

Regulations and other Acts

Gouvernement du Québec

O.C. 856-2019, 21 August 2019

An Act respecting the Ministère de la Santé et des Services sociaux
(chapter M-19.2)

Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children Entrusted to the Régie de l'assurance maladie du Québec

CONCERNING the Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children 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 of Health and Social Services shall promote the development and implementation of programs and services according to the needs of individuals, 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 fifteenth paragraph of section 3 of the Health Insurance Act, the Board shall assume 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 terms and conditions provided for under those programs;

WHEREAS under the first paragraph of section 2.1. of the Act respecting the Board shall recover, 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 it is expedient that the Board administer the Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children;

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

THAT the Régie de l'assurance maladie du Québec be entrusted with the Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children, the text of which is attached hereto.

YVES OUELLET,
Clerk of the Conseil exécutif

FINANCIAL ASSISTANCE PROGRAM FOR THE PURCHASE OF EYEGLASSES AND LENSES FOR CHILDREN

DIVISION I INTRODUCTORY PROVISIONS

1. The Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children is intended to foster children's learning and educational success by helping them maintain good vision.

2. Any financial assistance granted under this program must be directed at the purchase of eyeglasses or lenses.

3. The Régie de l'assurance maladie du Québec (hereinafter "the Board") shall administer, implement and assume the cost of the Financial Assistance Program for the Purchase of Eyeglasses and Lenses for Children, according to the terms and conditions provided under this program.

4. For the application of this program, the terms and conditions specified below signify the following:

"lenses": corneal lenses and scleral lenses;

"eyeglasses": an optical frame, a pair of ophthalmic eyeglass lenses or an optical frame and a pair of ophthalmic eyeglass lenses;

"Minister": the Minister of Health and Social Services.

DIVISION II FINANCIAL ASSISTANCE ELIGIBILITY CRITERIA

5. A person is eligible for the program if he or she meets the following criteria:

(1) the person is an insured person within the meaning of the subparagraph (g.1) of the first paragraph of section 1 of the Health Insurance Act (chapter A-29);

(2) the person is under age 18;

(3) the person has a refractive disorder established following an eye examination performed by an optometrist member of the Ordre des optométristes du Québec or an equivalent organization of another province or territory, an ophthalmologist member of the Collège des médecins du Québec or an equivalent organization of another province or territory, or the holder of a resident training card issued by the secretary of the Collège des médecins du Québec or an equivalent organization of another province or territory, authorized to issue such a prescription, and whose correction requires wearing eyeglasses or lenses.

DIVISION III

NATURE AND AMOUNT OF FINANCIAL ASSISTANCE

6. Subject to the criteria specified in divisions II and IV, the Board shall grant, upon presentation of an application, for each 24-month period, a lump sum of \$250.

The 24-month period referred to in this section is counted from the date of purchase of the eyeglasses or lenses having been the object of the first application for financial assistance submitted under this program to the Board.

7. The following are not covered under this program:

(1) eyeglasses and lenses for which the eligible 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 or territory of Canada or another country, except if the person is entitled thereto under the Individual and Family Assistance Act, 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 amount of financial assistance set out in this program remains reimbursable;

(2) eyeglasses and lenses purchased outside Québec;

(3) second-hand eyeglasses and lenses;

(4) reading eyeglasses or magnifying eyeglasses sold without a prescription;

(5) sport or leisure eyeglasses;

(6) sunglasses with non-corrective ophthalmic eyeglass lenses;

(7) digital protection eyeglasses;

(8) eyeglasses with non-corrective ophthalmic eyeglass lenses and non-corrective lenses.

DIVISION IV

FINANCIAL ASSISTANCE TERMS AND CONDITIONS

8. Anyone wishing to benefit from the financial assistance provided under this program must apply therefor within the prescribed time limit using the form made available by the Board and provide all required information.

An application for financial assistance may be submitted by a responsible person on behalf of a person eligible for such assistance.

