

24. No proceeding under this Regulation may be considered void and disallowed for defect of form or procedural irregularity.

25. If there is an interruption in postal service, the Minister may accept or use any other method of filing or service.

26. This Regulation comes into force on 31 May 2011.

1432

Gouvernement du Québec

O.C. 470-2011, 4 May 2011

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

**Insured visual aids
— Amendment**

Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act

WHEREAS, under subparagraph *h.1* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Board or upon its recommendation, make regulations to determine the visual deficiencies, the services and the sets or subsets of visual aids that must be considered to be insured services for the purposes of the sixth paragraph of section 3 of that Act, fix the age of the insured persons referred to therein and determine classes of insured persons, determine the cost reimbursed by the Board to an institution recognized by the Minister in respect of an insured person with a visual deficiency and the cases and conditions in and on which the Board reimburses the cost of the insured services and in and on which the services are furnished, and prescribe the cases and conditions in and on which such visual aids may or must be recovered;

WHEREAS the Government made the Regulation respecting visual aids insured under the Health Insurance Act by Order in Council 1403-96 dated 13 November 1996;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted with respect to the amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 22 December 2010, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act;

IT IS ORDERED, therefore, on the joint recommendation of the Minister of Health and Social Services and the Minister for Social Services:

THAT the Regulation to amend the Regulation respecting visual aids insured under the Health Insurance Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting visual aids insured under
the Health Insurance Act***

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 6th and 9th pars., and s. 69,
1st par., subpar. *h.1*)

1. The Regulation respecting visual aids insured under the Health Insurance Act is amended by replacing its title by “Regulation respecting insured visual aids and related services”.

2. The following is inserted before section 1:

**“CHAPTER I
GENERAL**

0.1. In this Regulation, the word “tariff” refers to the Tariff for insured visual aids and related services, made by the Régie de l'assurance maladie du Québec under section 72.1 of the Health Insurance Act (R.S.Q., c. A-29).”

* The Regulation respecting visual aids insured under the Health Insurance Act, made by Order in Council 1403-96 dated 13 November 1996 (1996, *G.O.* 2, 4725), was last amended by the regulation made by resolution No. C.A.410-04-11 dated 18 May 2004 of the Régie de l'assurance maladie du Québec (2004, *G.O.* 2, 1645). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

3. Section 2 is replaced by the following:

“2. A person who is insured within the meaning of the Health Insurance Act and who has a visual deficiency such as to render the person permanently incapable of reading, writing, moving about in an unfamiliar environment, or carrying on activities related to the person’s lifestyle or social roles, is a person having a visual deficiency.

For the purposes of the first paragraph, visual deficiency is characterized, for each eye, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters, by one of the following conditions:

- (1) a visual acuity of less than 6/21;
- (2) a visual acuity equal to or less than 6/18 for persons who suffer from a degenerative visual problem, a motor, hearing or speech physical deficiency, or an intellectual deficiency;
- (3) a continuous visual field of less than 60°, including the central fixation point measured horizontally or vertically;
- (4) complete hemianopia.

2.1. A person who has a visual deficiency that, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters, leaves each eye with a visual acuity equal to or less than 6/120 or with a continuous visual field of less than 10°, including the central fixation point, measured horizontally or vertically, and that, in either cases, renders the person incapable of making functional use of the visual aids of the print magnification method of communication, is functionally blind.

Despite the foregoing, a person who has fluctuating vision, a defective field of vision or sensitivity to contrast, or a degenerative eye pathology is deemed to be functionally blind if that vision, defect or pathology renders the person incapable of making functional use of the visual aids of the print magnification method of communication.

2.2. A functionally blind person who uses braille and who, by reason of a hearing deficiency, cannot resort to any sound aid to carry on daily activities is a person who suffers from deafblindness.”

