

2. Subparagraph *a* of paragraph 1 of section 4 of the same Regulation is amended by substituting “in section” for “in the second paragraph of section”.

3. The first paragraph of section 43 of the same Regulation is amended by deleting the words “referred to in section 2”.

4. Section 46 of the same Regulation is amended by substituting “in section” for “in the second paragraph of section”.

5. The same Regulation is amended by inserting, after section 64, the following:

“64.1 Section 10 does not apply to authorized contaminated soil burial sites in operation on July 11, 2001.”.

6. The same Regulation is amended by inserting, after section 67, the following:

“67.1 This Regulation does not apply to those who, on July 11, 2001, were authorized to bury products resulting from the treatment of contaminated soils by a stabilization, fixation and solidification process.”.

7. Schedule II of the same Regulation is amended by substituting, opposite “Antimony” and “Antimony III”, the symbol “Sb” for the symbol “Sn”.

8. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

4767

Notice

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

Retrospective adjustment of the assessment — Amendments

Notice is hereby given that the Commission de la santé et de la sécurité du travail, at its meeting of 20 December 2001, adopted the Regulation amending the Regulation respecting retrospective adjustment of the assessment.

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation was published on page 5639 in the *Gazette officielle du Québec* of 3 October 2001 with a notice that it would be adopted by the Commission, with or without amendments, upon the expiry of 45 days following the publication of that notice.

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

Regulation amending the Regulation respecting retrospective adjustment of the assessment*

An Act respecting industrial accidents
and occupational diseases
(R.S.Q., c. A-3.001, s. 454, par. 1,
subpars. 9, 11 and 13)

1. The Regulation respecting retrospective adjustment of the assessment is hereby amended by replacing the reference to the Act respecting industrial accidents and occupational diseases appearing under the title of the Regulation with the following: “(R.S.Q., c. A-3.001, s. 454, par. 1, subpars. 9, 11 and 13)”.

2. Section 38 of the Regulation is hereby amended by replacing the words “of this Chapter” with the words “of this Division and of Division II”.

3. The second paragraph of each of sections 39, 60, 61, 65 and 77 of the Regulation is hereby amended by replacing the words “Division I” with the words “Division II”.

4. Section 64 of the Regulation is hereby amended by replacing the words “Division I” with the words “Division II”.

5. The Regulation is hereby amended by inserting the following Division after Division III of Chapter VI:

* The only amendments to the Regulation respecting retrospective adjustment of the assessment adopted by the Commission de la santé et de la sécurité du travail by Resolution A-85-98 of September 17, 1998 (1998, *G.O.* 2, 4156) were made by the Regulation amending the Regulation respecting retrospective adjustment of the assessment adopted by the Commission by Resolution A-74-99 of September 16, 1999 (1999, *G.O.* 2, 3183).

“DIVISION III.1 CREE BANDS AND SUBSIDIARIES

In this Division:

“Cree band”: means a band incorporated under section 12 of the Cree-Naskapi (of Québec) Act (Statutes of Canada (1984), c. 18);

“control”: has the meaning ascribed to that term in section 32 of this Regulation;

“subsidiary”: means a corporation controlled by one or more Cree bands directly or through their subsidiaries;

“group”: means the group formed by all Cree Bands, their subsidiaries, the Oujé-Bougoumou Eanou Companeé and the Oujé-Bougoumou Eenouch Association and such legal persons as may be the successors, in whole or in part, of the Oujé-Bougoumou Eanou Companeé or the Oujé-Bougoumou Eenouch Association;

82.2 For an assessment year, the employers belonging to the group may apply to be considered a single employer for the purpose of retrospective adjustment of the assessment.

82.3 All the employers in the group shall file the application referred to in section 82.2 using the form in Schedule 7.

The application shall be accompanied by the following documents:

(1) a resolution from each employer in the group authorizing the filing of the application and designating one person to sign the application on its behalf;

(2) a resolution from each Cree band authorizing the application to be filed by their subsidiaries;

(3) a certificate from an outside auditor attesting to the composition of the group and to the control of the Cree bands over their subsidiaries; the certificate may not be dated prior to August 1 of the year preceding the assessment year and shall attest to the composition and to the control as at the date of the certificate.

82.4 Within 45 days of a request from the Commission to that effect, the group of employers shall send the Commission a security in the form set forth in Schedule 8, signed by all the employers in the group, whereby they solidarily stand surety for each other respecting the assessment due by the group, including any adjustments, to a maximum of 50% of the amount corresponding to

the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the risk-related portion of the assessment rate applicable to the employer under section 305 of the Act and for the year preceding the assessment year, and all interest owing to the Commission.

Notwithstanding the foregoing, an employer shall not be required to stand surety for another member of the group where the employer is prohibited from doing so under the statute under which it was constituted.

Failure by the group to submit the security, as well as any other document required under this Regulation, to the Commission within the prescribed time limit, shall result in revocation of the application filed under section 82.2.

