulphur and its compounds (983.9)</b>  | • <i>silo workers disease</i> (506.9)          |
| - <b>chlorinated hydrocarbons</b>                         | • <i>arsenic</i> (985.1)   | • <i>sulphur</i> (989.8)  | • <i>nitrous oxide</i> (968.2)                 |
| • <i>solvents</i> ( <i>carbon tetrachloride</i> ) (982.1) | • <i>carbamate</i> (989.3)   | • <i>sulphuric acid</i> (989.1)   | • <i>non-anaesthetic nitrous oxide</i> (987.2) |
| • <i>non solvents</i> (989.2)                             | • <i>chlorine</i> (989.2)  | • <i>carbon sulphide</i> (982.2)  | • <i>nitric oxide</i> (987.8)                  |
|   | • <i>composition stated NOC</i> (989.4)  |   |  |

## SCHEDULE 14

## DECLARATION OF HEPATITIS C

More than 50% recycled paper  
including 10% post-consumer fibre

FOR PHYSICIAN'S USE

Surname of patient	Given name	Sex
		<input type="checkbox"/> M <input type="checkbox"/> F
Address No.	Street	
Municipality	Telephone No.	
Date of birth	Year	Month Day
	Occupation	

Onset of disease :      Year      Month      Day  
 | | | |      | | | |      | | | |

Specimen sent to laboratory      Yes       No

Name of physician (in block letters)	
Address	
No.	Street
Municipality	Telephone No.

## BLOOD, ORGAN OR TISSUE DONATIONS

Has the patient given blood?       Yes       No       Do not know  
 Has the patient received blood or blood products?       Yes       No       Do not know  
 Has the patient donated any organs or tissue?       Yes       No       Do not know  
 Has the patient received any organs or tissue?       Yes       No       Do not know  
 If so, has the body in question (ex. Héma-Québec) been notified?       Yes       No       Do not know  
 If not notified, do you intend to do so?       Yes       No

\_\_\_\_\_ M.D.  
 Date      Signature

Printed on recycled paper

AS-775 (2001-05)

**TO BE TRANSMITTED TO THE PUBLIC HEALTH DIRECTOR OF YOUR TERRITORY TO BE RETAINED FOR YOUR FILES**

4504