4. The Regulation is amended by replacing “CHAPTER I” after section 3 by “CHAPTER II”.**5.** Section 5 is amended

- (1) by replacing the first paragraph by the following:

“Subject to the conditions set out in this Regulation and provided they are subject to a tariff, visual aids falling in any of the groups or sub-groups of aids listed respectively by category and by type in Schedule I, as well as their components and supplements, are insured.”;

- (2) by inserting “indicated in the Tariff” in the second paragraph after “price”, by inserting the parenthesis “(special consideration)” in the second paragraph after “S. C.”, by replacing “visual deficiency, the visually handicapped person” in the second paragraph by “intellectual deficiency, he or she” and by inserting the following words and sentence at the end: “of the Tariff. A physical deficiency includes a motor, hearing or speech deficiency.”;

- (3) by inserting “in the Tariff” in the third paragraph after “list” and by striking out “of subparagraph 2” after “requirements”.

6. Section 6 is revoked.**7.** The following is inserted after section 6:

“**6.1.** A visual aid is insured only if the following conditions are met:

- (1) the visual aid is loaned to the person with a visual deficiency to meet actual functional needs, taking into account the person’s lifestyle and social roles, insofar as no other means can meet those needs;

- (2) after training, the person is capable of using the visual aid in a functional and efficient manner.

The person’s functional needs and the visual aid’s functional and efficient use are evaluated by a team specializing in rehabilitation in a recognized institution.

For the time of the training, the visual aid used for the purposes of the training referred to in subparagraph 2 of the first paragraph is also insured, if the training may be provided only in the environment of the person with a visual deficiency.

6.2. From among the visual aids that may meet a same need, only the more affordable aid is insured.

6.3. Where a loaned visual aid accessorially meets a need other than the need for which the aid is mainly intended, only that aid is insured to meet that other need.

6.4. A new visual aid is insured only if no similar recovered visual aid is available when the visual aid is loaned.

6.5. A visual aid must be recovered by the recognized loaning institution if its use is no longer required by reason of changes in the functional needs of the person to whom the visual aid was loaned, or because the person is no longer using it or is deceased. In that respect, the recognized institution must ensure each year that the loaned visual aid is used by the person to whom it was loaned and that the loan remains justified and in compliance with this Regulation. The institution must also repair, or cause to be repaired, the visual aid as soon as it is recovered so that it is available for another loan.

A visual aid thus recovered may be loaned again as an insured visual aid, and the person to whom the aid is loaned may not choose instead a new visual aid.

6.6. The visual aids listed in Part II of Schedule I are insured only if no aid in Part I makes it possible to effectively make up for the disability of a person with a visual deficiency.

6.7. Only one visual aid of any one type is insured in respect of any one person with a visual deficiency.”

8. Section 10 is amended

(1) by inserting “or by a visual aid program under the responsibility of the Minister of Health and Social Services before 1 February 2011” in the first paragraph after “Board” and by replacing “in Part III of Chapter V” in the same paragraph by “in the Tariff”;

(2) by replacing the second paragraph by the following:

“The repair of an uninsured visual aid at the disposal of a person with a visual deficiency is also insured, if the aid is similar in function and price to an aid appearing in the Tariff, provided that the person is entitled to such aid at the time of repair.”;

(3) by replacing the third paragraph by the following:

“The levelling of a computer aid listed in Part II of Schedule I is deemed to be a repair, provided that the aid meets a need arising out of the visual deficiency of the insured person.

Despite the foregoing, where the cost for repairing a visual aid, a component or a supplement, added to the cost of previous repairs, exceeds 70% of the cost of replacing the aid, component or supplement by a new one, only the replacement of the aid, component or

supplement is insured, unless the visual aid needing repair is the only one that can meet the needs of the person with a visual deficiency.”

9. Section 11 is revoked.

10. Chapter II is replaced by the following:

**“CHAPTER III
SPECIAL CONDITIONS APPLICABLE TO
CERTAIN VISUAL AIDS**

12. A hearing device with a record mode and a vocal note taking device may not be simultaneously insured in respect of any one person.