82.5 The group may, in order to take into account the security required under section 82.4, submit to the Commission an insurance contract, a security contract or a guarantee contract of a legal person governed by the Bank Act (R.S.C., 1985, c. B-1), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Act respecting Insurance (R.S.Q., c. A-32) or the Act respecting Canadian and British Insurance Companies (S.R.C., c. I-15) whereby the person undertakes to pay the assessment due by the group, including the adjustments, to a maximum of 50% of the amount corresponding to the sum of the product of the estimated insurable wages for each employer in the group for the assessment year multiplied by the employer’s risk-related portion of the assessment rate applicable to it under section 305 of the Act for the year preceding the assessment year, and all interest owing to the Commission.

The contract shall remain in force until the expiration of the second year following the year of retrospective adjustment of the assessment referred to in section 22.

82.6 The application referred to in section 82.2 shall be filed with the Commission prior to October 1 of the year preceding the assessment year and is irrevocable from January 1 of the assessment year.

The Commission shall rule on the admissibility of the application on the basis of the information contained therein on September 30 of the year preceding the assessment year and on the information that the Commission has in its possession at that time.

82.7 For the purposes of this Division, a subsidiary in bankruptcy or being wound up at the time of the application provided for in section 82.2 is regarded as not controlled by one or more Cree bands.

82.8 An employer who, after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, becomes a subsidiary of one or more Cree Bands or that becomes the successor, in whole or in part, of the Oujé-Bougoumou Eenou Companee or the Oujé-Bougoumou Eenouch Association, is considered to be part of the group for the assessment year from the date it becomes a subsidiary or the successor of such legal persons. The same applies to a subsidiary or a Cree Band that later becomes an employer, from the date of such event.

The election made by the group under Subdivision 2 of Division II of Chapter III is applicable to the employer.

82.9 An employer who has filed an application under section 82.2 and who ceases to be controlled by one or more Cree bands after the date of the certificate prescribed in subparagraph (3) of the second paragraph of section 82.3, is no longer considered part of the group from the date on which the employer ceases to be so controlled.

If the employer then qualifies for retrospective adjustment of the assessment under section 4 for the assessment year, it is then considered to have elected the assumption limit applicable to the group pursuant to Subdivision 2 of Division II of Chapter III, unless the employer sends to the Commission the notice provided for in section 16 within the prescribed period.

82.10 A group of employers that qualifies for or is subject to retrospective adjustment of the assessment pursuant to an application filed under section 82.2 and that ceases to qualify for or be subject to retrospective adjustment for a year may not file a new application under that section before the expiry of five years from that year.

Notwithstanding the foregoing, the first paragraph does not apply to a group of employers that ceases to qualify for or be subject to retrospective adjustment because it no longer satisfies the requirements stipulated in section 4, except if it does not file an application under section 82.2 in the first year that it again satisfies the requirements set forth in section 4.

82.11 Employers considered one and the same employer for the purpose of retrospective adjustment of the assessment for a given year shall, prior to March 1 of the following year, furnish a certificate from an outside auditor attesting to the composition of the group, to the control of the Cree bands over their subsidiaries during the assessment year, and to any changes that may have occurred in the group during that year.

82.12 A group that files an application under section 82.2 is regarded as having filed an application under section 5. However, the group is not entitled to have its qualification for retrospective adjustment of the assessment determined under subparagraph (1) of section 5.

Section 6 does not apply to the group.

82.13 For the purpose of apportioning the retrospectively adjusted assessment among the employers in the group, the Commission shall calculate the adjusted assessment of each employer.

The risk-related portion of each employer's adjusted assessment is then multiplied by the results obtained by applying the following formula:

Risk-related portion of the group's adjusted assessment

aggregate risk-related portion of the adjusted assessment of each employer in the group".

6. The English version of said Regulation is hereby amended by replacing the numbering of the division following section 82.13 in chapter VI with the following: "IV".

7. The first paragraph of section 83 of the Regulation is hereby amended by replacing the words "and II" with ", II and III.1".

8. Section 85 of the Regulation is hereby amended by replacing the words "or 58" with the words ", 58, 82.4 or 82.5".

9. The Regulation is hereby amended by adding the following schedules after Schedule 6:

"SCHEDULE 7

(s. 82.3)

APPLICATION TO FORM A GROUP FOR THE PURPOSE OF RETROSPECTIVE ADJUSTMENT OF THE ASSESSMENT

The employers designated below apply to be considered one and the same employer for the purpose of retrospective adjustment of the assessment for the _____ assessment year.

They declare that they constitute a group within the meaning of Division III.1 of Chapter VI of the Regulation respecting retrospective adjustment of the assessment.

They appoint, _____ to inform the
(insert name of the person)
Commission of the employer's assumption limit elected
under Subdivision 2 of Division II of Chapter III.

