

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

Health Insurance Act  
(R.S.Q., c. A-29, s. 69, 1st par., subpars. *b* and *d*)

**1.** The Regulation respecting the application of the Health Insurance Act is amended in section 35

(1) by inserting “prefabricated” after “Recementation of” at the end of paragraph *E*;

(2) by replacing “Indirect pulp capping of permanent tooth” in paragraph *F* by “Sedative dressing”.

**2.** Section 36 is amended

(1) by inserting “prefabricated” after “Recementation of” at the end of paragraph *E*;

(2) by replacing “Indirect pulp capping” in paragraph *F* by “Sedative dressing”;

(3) by replacing paragraph *H* by the following:

“(H) Acrylic prosthesis:

— one complete prosthesis when inserted per 8-year period;

— one partial prosthesis with or without hooks or supports when inserted per 8-year period;

— one replacement prosthesis where it has become necessary following oral surgery and on the written prescription of a dentist;

— adding a device to a partial prosthesis;

— repair;

— one relining per 5-year period or 3 months after obtaining the prosthesis.”.

**3.** 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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\* The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1) was last amended by the regulation made by Order in Council 244-2003 dated 26 February 2003 (2003, *G.O.* 2, 1182). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

Gouvernement du Québec

**O.C. 558-2004, 9 June 2004**

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

### Physicians — Procedure for the conciliation and arbitration of accounts

Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Collège des médecins du Québec must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS the Bureau of the Collège des médecins du Québec made the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians;

WHEREAS, under section 95.3 of the Professional Code, a draft Regulation was sent to every member of the order at least 30 days before its adoption by the Bureau;

WHEREAS, under section 95 of the Professional Code, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 14 January 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians

Professional Code  
(R.S.Q., c. C-26, s. 88)

### DIVISION I CONCILIATION

**1.** The syndic shall send a copy of this Regulation to any person who requests him it.

**2.** A client who has a dispute with a physician as to the amount of an account for professional services must, before seeking arbitration of the account, apply for conciliation by the syndic.

**3.** A physician may not institute proceedings on an account of fees before the expiry of a period of 60 days following the date of receipt of the account by the client or the date on which the client became aware that a sum had been withdrawn or withheld by the physician directly from the funds he holds or receives for or on behalf of this client.

Nor may he institute proceedings on an account of fees once the syndic has received an application for conciliation with regard to an account.

The physician may, however, request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

**4.** An application for conciliation with regard to an account for professional services, which has been unpaid or partially paid, must be sent to the syndic within the 60-day period stipulated in section 3.

An application for conciliation of an account or part of an account which has not been paid may be sent to the syndic after expiry of the 60-day period stipulated in section 3, provided that it is sent before the client is notified of an action on an account of fees.

In a case where a physician has agreed with the client on a treatment plan spread out over several sessions, payable in one or several payments, the application for conciliation may be made within 60 days of the last treatment received, provided that not more than one year has elapsed since the day the account was received.

Notwithstanding the first paragraph of this section, when a decision of the Régie de l'assurance maladie du Québec or of another insurer is issued to refuse reimbursement of an account, either in whole or in part, the application for conciliation must be sent to the syndic within the 30-day period following this decision.

**5.** All applications for conciliation must be formulated in writing. Upon receipt of such application, the syndic shall send to the client a copy of this Regulation and a copy of Schedule I, to be completed and returned to the syndic as additional information.

**6.** The syndic must notify the physician of the application for conciliation as soon as possible.

**7.** The syndic shall proceed with the conciliation in the manner he deems most appropriate.

**8.** Any agreement reached during conciliation between the client and the physician shall be put in writing. This written form may consist of a letter from the syndic to the client and the physician acknowledging the agreement.

If the syndic considers it necessary, he may ask that the agreement reached between the client and the physician be acknowledged in terms similar to those in Schedule II.

**9.** If the conciliation has not led to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and the physician by registered or certified mail.

This report shall contain the following information, where applicable :

1° the amount of the account in dispute ;

2° the amount that the client acknowledges owing ;

3° the amount that the physician acknowledges having to reimburse or is willing to accept as a settlement of the dispute ;

4° the amount suggested by the syndic during the conciliation as a payment to the physician or as a reimbursement to the client.

The syndic shall also send to the client the form provided for in Schedule III and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

## DIVISION II ARBITRATION

### §1. *Application for arbitration*

**10.** In a case where the conciliation has not led to an agreement between the parties, the client may request arbitration of the account within thirty days of receipt of the syndic's conciliation report.

The application for arbitration shall be sent to the secretary of the Collège des médecins du Québec, by registered or certified mail, and shall reproduce the content of Schedule III.

