

Regulations and other Acts

Gouvernement du Québec

O.C. 376-2018, 21 March 2018

Régie de l'assurance maladie du Québec — External Breastforms Program

CONCERNING the External Breastforms Program entrusted to the Régie de l'assurance maladie du Québec

WHEREAS, under paragraph (*h*) of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister may promote the development and implementation of programs and services according to the needs of individuals, and families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Board is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS under the sixteenth paragraph of section 3 of the Health Insurance act, the Board also assumes the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the conditions and methods provided for under those programs;

WHEREAS under the first paragraph of section 2.1. of the Act respecting the Régie de l'assurance maladie du Québec, the Board recovers, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS under Order in Council 1177-96 dated 18 September 1996, the Government entrusted to the Board the functions regarding the administration, the implementation and the payment of the cost of the External Breastforms Program, in accordance with the provisions of an agreement concluded on 30 September 1996 between the Minister of Health and Social Services and the Board;

WHEREAS under Order in Council 1187-96 dated 18 September 1996, the Government also entrusted to the Board the functions regarding the administration, the implementation and the payment of the excess purchase or replacement cost of an external breastform acquired by an income security recipient, in accordance with the provisions of an agreement concluded on 30 September 1996 between the Minister of State for Employment and Social Solidarity and Minister of Income Security and the Board;

WHEREAS changes to the External Breastforms Program have become necessary;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister of Employment and Social Solidarity:

THAT the Régie de l'assurance maladie du Québec be entrusted with the External Breastforms Program, the text of which is attached to this Order in Council;

THAT this Order in Council replace Order in Council 1177-96 dated 18 September 1996 and Order in Council 1187-96 dated 18 September 1996.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

External Breastforms Program

DIVISION I PURPOSE

1. The External Breastforms Program is intended to financially assist insured persons, within the meaning of the Health Insurance Act (chapter A-29), who have undergone a total, radical or partial mastectomy following a trauma or pathology or who have breast aplasia.

2. The Régie de l'assurance maladie du Québec administers, applies and assumes the cost of the External Breastforms Program according to the conditions and methods provided for under this program.

DIVISION II PROGRAM COVERAGE

3. Subject to the conditions set out in Divisions III and IV, the Board reimburses to an insured person, for each breast, per 24-month period, the cost of purchase or replacement of an external breastform up to the following amounts:

- (1) \$425 for a full breastform;
- (2) \$250 for a partial breastform.

The period of 24 months referred to in this section is compiled as of the date of the application for reimbursement to the Board of the cost of purchase or replacement of an external breastform.

4. The insured person who undergoes a total or radical mastectomy is entitled to the reimbursement of the cost of purchase of a full breastform up to the amount provided in subparagraph (1) of the first paragraph of section 3, even if she has been reimbursed for the cost of purchase or replacement of a partial breastform and even though a period of 24 months has not passed since the date of the application for reimbursement.

5. The following are not covered by the program:

(1) the external breastforms for which the insured person receives or would be entitled to receive a benefit under another statute of Québec, a statute of the Parliament of Canada other than the Canada Health Act (Revised Statutes of Canada (1985), chapter C-6) or under a statute of another province of Canada or another country, except if the person is entitled thereto under the Individual and Family Assistance Act (chapter A-13.1.1), the Act respecting occupational health and safety (chapter S-2.1), the Workers' Compensation Act (chapter A-3) or the Act respecting industrial accidents and occupational diseases (chapter A-3.001), in which case the amounts set out in this program remain reimbursable and the insured person may require the payment thereof from the Board;

(2) external breastforms purchased outside Québec;

(3) undershirts and bras, moses, cups, breastforms used for swimming, bathing suits, sports clothing and home garments;

(4) the maintenance and repair of an external breastform.

DIVISION III ELIGIBILITY

6. An insured person who meets one of the following conditions is eligible for the program:

(1) she has undergone a total, radical or partial mastectomy following a trauma or pathology;

(2) she is over 14 years of age and has breast aplasia.

