Regulations and other Acts

Gouvernement du Québec

O.C. 703-2022, 13 April 2022

Act respecting industrial accidents and occupational diseases (chapter A-3.001)

Hearing devices and audiology services

Medical aid
— Amendment

Regulation respecting hearing devices and audiology services and Regulation to amend the Regulation respecting medical aid

WHEREAS, under paragraph 5 of section 189, section 198.1 and subparagraphs 3.1 and 4.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— determining the care, treatment, 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 authorizations to which such payments may be subject;

— determining, subject to the second paragraph of section 198.1 of the Act, the cost of the purchase, adjustment, repair and replacement of a prosthesis or orthesis referred to in the said section and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting hearing devices and audiology services and a draft Regulation to amend the Regulation respecting medical aid were published in Part 2 of the *Gazette officielle du Québec* of 11 March 2020 with a notice that they could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulations with amendments at its sitting of 22 April 2021;

WHEREAS, under the first paragraph of section 455 of the Act respecting industrial accidents and occupational diseases, every draft regulation made by the Commission under section 454 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulations;

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

THAT the Regulation respecting hearing devices and audiology services and the Regulation to amend the Regulation respecting medical aid, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting hearing devices and audiology services

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 189, par. 5, s. 198.1 and s. 454, 1st par., subpars. 3.1 and 4.1)

DIVISION I
INTERPRETATION

1. In this Regulation,

"**account**" means an invoice, a bill of fees or a payment transaction by electronic link or other technological support; (*compte*)

"**border region**" means a part of the territory of Québec comprised within 80 km of any point along the border with Ontario, New Brunswick or Newfoundland; (*région frontalière*)

"**health worker**" means a member of the Ordre des audioprothésistes du Québec or an audiologist who is a member of the Ordre des orthophonistes et audiologistes du Québec; (*intervenant de la santé*)

"**professional service**" means an act performed by a health worker, other than care or treatment. (*service professionnel*)

DIVISION II
GENERAL

2. For the purposes of this Division, "hearing device" means a hearing device and its accessories and the other costs covered by this Regulation.

3. In addition to the medical aid to which a worker is entitled under the Regulation respecting medical aid (chapter A-3.001, r. 1), the professional services and hearing devices covered by this Regulation constitute medical aid to which a worker may be entitled, if the worker's condition requires such aid as a result of an employment injury.

4. This Regulation applies subject to section 198.1 of the Act.

5. The Commission assumes the cost of professional services and hearing devices received in Québec, in accordance with the conditions and amounts set out in this Regulation, if they were prescribed by the health professional in charge of the worker before they were received or before the expenditures for them were made.

In addition, every claim submitted to the Commission concerning the professional services or hearing devices must be accompanied by the health worker's recommendation, where applicable, and by vouchers detailing their cost. The health worker must keep the prescription in the worker's record and provide it to the Commission on request.

A claim relating to a hearing device must be accompanied by an audiogram performed by an audiologist or a health professional less than one year before the date of purchase of the device.

For the purposes of this Regulation, "audiogram performed by an audiologist" means an audiogram performed by an audiologist as part of an audiological evaluation.

6. The account for a cost covered by this Regulation must be sent to the Commission within 180 days after the date on which the service is provided or the hearing device is supplied. In the case of a report, the 180-day period begins to run from the date on which it becomes payable.

7. If the employment injury occurs in a border region of Québec, the Commission assumes the cost of the professional services and hearing devices received outside Québec, up to the amounts set by this Regulation and provided that the worker received prior authorization from the Commission.

8. Despite section 5, if the worker sustains an employment injury outside Québec, the Commission assumes the actual cost of the professional services listed in Schedule I, received outside Québec, on presentation of vouchers and a health professional's attestation as to necessity.

The Commission also assumes the cost of hearing devices up to the amounts and on the conditions set out in Division IV.

9. The amounts for a service or product covered by this Regulation include the travel costs of the health worker.

10. A claim submitted by an audiologist for a service covered by this Regulation is payable by the Commission only if it is submitted on the form prescribed by the Commission.

11. A claim submitted by a hearing-aid acoustician for a service or product covered by this Regulation is payable by the Commission only if it is submitted on the form prescribed by the Commission.

DIVISION III
PROFESSIONAL SERVICES

12. The Commission assumes the cost of the professional services listed in Schedule I, up to the amounts and on the conditions set out in the Schedule, if they are provided personally by a health worker.

The Commission also assumes the cost of professional services provided by a person other than a health worker insofar as Schedule I so provides.

13. If two or more health workers practise as a group on the same premises, the same group number assigned by the Commission must appear on their accounts.

Those health workers must inform the Commission in writing of the name of each person in the group, the address where payment is to be made and the name of the mandatary designated to receive payment from the Commission, as well as any subsequent change in that information.

14. The accounts of a health worker practising alone must state the supplier number assigned to the health worker by the Commission.

15. Subject to a prescription to the contrary from the health professional in charge of the worker, the Commission assumes, once every 30 months, the cost of an audiological evaluation listed in Schedule I, according to the amount set out in the Schedule and only if the evaluation is prescribed by a health professional.