**11.** The secretary must, upon receipt of an application for arbitration, notify the concerned physician of such.

**12.** An application for arbitration may be withdrawn in writing only and with the consent of the physician.

**13.** A physician who acknowledges having to reimburse an amount to a client must consign the amount to the secretary who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain on the amount still in dispute.

**14.** Any agreement reached between the client and the physician after the application for arbitration has been filed shall be put in writing, in terms similar to those in Schedule II, shall be signed by them and shall be filed with the secretary.

When the agreement is reached after formation of the council of arbitration, it shall be integrated into the arbitration award, and the council shall decide on costs in the manner provided for in section 28.

### §2. *Formation of a council of arbitration*

**15.** A council of arbitration shall be composed of 3 arbitrators where the amount in dispute is 5 000 \$ or more, and of a single where the amount is less than 5 000 \$.

**16.** The president of the Collège shall appoint from among the members of the order, the member or members of a council of arbitration and, where the latter is composed of 3 arbitrators, he shall designate the chairman thereof.

The secretary shall notify in writing the member or members of the council of arbitration and the parties, of the constitution of the council of arbitration.

**17.** Before acting, the arbitrators shall take the oath prescribed in Schedule II of the Professional Code (R.S.Q., c. C-26).

**18.** A request for recusation of an arbitrator may not be filed unless it is for one of the reasons provided for in article 234 of the Code of Civil Procedure, paragraph 7 of this article excepted. It must be sent in writing to the secretary, to the arbitration board and to the parties within 10 days of receiving the notice stipulated in the second paragraph of the section 16 or of the day on which the reason for the request becomes known.

The president of the Collège shall rule on this request and, if necessary, provide for a replacement of the recused arbitrator.

**19.** In the event of death, absence, or inability to act of an arbitrator, the others shall see the matter through. In a case where this arbitrator is chairperson of the arbitration board, the president of the Collège shall appoint one of the two remaining arbitrators to act as chairperson.

In the case of an arbitration board formed of one arbitrator only, the latter shall be replaced by a new arbitrator appointed by the president of the Collège, and the hearing of the dispute shall be reheard.

### §3. *Hearing*

**20.** The council of arbitration shall give the parties at least 10 days written notice of the date, time and place of the hearing.

**21.** The parties are entitled to be represented or assisted by a lawyer.

**22.** The council of arbitration may ask each party to submit to it, within a specified period, a statement of their claims with supporting documents.

**23.** The council of arbitration shall promptly hear the parties, receive their evidence or record any failure on their part. For these purposes, it shall apply the rules of evidence of courts of civil jurisdiction, follow such procedures it considers appropriate and rule according to the rules of law.

**24.** The costs incurred by a party for the arbitration shall be borne by that party, and the opposing party may not recover these costs.

A party requesting that the testimony be recorded shall assume the costs thereof.

#### §4. Arbitration award

**25.** The council of arbitration shall issue its award within 30 days of the end of the hearing.

**26.** An award shall be a majority award of the members of the council of arbitration; failing a majority, it shall be rendered by the chairman of the council

An award shall give reasons and be signed by the single arbitrator or the arbitrators executing it. When a member refuses to sign or is unable to sign, the award must make mention of such and has the same effect as if it were signed by all. However, a dissenting member may register in the award the reasons for his refusal.

**27.** In the award, the council of arbitration may uphold or reduce the amount of the account under dispute; it may also determine, if applicable, the reimbursement to which a party may be entitled. For these purposes, it may take into account the quality of the services rendered.

**28.** In the award, the council of arbitration may decide the arbitration expenses, that is, the expenses incurred by the Collège in holding the arbitration.

The sum total of expenses may not exceed 15% of the amount to which the arbitration pertains. However, when payment is ordered, these costs shall be a minimum of 50 \$.

The council of arbitration may also, where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code, from the date of the application for conciliation.

**29.** The arbitration award is final, without appeal, binds the parties and is executory in accordance with articles 946.1 to 946.6 of the Code of Civil Procedure.

**30.** The council of arbitration shall file its award with the secretary, who shall send a copy of such to each of the parties and to the syndic.

It shall also send to the secretary the complete arbitration file, copies of which may be sent solely to the parties and the syndic.

**31.** This Regulation replaces the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, approved by Order-in-Council 1322-96 of October 16, 1996. However, this Regulation continues to govern the procedure for the conciliation and arbitration of accounts for which conciliation by the syndic or an application for arbitration was made before the date of coming into force of this Regulation.