DIVISION IV REIMBURSEMENT

7. The insured person who wishes to benefit from the program must submit an application for reimbursement to the Board, using the form intended for this purpose. This form must be accompanied by an original detailed purchase receipt and, for a first application, a medical prescription prepared by a general practitioner or medical specialist, specifying the date and type of surgical intervention or establishing a diagnosis of breast aplasia, as the case may be.

In addition to the documents indicated in the first paragraph, the insured person must attach, in the case referred to in section 4, a medical report confirming the change in her physical condition.

Where the Board so requests it from the insured person, she must in addition produce or ensure that is produced any other document necessary for the appraisal of her application for reimbursement.

8. The insured person is entitled to require from the Board the reimbursement of the cost of purchase or replacement of an external breastform only if she submits her application for reimbursement within 24 months following the date of purchase or replacement of this breastform.

The Board may agree to consider an application for reimbursement submitted after this time if the insured person demonstrates that she was factually unable to file her application for reimbursement sooner.

9. The insured person must promptly notify the Board of any change in her situation that affects her eligibility for the program.

10. The Board shall recover any amount unduly paid by way of reimbursement of the cost of purchase or replacement of an external breastform, where the insured person benefited from an amount greater than that to which she was entitled under the program or where she benefited from the reimbursement of the cost of purchase or replacement of an external breastform while she was not entitled thereto.

No unduly amount paid may be recovered by the Board after five years following the date of reimbursement of the cost of purchase or replacement of the external breastform. In the case of false statements, no amount may be recovered after five years following the date on which the Board became aware of the fact that a person was ineligible to receive a reimbursement of the cost of purchase or replacement of an external breastform, and in any case after 10 years following the purchase or replacement of this breastform.

DIVISION V INDEXATION

11. The amounts set out in this program are adjusted by operation of law on 1 January of each year by the rate of increase of the pension index established according to section 117 of the Act respecting the Québec Pension (chapter R-9). If the amount thus obtained contains a fraction of a dollar, it is rounded to the nearest dollar.

The Board publishes on its website the result of the indexation carried out under this section.

DIVISION VI PROGRAM COST

12. The Minister of Health and Social Services shall reimburse to the Board, according to the methods to which they may agree upon, the amounts paid to the persons eligible for the terms and conditions of this program and the cost of developing and administering this program.

SECTION VII INFORMATION AND REVIEW

13. The Board shall provide to the Minister of Health and Social Services periodic reports on the costs incurred within the scope of this program, according to the methods to which they may agree upon. These reports will not contain any personal information.

14. The Minister of Health and Social Services and the Board may review the program and agree upon any amendments deemed relevant. Such amendments will be deemed to be part of this program.

DIVISION VIII FINAL PROVISIONS

15. This program replaces the program covered by Order in Council 1177-96 dated 18 September 1996 and the program covered by Order in Council 1187-96 dated 18 September 1996.

16. The Board shall publish this program on its website within 30 days after it has come into effect.

17. This program comes into effect on 21 March 2018.

Notwithstanding the foregoing, this program applies to insured persons qualifying for the provisions of the External Breastforms Program under Order in 1177-96 dated 18 September 1996 only after the expiration of a period of 24 months following the date of payment of the initial lump sum or of the biennial lump sum, as the case may be.

The provisions of section 8 apply to the partial external breastforms acquired as of 21 March 2018.

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Gouvernement du Québec

O.C. 454-2018, 28 March 2018

An Act respecting health services and social services (chapter S-4.2)

Provincial Committee on the dispensing of health and social services in the English language

Regulation to amend the Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language

WHEREAS, under the first paragraph of section 509 of the Act respecting health services and social services (chapter S-4.2), as it reads taking into account section 107 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), the Government shall, by regulation, provide for the formation of a provincial committee entrusted with advising the Government on the dispensing of health and social services in the English language and on the approval, evaluation and modification by the Government of each access program developed by a public institution in accordance with section 76 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies;

WHEREAS, under the second paragraph of section 509 of the Act respecting health services and social services, the regulation must provide for the composition of the committee, its rules of operation and internal management, the manner in which its affairs are to be conducted and its functions, duties and powers;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language was published in Part 2 of the *Gazette officielle du Québec* of 19 July 2017 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 the Provincial Committee on the dispensing of health and social services in the English language with amendments;