The Commission also assumes the cost of an audio prosthetic evaluation, according to the amount and conditions set out in Schedule I, if the worker has not had an audiological evaluation in the 12 months preceding the claim and more than 12 months have elapsed since the date of the services for the purchase of the hearing device indicated on the form prescribed by the Commission.

16. The cost of an audiological evaluation is payable by the Commission only if the audiologist fills out the form prescribed by the Commission.

The form must be sent to the Commission and to the health professional in charge of the worker.

DIVISION IV
HEARING DEVICES, ACCESSORIES AND OTHER COSTS

§1. General rules

17. For the purposes of this Division, the conditions and payment limits are established having regard to the date of purchase of the hearing device indicated on the form prescribed by the Commission.

18. The Commission assumes, at the frequency determined in subdivision 2 of this Division, the cost of a hearing device that is not a continuous wear hearing aid, up to an amount of $700, if the hearing device is warranted for a minimum period of 2 years.

For the purposes of this Regulation, a hearing device appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for that period.

19. The Commission assumes the cost of a continuous wear hearing aid or a hearing device the amount of which exceeds $700 only if the Commission gave prior authorization for the purchase of it.

The Commission authorizes the purchase of such a hearing device if it has been demonstrated to the Commission that the worker's condition prevents the worker from operating or having another type of hearing device adequately adjusted.

To meet that condition, the worker must provide an attestation from a health professional holding a specialist's certificate relevant to the worker's condition.

The Commission assumes an amount up to $1,800 per year for each ear, but no other amount for products and services relating to a continuous wear hearing aid.

The Commission assumes an amount up to the manufacturer's cost for a hearing device other than a continuous wear hearing aid referred to in the first paragraph, according to the frequency determined in subdivision 2 of this Division.

20. The Commission assumes, at the frequency determined in subdivision 2 of this Division and up to an amount of $150, the cost of the purchase of one remote control if it is warranted for a minimum period of 30 months.

For the purposes of this Regulation, a remote control appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for that period.

21. The Commission assumes the cost, up to an amount of $800, for the purchase of a CROS or BiCROS system, including its programming at the time of purchase, if the Commission gave prior authorization for its purchase and the system is warranted for a minimum period of 2 years.

The Commission authorizes the purchase of such a system if it has been demonstrated to the Commission that the worker's condition is such that

(1) the particular anatomy of the worker's ear does not allow for the fitting of a hearing device;

(2) the worker is affected by recurring infections that preclude the fitting of a device; or

(3) the worker is totally deaf or has substantial discriminatory loss that precludes the fitting of a device in one ear.

To meet the condition, the worker must provide an attestation from the health professional in charge of the worker. The attestation must state that the wearing of a device is impossible in the worker's case and specify what the worker's condition is. In the case described in subparagraph 3, the worker may provide an audiological evaluation to that effect instead of an attestation.

For the purposes of this Regulation, a CROS or BiCROS system appearing in a program administered by the Régie de l'assurance maladie du Québec is deemed to be under warranty for the 2-year period.

22. When the Commission authorizes the purchase of a CROS or BiCROS system, it assumes the purchase cost of one hearing device only.

§2. Replacement and repair of hearing devices and their accessories

23. A worker may request the Commission to replace a hearing device the cost of which was assumed by the Commission if at least 5 years have elapsed since the date of purchase of the hearing device indicated on the form prescribed by the Commission and the full warranty for the hearing device has expired.

The worker must provide with the request,

(1) a prescription from the health professional in charge of the worker; and

(2) an audiogram performed within the past year by an audiologist or a health professional.

A worker who has a CROS or BiCROS system at the time the hearing device is replaced is also entitled to have the system replaced.

24. The Commission does not assume the replacement cost for a hearing device that has been lost, destroyed, stolen or used in a manner contrary to the manufacturer's recommendations.

Despite the foregoing, the Commission assumes, on the conditions set out in this Regulation, the cost of the adjustment, maintenance and repair of a device acquired by a worker to replace a device described in the first paragraph if it is compatible with the original device for which the Commission assumed the cost, where applicable. In such a case, the worker must provide the Commission with a voucher containing

(1) proof of purchase of the device;

(2) the date of purchase; and

(3) information on the make and model of the device.

A hearing device acquired by the worker is deemed to be warranted for a period of 2 years from the date of purchase.

25. The Commission assumes the replacement cost of a hearing device before the expiry of the time period referred to in section 23 if the Commission gave prior authorization for the purchase and one of the following conditions is met:

(1) the worker's auditory condition shows a new sensorineural hearing loss of at least 20 dB HL at not fewer than two frequencies between 500 Hz and 4000 Hz in the same ear since the audiogram referred to in section 5 was performed and the device cannot be adjusted to account for the hearing loss;

(2) the worker has a new medical condition preventing the worker from using the hearing device, even with a remote control;

(3) the hearing device has become so deteriorated that it can no longer be used, repaired or cleaned, including because of the worker's acidic perspiration, excess toxic fumes or pollution, such as dust, to which the device is exposed; or

(4) subject to section 113 of the Act, the device was unintentionally and accidentally damaged.