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

## SCHEDULE I

(s. 5)

### APPLICATION FOR CONCILIATION

I, the undersigned \_\_\_\_\_ declare that:  
(name and address of client)

1. Doctor \_\_\_\_\_ claims the sum of  
(name and address of physician)

\$ \_\_\_\_\_ for professional services  
rendered between \_\_\_\_\_ and \_\_\_\_\_ as attested by:  
(date) (date)

the account, of which a copy is attached hereto

or

the document, of which a copy is attached hereto,   
indicating that the sum was withdrawn or withheld.

2. I contest this account for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I acknowledge owing the sum of \$ \_\_\_\_\_  
for the professional services mentioned in this account.

Agreement has been reached between the client and the  
physician as

4. a) I have not paid this account.

to the dispute submitted to conciliation

or

or

b) I have paid this account in full.

to arbitration

or

requested on \_\_\_\_\_  
(date)

c) I have paid this account to a limit of \$. \_\_\_\_\_

or

This agreement sets forth the following terms and  
conditions:

d) The sum of \$. \_\_\_\_\_ was withdrawn or   
withheld directly from the funds which the physician  
holds or receives for or on my name.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. I apply for conciliation by the syndic pursuant to the  
Regulation respecting the procedure for the conciliation  
and arbitration of accounts of physicians.

The client and the physician request that  
conciliation

or

Signed on \_\_\_\_\_  
(date)

arbitration   
procedures be stopped

\_\_\_\_\_  
(client's signature)

Signed in \_\_\_\_\_ Signed in \_\_\_\_\_  
(place) (place)

**SCHEDULE II**  
(s. 8, 14)

AGREEMENT RELATIVE TO A DISPUTE  
SUBMITTED TO CONCILIATION   
OR  
TO ARBITRATION

on \_\_\_\_\_ on \_\_\_\_\_  
(date) (date)

Reached between:

\_\_\_\_\_  
(client's signature) (physician's signature)

\_\_\_\_\_  
(client's name and address)

hereinafter called the « client »,

and

\_\_\_\_\_  
(physician's name and address)

both of whom declare and agree to the following:

**SCHEDULE III**

(s. 9, 10)

**REQUEST FOR ARBITRATION OF ACCOUNT**

I, the undersigned \_\_\_\_\_,  
(client's name and address)

having duly taken an oath, declare that:

1. Doctor \_\_\_\_\_,  
(physician's name and address)

claims (or refuses to reimburse) a sum of money relative to professional services.

2. A copy of the conciliation report is attached hereto.

3. I request arbitration of this account pursuant to the Regulation respecting the procedure for the conciliation and arbitration of accounts of physicians, a copy of which I have received and read.

4. I agree to submit to the procedure provided for in this regulation and, if applicable, to pay the physician concerned the amount fixed by the arbitration award.

Signed on \_\_\_\_\_  
\_\_\_\_\_  
(client's signature)

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Gouvernement du Québec

**O.C. 560-2004, 9 June 2004**

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

**Travailleurs sociaux****— Integration of marital and family therapists into the Ordre****— Amendment**

Amendment to the Schedule to the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec

WHEREAS, under the second paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), the Government may, by order, after consultation with the Office des professions du Québec, the Québec Interprofessional Council and the order concerned as well as with the organizations, if any, which represent the group of

persons concerned, integrate into an order referred to in Division III of Chapter IV of the Code a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title;

WHEREAS, in accordance with Order in Council 1274-2001 dated 24 October 2001, the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec became effective on 30 November 2001;

WHEREAS, in accordance with the first paragraph of section 27.3 of the Code, the Government may, by order, amend the integration order at any time before the day on which it ceases to have effect;

WHEREAS it is expedient to make an amendment to the Schedule to the above-mentioned Order in Council to adjust the conditions for the issue of a marital and family therapist's permit;

WHEREAS, in accordance with the third paragraph of section 27.2 and the second paragraph of section 27.3 of the Code, a draft Amendment to the Schedule to the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec was published in Part 2 of the *Gazette officielle du Québec* of 28 January 2004 by the Minister responsible for the administration of legislation respecting the professions, with a notice that the amendment could be made by the Government on the expiry of 60 days following that publication;

WHEREAS the consultations required by the above-mentioned provisions have been carried out;

WHEREAS it is expedient to make amendments in form to the draft Amendment to the Schedule;

WHEREAS it is expedient to amend the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec in accordance with the provisions in the Schedule to this Order in Council;

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

THAT the Order in Council concerning the integration of marital and family therapists into the Ordre professionnel des travailleurs sociaux du Québec be amended in accordance with the provisions in the Schedule to this Order in Council.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*