

Draft Regulations

Draft regulation

Health Insurance Act
(chapter A-29)

Eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec, the text of which appears hereafter, may be made by the government on the expiry of the 45-day period following this publication.

This draft regulation aims to update the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r.1). It provides greater details regarding the application of the waiting period pending eligibility as well as its exemption for certain clientele. It also proposes to allow the Board, in established situations, to reuse the photo and signature of insured persons for the purpose of renewing their health insurance card. Additionally, it proposes, in the case of targeted clientele, measures aimed at simplifying the procedure required to obtain a health insurance card (homeless persons) or for the first renewal of the card (persons in a residential and long-term care centre or minor children). Finally, this draft regulation proposes measures to bring it in line with the Québec Immigration Regulation (chapter I-0.2.1, r. 3) and several amendments for greater consistency.

The proposed amendments will make it easier for the clientele concerned to renew their health insurance card as they will not be required to provide a new photo and a new signature. They will avoid the enforcement of a new waiting period in certain situations pertaining to the renewal of the card where, for instance, there is a brief interruption between two authorizations for temporary stay. These amendments will also enable members of the Canadian Armed Forces coming from another Canadian province and certain categories of agricultural workers to access the health insurance plan upon their arrival in Québec.

The measures proposed by this draft regulation will not have any effects on enterprises and, in particular, on small or medium-sized enterprises.

Further information concerning this draft regulation may be obtained by contacting Richard Marquis, Direction de l'expertise, des contrôles et de la révision de l'admissibilité, Régie de l'assurance maladie du Québec, 1125, Grande Allée Ouest, Québec (Québec) G1S 1E7, telephone: 418 682-3920, ext. 4952, email: richard.marquis@ramq.gouv.qc.ca.

Anyone wishing to comment on this draft regulation may write, before the expiry of the 45-day period mentioned above, to the Minister of Health and Social Services, at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

DANIELLE MCCANN,
Minister of Health and Social Services

Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec

Health Insurance Act
(chapter A-29, s. 69, 1st para. Subparas. *a, j, j.1, l, l.2* and *m*)

1. The Regulation respecting the eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1) is amended in section 2:

(1) by replacing paragraph 1 with the following paragraph:

“(1) persons who hold a temporary resident permit issued by the Canadian immigration authorities under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) with a view to granting landing and identified by code number 86, 87, 88, 89, 90, 91 or 92, as well as, where these persons must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec (chapter I-0.2.1), a Québec selection certificate, or persons who hold a temporary residence permit issued by the Canadian immigration authorities under the Immigration and Refugee Protection Act with a view to granting landing and identified by code number 93, 94 or 95;”;

(2) by replacing, in paragraph 2, “and who have been granted entry by Canadian immigration authorities and hold a Québec selection certificate” with “, who have been granted entry by Canadian immigration authorities and, where these persons must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec, who hold a Québec selection certificate”.

2. Section 3 of the Regulation is amended:

(1) by replacing, in paragraph 1, “except Canadian International Development Agency scholars, unless they are receiving only a scholarship supplement from the Agency” with “except Global Affairs Canada scholars, unless they are receiving only a scholarship supplement” and “18 and 19 of the Immigrations Regulations, 1978 (SOR/78-172)” with “8 and 186 of the Immigration and Refugee Protection Regulations (SOR/2002-227)”;

(2) by inserting, in paragraph 3 and after “Mexican seasonal Agricultural Program” “or as agricultural workers from Honduras, Salvador or Guatemala under the Temporary Foreign Worker Program-Agricultural stream”;

(3) by replacing, in paragraph 4, “subparagraph *c* of paragraph 1 of section 19 of the Immigration Regulations, 1978” with “paragraph 1 of section 186 of the Immigration and Refugee protection Regulations (SOR/2002-227)”.

3. Section 4.1 of the Regulation is amended by adding the following paragraph:

“Notwithstanding the first paragraph, a member of the Canadian armed forces, his spouse or dependant who takes up residence in Québec after having left a province with an equivalent plan becomes a resident of Québec on the date he takes up residence in Québec.”.

4. Section 4.2 of the Regulation is amended:

(1) by inserting, in paragraph 4 and after “Mexican seasonal Agricultural Program” “or as an agricultural worker from Honduras, Salvador or Guatemala under the Temporary Foreign Worker Program-Agricultural stream”;

(2) by replacing paragraph 5 with the following paragraph:

“(5) a foreign national recognized as a refugee or a person referred to in paragraph 10 of section 20 of the Québec Immigration Regulation (chapter I-0.2.1);”;

(3) by inserting, after paragraph 5, the following paragraph:

“(5.1) a foreign national who holds a Québec selection certificate establishing that he is targeted by paragraph 1 or 2 of section 64 or by subparagraph *d* of paragraph 1 of section 65 of the Québec Immigration Regulation or, in the case of a minor child only, by subparagraph *a* of paragraph 1 of that section;”;

(4) by replacing paragraph 6 with the following paragraph:

“(6) the foreign national minor referred to in section 59 of the Québec Immigration Regulation.”.