13. A contact lens listed in Part I of Schedule I is insured in respect of a person with a visual deficiency who is 6 years of age or over only if that person has one of the following deficiencies:

(1) an antimetropia or anisometropia with a difference of at least 2 diopters between the 2 eyes;

(2) a myopia of at least 5 diopters;

(3) a hypermetropia of at least 5 diopters;

(4) a regular astigmatism with a difference of at least 3 diopters between the major meridians;

(5) an ocular pathology that has been medically diagnosed and that requires the wearing of therapeutic contact lenses upon prescription from a physician.

14. The tinted filtering lens referred to in the Tariff made pursuant to Part I of Schedule I is insured only if it provides a light transmission not exceeding 50%, and the photochromic filtering lens referred to in that Tariff is insured only if it provides a light transmission not exceeding 70%.

However, the photochromic filtering lens is insured only in respect of a person whose need cannot be compensated for by the tinted filtering lens.

Likewise, the prescription filtering lens, either tinted or photochromic, is insured only if the non-prescription filtering lens, used in combination with the person’s basic glasses, cannot meet that person’s needs.

15. The closed-circuit television system referred to in Schedule I is insured in respect of a person whose inability to read cannot be compensated by another reading aid listed in Part I of Schedule I and who

(1) has a visual acuity equal to or less than 6/60 in the best eye, after correction by means of ophthalmic lenses, excluding special optic systems and additions greater than 4 diopters;

(2) has an associated physical deficiency, fluctuating vision, a defective field of vision or sensitivity to contrast;

(3) does not benefit from the permanent presence of a person 18 years of age or over; or

(4) is referred to in section 26.

In addition, the model of closed-circuit television system subject to a tariff pursuant to Part II of Schedule I and that is no longer operative because of its poor performance and the needs it is aimed at meeting to fulfil the academic or work requirements of persons referred to in section 26 is deemed to be subject to a tariff pursuant to Part I of Schedule I.

16. Despite section 6.7, the following are insured in respect of any one person:

(1) a maximum of 2 canes;

(2) a maximum of 3 suction grips per year.

17. The hand-held tactile electronic obstacle detector referred to in the Tariff made pursuant to Part I of Schedule I is insured only in respect of a person who

(1) has a hearing deficiency of at least 55 decibels; or

(2) is referred to in section 26 and has a disability affecting orientation and mobility, despite having received training to overcome it and that disability is such that the person has been unable to achieve the degree of autonomy necessary for attending school or obtaining work.

The audiometric measurement that must be used to determine a hearing deficiency is that provided for in the Regulation respecting hearing devices and insured services.

18. The neck-mounted tactile electronic obstacle detector referred to in the Tariff made pursuant to Part I of Schedule I is insured only in respect of a person who uses a wheelchair on a daily and permanent basis in order to move about and who is unable to use a cane.

19. The mobility lamp referred to in Part I of Schedule I is insured only in respect of a person who has a night vision problem and needs to move about at night in poorly lit places.

20. The night vision goggle referred to in Part I of Schedule I is insured only in respect of a person who has an ocular pathology causing night blindness, which hampers, on a daily basis, the movements needed to carry on daily activities. When moving about, that person must also use a cane or a guide dog.

21. The visual aids referred to in Division IV of Part I of Schedule I are insured only in respect of a person with a visual deficiency who has a compatible computer.

An aid referred to in subdivision 1 of Division IV of Part I of Schedule I, an aid referred to in subdivision 2 and an aid referred to in subdivision 3 of that Division may not be insured simultaneously in respect of any one person.

22. The following aids are insured only in respect of a functionally blind person:

(1) visual aids referred to in subdivisions 2 and 3 of Division IV of Part I of Schedule I;

(2) the braille display referred to in Part II of Schedule I that is recovered because it is no longer operative due to its poor performance and the needs it is aimed at meeting to fulfil the requirements related to the activities of persons referred to in section 26.

Despite the foregoing, for the purposes of subparagraph 1 of the first paragraph, the print recognition unit and the closed-circuit television system may not be insured simultaneously in respect of any one person.

and the personal assistant display referred to in Part II of Schedule I that are no longer operative.

