

Regulations and other acts

Gouvernement du Québec

O.C. 888-2007, 10 October 2007

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

Medical aid

— Amendments

REGULATION to amend the Regulation respecting medical aid

WHEREAS, under subparagraph 3.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Commission de la santé et de la sécurité du travail may make regulations determining the care, technical aid and costs forming part of the medical aid referred to in paragraph 5 of section 189 of the Act and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorization to which such payments may be subject;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 455 of the Act respecting industrial accidents and occupational diseases, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 10 January 2007, with a notice that on the expiry of 45-day period following that publication, it could be submitted to the Government for approval;

WHEREAS, the Commission adopted the Regulation to amend the Regulation respecting medical aid, without amendment, at its sitting of 22 March 2007;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting medical aid, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting medical aid*

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 189, par. 5 and s. 454, 1st par., subpar. 3.1)

1. Section 1 of the Regulation respecting medical aid is amended

(1) by replacing the definition of “health worker” by the following:

““health worker” means a natural person, other than a health professional within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), entered on the roll of a professional order governed by the Professional Code (R.S.Q., c. C-26) and working in the field of health care; (*intervenant de la santé*)”;

(2) by striking out the definition of “physical rehabilitation therapist”.

2. Section 3 is amended

(1) by replacing “l’ordonnance” in the French text of the second paragraph by “la prescription”;

(2) by striking out the last paragraph.

3. Section 6 is amended by replacing “Public Health Protection Act (R.S.Q., c. P-35)” in the second paragraph by “Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., c. L-0.2)”.

4. Section 8 is amended by replacing “of x-rays and of the supplies that he uses” by “x-rays, the supplies used by the health worker, and ancillary costs”.

5. Section 12 is revoked.

* The Regulation respecting medical aid, approved by Order in Council 288-93 dated 3 March 1993 (1993, *G.O.* 2, 963), was last amended by the regulation approved by Order in Council 561-94 dated 20 April 1994 (1994, *G.O.* 2, 1502)

6. Section 13 is replaced by the following:

“**13.** The Commission shall assume the cost of physiotherapy and occupational therapy treatment administered by a member entered on the roll of the Ordre professionnel de la physiothérapie du Québec or by an occupational therapist entered on the roll of the Ordre professionnel des ergothérapeutes du Québec.”

7. Section 14 is replaced by the following:

“**14.** The Commission shall pay the amounts in Schedule I for physiotherapy and occupational therapy treatment if the Commission and the physician in charge of the worker have received from the member of the Ordre professionnel de la physiothérapie du Québec or from the occupational therapist, for each worker, an initial report, a treatment termination report or, where required, a progress report for each 21-day period of treatment.”

8. Section 15 is replaced by the following:

“**15.** A report referred to in section 14 must contain the information prescribed in Schedule III and be signed by the member of the Ordre professionnel de la physiothérapie du Québec or by the occupational therapist who personally administered the treatment.”

9. Section 16 is replaced by the following:

“**16.** Despite section 14, no treatment administered shall be paid after the end of the following periods, whichever ends earlier:

(1) a period of 8 weeks from the date of taking charge by the health worker referred to in section 13, unless the health worker obtains from the physician in charge of the worker a reasoned opinion in writing to continue the treatment, giving an assessment of the worker’s functional status, and the opinion is sent by the health worker to the Commission;

(2) a treatment period in which 30 physiotherapy treatments or 30 occupational therapy treatments are administered after the taking charge, unless the health worker obtains the reasoned opinion in writing referred to in subparagraph 1 and the opinion is sent by the health worker to the Commission.

For the purposes of this section, a subsequent prescription from the same or another physician and the taking charge by another health worker of the same professional order to which section 13 refers does not

operate to extend the periods referred to in this section, unless the health worker obtains the reasoned opinion in writing required by subparagraph 1 and the opinion is sent by the health worker to the Commission. A single reasoned opinion in writing, duly completed for the treatment administered by the members of the same professional order, must be obtained and sent in accordance with this section within the abovementioned periods, in which case no other opinion is required.”

10. Schedule I is amended

(1) by replacing “Regular rate” by “Rate”;

(2) by striking out the column “Reduced rate” and the amounts relating thereto;

(3) by replacing

“Occupational therapy

Individual treatment, per session \$32.00

Group treatment, per session \$19.00”

by

“Occupational therapy

Individual treatment, per session \$35.00

Group treatment, per session \$21.00”;

(4) by replacing

“Physiotherapy

Individual treatment, per session \$32.00

Group treatment, per session \$19.00”

by

“Physiotherapy

Individual treatment, per session \$35.00

Group treatment, per session \$21.00”.

11. Schedule III is replaced by the following:

“SCHEDULE III

(s. 15)

REPORT CONTENT

1. An initial report, a progress report and a treatment termination report must contain

(1) the worker’s name, health insurance number, telephone number and address;

(2) the name and number of the member of the professional order;

(3) the name, telephone number and services dispenser number or, where applicable, the group number;

(4) the signature of the member of the professional order who personally administered the treatment and the date of the signature;

(5) the name of the physician in charge of the worker and number assigned to the physician by the professional order or, if there is a change of physician, the name of the new physician and number assigned to the new physician by the professional order;

(6) the date of the employment injury and, where applicable, the date of any relapse, reoccurrence or aggravation;

(7) the diagnosis by the physician in charge of the worker;

(8) the date of the prescription for treatment;

(9) an indication of any former referral or treatment in physiotherapy or occupational therapy in the case of the initial report;

(10) the date of the beginning of treatment;

(11) the frequency of treatment;

(12) an indication, where applicable, as to whether the treatment is for maintenance, for verification or for a special approach or whether there is a contraindication for the continuation of treatment; and

(13) the worker’s attendance record stating the dates of treatment administered and the dates of the worker’s absences for treatment, where applicable, except in the case of an initial report.

2. An initial report and a treatment termination report must contain, in addition,

(1) the date of taking charge and initial evaluation in the case of an initial report;

(2) the problems, goals and treatment plan in the case of an initial report; and

(3) in the case of a treatment termination report, the date of completion of treatment and, where applicable, the date of release from the physician in charge of the worker, as well as an evaluation of the worker’s condition upon the termination of treatment.

3. A progress report must contain, in addition to the information required by section 1,

(1) an evaluation of the worker’s subjective and objective signs;

(2) an analysis of the worker’s problems and the treatment plan;

(3) the changes in the worker’s condition;

(4) the reasons for and the date of any suspension of treatment; and

(5) the planned duration of any further treatment.”.

12. The cost of physiotherapy and occupational therapy treatment administered before the date of coming into force of this Regulation is to be paid by the Commission according to the rules applicable at the time the treatment was administered.

13. Where physiotherapy or occupational therapy treatment is pursuant to a prescription issued before the date of coming into force of this Regulation, section 16 of the Regulation respecting medical aid, as amended by section 9 of this Regulation, does not apply even if the treatment is administered after that date, unless the physician in charge of the worker again prescribes such treatment after that date.

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