5. Section 4.3 of the Regulation is amended by deleting paragraph 1.

6. Section 15 of the Regulation is amended, in the first paragraph:

(1) in subparagraph 3:

(*a*) by replacing, in the text preceding paragraph *a*, “one of the following documents” with “the following document or documents, as the case may be”;

(*b*) by replacing, in paragraph *a*, clauses *i* to *v* with the following clauses:

“*i.* the original of the document issued by Canadian immigration authorities attesting to the person’s status as permanent resident of Canada as well as, where this person must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec (chapter I-0.2.1), the original of the Québec selection certificate;

ii. the original of the document issued by the Immigration and Refugee Board of Canada attesting to the person’s refugee status;

iii. the original of the authorization issued by the Canadian immigration authorities allowing the person to be in Canada and the original of the document issued by the Canadian immigration authorities demonstrating that this person is authorized to apply in Canada for landing as well as, where this person must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec (chapter I-0.2.1), the original of the Québec selection certificate;

iv. the original of the temporary residence permit issued by the Canadian immigration authorities under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) with a view to granting landing and identified by code number 86, 87, 88, 89, 90, 91 or 92, as well as, where this person must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec, the original of the Québec selection certificate;

v. the original of the temporary residence permit issued by the Canadian immigration authorities under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) with a view to granting landing and identified by code number 93, 94 or 95;

(c) by replacing, in clause ii of paragraph b, “Canadian International Development Agency” with “Global Affairs Canada” and by deleting, at the end, “from the Agency”;

(2) by replacing, in the text preceding paragraph a of subparagraph 4, “one of the following documents” with “the following document or documents, as the case may be”;

(3) by replacing, in subparagraph 4.1, “the Department of Indian Affairs and Northern Development of Canada” with “Crown-Indigenous Relations and Northern Affairs Canada”;

(4) by replacing paragraph f of subparagraph 5 with the following paragraph:

“(f) where this person must be selected by the Minister of Immigration, Diversity and Inclusiveness under section 18 of the Act respecting immigration to Québec (chapter I-0.2.1), the original of the Québec selection certificate.”;

(5) by replacing, in the text preceding paragraph a of subparagraph 7, “one of the following documents” with “the following document or documents, as the case may be”;

(6) by replacing, in subparagraph 8, “, to the effect” with “attesting” and by inserting, after “Québec”, “or the document “Confirmation of Identity and of Domicile in Québec”, duly completed and signed”.

7. Section 18 of the Regulation is amended by deleting, in the second paragraph, “to be registered again”.

8. Section 19 of the Regulation is amended by deleting the second paragraph.

9. The Regulation is amended by inserting, after section 19, the following sections:

“**19.01.** Notwithstanding sections 4 and 4.2, a person referred to in section 19 shall become a temporary resident of Québec on the start date of the period referred to in the first paragraph of section 23, according to the subparagraph applicable to his situation, if 45 days or less have passed between this date and the date on which he ceased to be a temporary resident of Québec within the scope of his previous registration and he sends the Board an application for registration that is admissible within the meaning of section 12 within 45 days following the date on which he contacts the Board in order to obtain a registration form.

19.02. Notwithstanding sections 4 and 4.2, a person referred to in section 19 shall become a resident of Québec, as the case may be, on the start date of the period specified in paragraph a of subparagraph 3 of the first paragraph of section 23 or on the date he acquired a status specified in the first or second paragraph of section 5 of the Act if 45 days or less have passed between this date and the date on which he ceased to be a temporary resident of Québec within the scope of his previous registration and he sends the Board an application for registration that is admissible within the meaning of section 12 within 45 days following the date on which he contacts the Board in order to obtain a registration form.”.

10. Section 21 of the Regulation is amended:

(1) by inserting, in subparagraph 2.3 of the first paragraph and after “of section 23” “except in the case of the renewal of a card for a minor child or a person in residential care who is subject to the contributory plan for adults in residential care in a facility operated by a public institution or a private institution under agreement.”;

(2) by inserting, after the first paragraph, the following paragraph: “Notwithstanding the foregoing, where an insured person has his application for renewal of registration authenticated according to one of the methods specified in section 32.1, the document referred to in subparagraph 1 of the first paragraph does not have to be provided.”.

11. Section 23 of the Regulation is amended by replacing, in the second paragraph, “in section 19” with “in sections 19.01 and 19.02”.

12. Section 24 of the Regulation is amended:

(1) by replacing, in subparagraph 6 of the first paragraph, “, to the effect” with “attesting” and by inserting, after “Québec”, “or the document “Confirmation of Identity and of Domicile in Québec”, duly completed and signed”;

(2) by replacing, in the second paragraph, “the documents listed in subparagraphs 4 and 7 of the first paragraph do not have to be provided” with “the document referred to in subparagraph 4 of the first paragraph does not have to be provided”.

13. Section 31 of the Regulation is amended:

(1) by replacing, in the first paragraph, “Act respecting probation and houses of detention (chapter P-26) in the case of an incarcerated person, by a penitentiary within the meaning of the Act respecting corrections and the conditional release and detention of offenders and to establish the office of Correctional Investigator (S.C. 1992, c. 20) in the case of an inmate and by the Ministère de l’Immigration et des Communautés culturelles” with “Act respecting the Québec correctional system (chapter S-40.1) in the case of an incarcerated person, by a penitentiary within the meaning of the Corrections and Conditional Release Act (S.C. 1992, c 20) in the case of an inmate and by the Ministère de l’Immigration, de la Diversité et de l’Inclusion”;

(2) by replacing, in the third paragraph, “, La Francophonie and External Trade” with “and La Francophonie”.

14. The Regulation is amended by inserting, after section 32, the following section:

“**32.0.1.** A person who is unable to provide the means of identification specified in the first paragraph of section 32 and who is homeless may provide a signed and dated statement by a worker of a local employment centre or an establishment attesting that the worker knows the person and that the person lives in Québec or the document “Confirmation of Identity and of Domicile in Québec” duly completed and signed in lieu of these means of identification.”.

15. Section 32.1 of the Regulation is amended, by inserting, in the text preceding paragraph *a* and after “32,” “for an application for renewal of registration of a person referred to in paragraph 3 of section 3 or a person referred to in paragraph *a* of subparagraph 1 of the first paragraph of section 23 or”.

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