23. The print magnification software referred to in subdivision 1 of Division IV of Part I of Schedule I and the monitor or the adjustable-arm support referred to in the same subdivision may not be insured simultaneously in respect of any one person, except in the case of a person referred to in section 26.

24. The visual aids referred to in subdivision 2 of Division V of Part I of Schedule I are insured only once for any one person.

The following is not insured:

(1) the replacement or repair of those aids;

(2) the adapted alarm clock in respect of a person who benefited from the same type of aid under the Regulation respecting hearing devices and insured services.

25. The aids referred to in subdivision 3 of Division V of Part I of Schedule I are insured only if the person with a visual deficiency meets the following conditions:

(1) except for the talking personal thermometer, the person holds a medical prescription that justifies the need for the aid for daily use at home;

(2) the person must be capable of using the aid independently;

(3) no other visual aid enables the person to compensate for the incapacity of using non-adapted current equipment.

26. The visual aids referred to in Part II of Schedule I are insured only in respect of a person who

(1) is a full-time student or is deemed to be a full-time student pursuing recognized studies according to the norms whose application comes under the responsibility of the Minister of Education, Recreation and Sports;

(2) receives training to have access to a professional order;

(3) is learning to read or write French or English under a program under the responsibility of the Minister of Immigration and Cultural Communities;

(4) receives training under a program of Emploi-Québec with a view to holding paid employment;

(5) begins a process of obtaining or returning to paid employment;

(6) needs such aid to keep paid employment or gain advancement at work; or

(7) suffers from deafblindness and uses braille as a constant method of reading and writing.

For the purposes of subparagraph 1 of the first paragraph, recognized studies are studies pursued by a student admitted to a program leading to a diploma, a certificate or another attestation of studies awarded pursuant to a basic school regulation established under the Education Act (R.S.Q., c. I-13.3) or the College Education Regulations established under the General and Vocational Colleges Act (R.S.Q., c. C-29), or studies pursued by a student admitted to a university program leading to a degree, a diploma, a certificate or another attestation of university studies

27. The aids referred to in Division I of Part II of Schedule I are insured in respect of a student at the preschool or elementary level only if the student is functionally blind or has an associated physical or intellectual deficiency. Likewise, those aids are insured in respect of a paid worker only if the worker is functionally blind or is entitled to a computer under section 28.

28. The computer referred to in Division I of Part II of Schedule I is not insured in respect of

(1) a student at the college or university level, or a student receiving training to have access to a professional order;

(2) a person referred to in subparagraphs 3 to 6 of the first paragraph of section 26 who, had the person not been a person with a visual deficiency, would have needed to use a computer in the course of academic or work activities.

29. A braille display, a 60-cell model or more, referred to in the Tariff made pursuant to Part II of Schedule I is insured only in respect of

(1) a student at the college or university level or a paid worker, provided that he or she is called upon to use braille on a regular basis to read graphs, tables, mathematic formulas or specialized data banks;

(2) a person suffering from deafblindness.

30. The braille printer referred to in Part II of Schedule I is insured only in respect of students at the college or university level or paid workers, provided that they need to read braille on paper in the course of their studies or work and have no braille printer meeting their needs in their school or work environment.

31. The dedicated braille communication computer system referred to in Part II of Schedule I is insured only in respect of a person suffering from deafblindness who does not use a computer and its braille adaptations.

31.1. The hearing aid with a recording mode referred to in Part II of Schedule I is insured only in respect of a student at the college or university level or a paid worker whose needs in terms of note taking may not be met by the computer at his or her disposal.

31.2. The free-standing reading stand referred to in the Tariff made pursuant to Part II of Schedule I is insured only in respect of a person who does not already have 2 reading stands and for whom the other models do not compensate for his or her incapacities.

31.3. The adapted satellite geopositioning system referred to in Part II of Schedule I is insured only in respect of a functionally blind person referred to in section 26 who needs to frequently move about alone in unfamiliar places.