The Board shall verify a duly completed application and then render its decision.

The documents in support of an application for financial assistance must be kept at least until the expiry of a five-year period following the last year to which the documents apply. These documents must be provided to the Board upon request.

9. Where the Board so requests it, the eligible person or the person submitting the application for financial assistance, as the case may be, must supply to the Board all relevant information necessary for the application of this program or give it the necessary authorizations to obtain this information.

The person must also provide the Board with proof of any fact establishing the person's right to financial assistance.

10. The financial assistance provided under this program is granted only if the application for financial assistance is sent to the Board within 12 months following the date of purchase of the eyeglasses or lenses.

The Board may allow the eligible person or the person submitting the application for financial assistance, as the case may be, to act after the time limit has expired if this person demonstrates that he or she was unable to submit the application sooner.

DIVISION V

FINANCIAL ASSISTANCE RECEIVED WITHOUT ENTITLEMENT

11. The Board shall recover any amount unduly paid in the form of financial assistance under this program where a person has received financial assistance without entitlement.

The recovery of amounts unduly paid is prescribed five years after the date of payment of financial assistance by the Board. In the case of false declarations, recovery is prescribed five years after the date on which the Board becomes aware of the person's ineligibility for financial assistance, but no later than 10 years after the date of payment of financial assistance.

DIVISION VI

PROGRAM COST

12. The Minister shall reimburse the Board, according to the terms and conditions to which they may agree upon, the amounts paid under the terms of this program as well as the development and administration costs of this program. Furthermore, the Minister shall assume the cost of the hours remunerated for necessary additional workforce.

DIVISION VII

INFORMATION AND REVIEW

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

14. The Minister and the Board may review the program and agree upon any amendments thereto, by written agreement, insofar as these amendments comply with the financial framework and orientations of the program. Such amendments are deemed to be part of the program.

Notwithstanding the foregoing, the Minister and the Board may agree, subject to an authorization from the Conseil du trésor, that the amounts referred to in this program may be amended without this program being authorized once again by the government.

DIVISION VIII

FINAL PROVISIONS

15. The Board shall publish this program on its website within 30 days after it has come into effect. It shall also publish on its website, within 30 days of their coming into effect, any amendments to the program.

16. This program comes into effect on the date of its publication in the *Gazette officielle du Québec*.

Notwithstanding the foregoing, the purchase costs of eyeglasses and lenses for children incurred as of 1 September 2019 are eligible for the financial assistance granted under this program.

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Gouvernement du Québec

O.C. 938-2019, 4 September 2019

Criminal Code
(R.S.C. 1985 c. C-46)

Time limit to pay the victim surcharge

Order in Council respecting the time limit to pay the victim surcharge

WHEREAS, under subsection 737(1) of the Criminal Code (R.S.C. 1985, c. C-46), where an offender is convicted or discharged within the meaning of section 730 of the Code in respect of an offence under the Code, the Controlled Drugs and Substances Act (R.S.C. 1985, c. C-38.8) or the Cannabis Act (S.C. 2018, c. 16), the offender is required to pay a victim surcharge for each offence, in addition to any other punishment imposed on the offender;

WHEREAS, under subsection 737(4) of the Code, the victim surcharge imposed in respect of an offence is payable within the time established by the lieutenant governor in council of the province in which the surcharge is imposed. If no time has been so established, the surcharge is payable within a reasonable time after its imposition;

WHEREAS the Order in Council respecting the time limit to pay the victim surcharge (chapter CCR, r. 1.01) provides that the victim surcharge that must be paid by an offender who is convicted or discharged of an offence under the Criminal Code (R.S.C. 1985, c. C-46) or the Controlled Drugs and Substances Act (R.S.C. 1985, c. C-38.8) is payable within the time limit for payment of the fine imposed or, when no fine is imposed, within 45 days of conviction or discharge by the court;

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