Designation from each employer with the signature of
the person authorized sign the application :

"employer" _____
(designation)

Signature (Date)
(duly authorized person)

"employer" _____
(designation)

Signature (Date)
(duly authorized person)

SCHEDULE 8

(s. 82.4)

SECURITY

APPEARING :

(name and address of the Cree band, if it is an employer)
herein represented by _____

duly authorized pursuant to a resolution of its band
council attached hereto :

(indicate the name and address of all Cree bands, if they
are employers, as well as the name of the person duly
authorized pursuant to a resolution of the band council
attached hereto)

(name and address of any other employer)
herein represented by _____

duly authorized pursuant to a resolution of its board of
directors attached hereto ;

(indicate here the name and address of all other employers
in the group and the name of the person duly authorized
pursuant to a resolution of the employer's board of
directors attached hereto)

DECLARING AS FOLLOWS :

The legal persons herein represented hereby bind them-
selves jointly and severally toward the Commission de la
santé et de la sécurité du travail to pay the assessment, to a
maximum of 50% of the amount corresponding to the
aggregate product obtained by multiplying the total esti-

mated wages for the assessment year of each employer in
the group by the risk-related portion of the rate applicable
to the employer under section 305 of the Act for the year
preceding the assessment year and any interest due to the
Commission for the _____ assess-
ment year if any of the parties hereto is the object of a
certificate deposited with the Clerk of the court of com-
petent jurisdiction under section 322 of the Act.

An employer that ceases to form part of a group remains
bound by the security for the assessment related to that
part of the year in which it formed part of the group.

An employer that is unable to stand surety for another
member of the group because it is prohibited from so
doing by the act under which it was constituted must
indicate below the name of the member of the group in
question :

_____ is unable to stand surety for
(name of employer)

(name of member of the group)

_____ is unable to stand surety for
(name of employer)

(name of member of the group)

The parties hereto waive the benefit of discussion and
division.

IN WITNESS WHEREOF, the parties have signed
through their duly authorized representatives :

(name of the Cree band if it is an employer)

Per : _____ (Date)
(duly authorized person)

(name of employer)

Per : _____ (Date)
(duly authorized person)

(name and signature of any other employers).”.

10. For the 2002 assessment year, the application
referred to in section 82.2 shall be submitted by the
forty-fifth day following the coming into force of this
Regulation and shall be irrevocable upon the expiry of
the aforesaid forty-five day period or January 1, 2002,
whichever is the later to occur.

11. For a group of employers filing an application referred to in section 82.2 for the 2002 assessment year, the election referred to in Subdivision 2 of Division II of Chapter III must reach the Commission before the forty-fifth day following the coming into force of this Regulation or prior to December 15, 2001 whichever is the later to occur.

12. This Regulation applies as of the 2002 assessment year.

4775

Notice

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

Insured hearing devices — Amendments

Adoption by the Régie de l'assurance maladie du Québec of a Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, dated 12 December 2001

THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC,

CONSIDERING the seventh paragraph of section 3 and section 72.1 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING Resolution CA-384-01-19 of its board of directors, dated 12 December 2001, adopting the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act;

CONSIDERING that it is necessary to amend the price of certain services offered within the context of providing hearing devices insured under the Health Insurance Act;

GIVES NOTICE that it has adopted the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act, the text of which appears below.

Sillery, 14 December 2001

ANDRÉ-GAËTAN CORNEAU,
*Secretary General of the
Régie de l'assurance maladie du Québec*

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act *

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 7th and 10th pars. and s. 72.1)

1. The Regulation respecting hearing devices insured under the Health Insurance Act is amended in section 19

(1) by substituting, as of 1 November 2002,

(a) "\$263.87" for "\$241.40" in the part preceding subparagraph 1 of the first paragraph; and

(b) "\$46.47" for "\$44.80" and "\$22.20" for "\$21.40" in the third paragraph; and

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

"The amount \$241.40, provided for in the first paragraph, shall be increased to \$245.02 as of 1 November 1999, to \$251.15 as of 1 November 2000 and to \$257.43 as of 1 November 2001. Likewise, the amounts \$44.80 and \$21.40, provided for in the third paragraph, shall be increased to \$45.07 and \$21.53 respectively as of 1 November 1999, to \$45.52 and \$21.75 respectively as of 1 November 2000 and to \$45.99 and \$21.97 respectively as of 1 November 2001."

2. Section 20 is amended

(1) by substituting "\$8.91" and "\$129.14" respectively for the rate \$8.15 and the maximum rate \$118.15 as of 1 November 2002; and

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

"The rate \$8.15 and the maximum rate \$118.15, provided for in the first paragraph, shall read as follows, respectively:

(1) \$8.27 and \$119.02, as of 1 November 1999;

(2) \$8.48 and \$122.92, as of 1 November 2000; and

(3) \$8.69 and \$125.99, as of 1 November 2001."

* The Regulation respecting hearing devices insured under the Health Insurance Act, made by Order in Council 869-93 dated 16 June 1993 (1993, G.O. 2, 3497), was last amended by the Regulations made by Order in Council 1403-2001 dated 21 November 2001 (2001, G.O. 2, p. 6160) and by the Régie de l'assurance maladie by its Decision RAMQ-002-2001 dated 10 October 2001 (2001, G.O. 2, p. 6162). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.