31.4. Despite section 6.7, a second visual aid of one of the types below, or an additional component or supplement to such a visual aid, is insured only in respect of a person referred to in section 26:

- (1) the closed-circuit television system;
- (2) the braille;
- (3) the reading stand, not free-standing.

However, for the purposes of subparagraph 1 of the first paragraph, the print recognition unit may, despite section 22, take the place of a second closed-circuit television system.

31.5. Among the computer aids referred to in Schedule I, only the types of aid for a single method of communication are insured at the same time in respect of any one person.

For the purposes of the first paragraph, the aids referred to in subdivision 1 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be print magnification aids. The aids referred to in subdivision 2 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be sound aids. The aids referred to in subdivision 3 of Division IV of Part I and Division I of Part II of Schedule I are deemed to be braille aids.

31.6. Despite section 31.5, the types of aid for a second method of communication are also insured

(1) in respect of a person who, following the evaluation in section 6.1, is found to suffer from a condition that leads the person to gradually switch to braille; the initial method of communication and braille may co-exist while the person is learning to use braille;

(2) where the insured aid comes with an accessory method of communication without additional charges.”.

11. The Regulation is amended by replacing “CHAPTER III” after section 31 by “CHAPTER IV”.

12. Section 32 is amended by replacing “in Chapter V” and “that Chapter” in the first and third paragraphs by “in the Tariff” and “that Tariff”.

13. Section 35 is replaced by the following:

“**35.** No customs fees, customs clearance fees, currency exchange rate or taxes may be added to the price set in the Tariff for a visual aid, component or supplement reimbursed by the Board, nor costs for transporting the aid from the supplier to the loaning institution.”.

14. Section 36 is amended by replacing “of transportation from the supplier to the institution loaning the visual aid” by “of shipping from the supplier to the loaning institution or to the address of the insured person, according to the loaning institution’s instructions,”.

15. Section 38 is revoked.

16. Section 40 is revoked.

17. Section 42.1 is revoked.

18. Section 43 is amended by replacing “of transporting” in paragraph 2 by “of shipping” and by inserting “or the address of the insured person, according to the loaning institution’s instructions,” in the same paragraph after “that institution”.

19. Section 44 is amended

(1) by replacing “the billed labour” in subparagraph 2 of the first paragraph by “labour according to the hourly rates set in the Tariff”;

(2) by replacing “of transportation” and “of transporting” in subparagraph 3 of the first paragraph by “of shipment” and “of shipping”, respectively, and by replacing “which is closest to the institution loaning the visual aid and the location of that institution” by “the loaning institution or the address of the insured person, according to the loaning institution’s instructions”.

20. The Regulation is amended by replacing “CHAPTER IV” after section 44 by “CHAPTER V”.

21. Section 45 is amended

(1) by inserting “referred to in Part II of Schedule I” after “aids”;

(2) by replacing “a visually handicapped person in accordance with sections 14, 15, 16, 18, 19, 20, 23 and 24” by “the persons referred to in section 26”.

22. Chapter V is revoked.

23. Section 47 is replaced by the following:

“47. A visual aid obtained by a person with a visual deficiency under the *Programme des aides visuelles aux activités de la vie quotidienne et aux activités de la vie domestique* and the *Fonds d'aide aux travailleurs aveugles et amblyopes* before 2 June 2011 is deemed to be insured under this Regulation.”.

24. Schedule I attached to this Regulation is added at the end.

25. The Regulation is amended by replacing “visually handicapped person”, wherever that term appears and with the necessary modifications, by “person with a visual deficiency”.

26. This Regulation comes into force on 2 June 2011.

SCHEDULE

(s. 24)

“SCHEDULE I

(s. 5, 1st par.)

LIST OF VISUAL AIDS COVERED BY THE HEALTH INSURANCE PLAN

PART I: Categories and types of aids insured for all persons having a visual deficiency

DIVISION I: Reading aids

1. Hearing aid
2. Vocal note taking device
3. Bifocal with additions greater than 4 diopters
4. Adapted electronic calculator
5. Yellow filter sheet
6. Contact lens
7. Contact lens with artificial pupil
8. Fresnel lens
9. Microscopic lens
10. Filtering lenses
11. Magnifier
12. Obturator
13. Occluder
14. Fresnel prism
15. Reading stand
16. Microscopic optical system
17. Telescopic optical system
18. Closed-circuit television system
19. Stenopeic disc
20. Typoscope
21. Visor
22. Other reading aids (SC)

DIVISION II: Writing aids

23. Braille
24. Other writing aids (SC)

DIVISION III: Mobility aids

25. Canes
26. Door detector
27. Electronic obstacle detector
28. Acquisition costs for a guide dog
29. Annual maintenance costs for a guide dog
30. Mobility lamp
31. Night vision goggle
32. Telescopic optical system
33. Other mobility aids (SC)

DIVISION IV: Computer aids

Subdivision 1: Aids for the “Print Magnification” method of communication

34. Print magnification software
35. Monitor
36. Adjustable-arm support
37. Other aids for the “Print Magnification” method of communications (SC)

Subdivision 2: Aids for the “Sound” method of communication

38. Screen reader software
39. Print recognition unit
40. Other aids for the “Sound” method of communication (SC)

Subdivision 3: Aids for the “Braille” method of communication

41. Screen reader software
42. Print recognition unit
43. Other aids for the “Braille” method of communication (SC)

DIVISION V: Aids for daily life and domestic life

Subdivision 1: Renewable aids

44. Cranmer abacus
45. Adapted geometry kit
46. Adapted marker
47. Magnifying mirror
48. Adapted watch
49. Volume level
50. Writing stand

51. Adapted protractor
52. Pocket braille frame
53. Adapted measuring tape
54. Holder for brailler
55. Braille slate
56. Other renewable aids (SC)

Subdivision 2: One-time aids

57. Adapted plate
58. Knife with guide
59. Liquid level indicator

60. Check guide
61. Specialized secondary lamp for reading without a magnifying glass
62. Talking food scale
63. Adapted pedometer
64. Adapted wallet
65. Adapted alarm clock
66. Syringe stand
67. Adapted meat thermometer
68. Other one-time aids (SC)

Subdivision 3: Renewable health aids

69. Talking blood glucose monitor
70. Adapted scale
71. Talking blood pressure clamp
72. Talking personal thermometer
73. Other renewable health aids (SC)

PART II: Categories and types of insured aids for persons with a visual deficiency referred to in section 26 of this Regulation

DIVISION I: Computer aids

Subdivision 1: Aids for the “Print Magnification” method of communication

1. Computer
2. Other aids for the “Print Magnification” method of communication (SC)

Subdivision 2: Aids for the “Sound” method of communication

3. Computer
4. Screen reader control keyboard
5. Voice synthesis software
6. Other aids for the “Sound” method of communication (SC)

Subdivision 3: Aids for the “Braille” method of communication

7. Braille display
8. Screen reader control keyboard
9. Braille printer
10. Braille shortening software
11. Computer
12. Voice synthesis software
13. Dedicated Braille communication computer system
14. Other aids for the “Braille” method of communication (SC)

DIVISION II: Reading, writing and mobility aids

Subdivision 1: Reading aids

15. Hearing aid
16. Adapted electronic calculator
17. Reading support
18. Telemicroscopic optical system
19. Close-circuit television system
20. Other reading aids (SC)

Subdivision 2: Writing aids

21. Electric brailler
22. Other writing aids (SC)

Subdivision 3: Mobility aids

23. Electronic obstacle detector
24. Adapted satellite geopositioning system
25. Other mobility aids (SC)

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M.O., 2011

Order number 2011-05 of the Minister of Transport dated 29 April 2011

Highway Safety Code
(R.S.Q., c. C-24.2)

Approval of the cameras used to photograph the registration plates of road vehicles crossing bridge P-15020 on Autoroute 25

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 595.1 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that the cameras used to photograph the registration plates of road vehicles driven on a public road