In the case described in subparagraph 1 of the first paragraph, a written document from a hearing aid acoustician explaining the reasons substantiating the fact that the device cannot be adjusted to the worker's auditory condition and an attestation from a health professional or an audiological evaluation showing the worker's loss of hearing must be provided to the Commission.

In the case described in subparagraph 2 of the first paragraph, an attestation from a health professional specifying the condition that prevents the worker from using the device must be provided to the Commission.

In the case described in subparagraph 3 of the first paragraph, a written document from the hearing aid acoustician describing the state of deterioration of the device and explaining the reason for the deterioration must be provided to the Commission. A hearing aid acoustician must keep the electroacoustic analysis and provide it to the Commission on request.

In the case described in subparagraph 4 of the first paragraph, the worker must provide a written explanation of the circumstances in which the device was damaged and the hearing aid acoustician must provide a written document showing that the manufacturer is unable to repair the device.

If two hearing devices must be replaced in the cases described in subparagraphs 1, 3 and 4 of the first paragraph, a written document from a hearing aid acoustician or a hearing device manufacturer setting forth the reasons substantiating the necessity of replacing both devices must be provided to the Commission.

The request must be made on the form prescribed by the Commission.

26. The Commission assumes the replacement cost of a remote control for a hearing device if the control has been used according to the manufacturer's recommendations and the Commission gave prior authorization for the control.

That authorization is given by the Commission if the warranty period for the remote control has expired and a written document from a hearing aid acoustician substantiating that it cannot be repaired is provided to the Commission.

The Commission also gives that authorization if the worker's hearing device was replaced in accordance with section 23.

27. The Commission assumes the cost of having a hearing device or a CROS or BiCROS system repaired by its manufacturer up to an amount of $125 if the warranty period has expired or the breakage is not covered by a warranty and once done, the repair will be warranted for a minimum period of one year.

28. The Commission assumes the cost of having a remote control for a hearing device repaired by the manufacturer if

(1) the remote control is used in accordance with the manufacturer's recommendations;

(2) the cost of the repair does not exceed 80% of its replacement cost;

(3) the warranty period for the remote control has expired;

(4) the breakage is not already covered by a warranty; and

(5) the repair is warranted for a minimum period of 30 months.

§3. Other costs

29. The Commission assumes the maintenance costs and the cost of the other accessories listed in Schedule II, up to the amounts and on the conditions set out in the Schedule.

30. The Commission assumes the cost of services to have a hearing device remade by the manufacturer up to an amount of $175 if the warranty period has expired and the work is warranted for a minimum period of one year.

31. In the case of temporary bilateral deafness, the Commission assumes the rental cost of

(1) telephone amplifiers; and

(2) audible warning devices.

32. In the case of temporary bilateral deafness, the Commission assumes the cost of the purchase of a tinnitus masker up to an amount of $80.

For the purposes of this section, a hearing device that has a feature or program allowing tinnitus to be masked does not constitute a tinnitus masker.

The costs under the first paragraph are not payable by the Commission for the adjustment of such a feature or program when a hearing device is adjusted or fitted.

TRANSITIONAL AND FINAL

33. The 180-day time period referred to in section 6 begins to run as of 12 May 2022 in respect of products and services supplied before that date.

34. The products and services supplied before 12 May 2022 are paid by the Commission at the rate applicable at the time they are supplied.

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

SCHEDULE I

Professional services

Audiology	
Audiological evaluation	$100.00
Audio prosthetics	
Audio prosthetics evaluation, on prior authorization from the Commission	
Maximum of 2 evaluations per 5-year period, per worker	$62.36
Professional services provided in the first year after purchase of a hearing device, per device	$749.11
Reprogramming by a hearing aid acoustician following repair of a CROS -BiCROS system	$85.58
Remake, payable once per year if more than one year has elapsed since purchase of the device	$88.69
Repair, payable once per year per device if more than one year has elapsed since purchase of the device	$88.69

Professional services provided in the first year after purchase of a hearing device, if provided by a hearing aid acoustician other than the acoustician having supplied the device, owing to the worker's change of place of residence	$56.73
Professional services provided for fitting if the worker dies before the device is supplied	$121.95

The costs for the adjustment of a hearing device are reimbursable up to an amount of $165 per year per device per worker. The costs cover the following, payable up to the following amounts:

Cleaning of a hearing device, payable if more than 12 months have elapsed since purchase of the device and not payable if the cleaning is done at the time of a remake or repair or within 30 days thereafter The cleaning may be done by a person under the supervision of the hearing aid acoustician	$22.17
Electroacoustic analysis, payable if more than 12 months have elapsed since purchase of the device and not payable if the analysis is done at the time of a remake or repair or within 30 days thereafter	$36.59
Reprogramming, payable if more than 12 months have elapsed since purchase of the device and not payable if done at the time of a remake or repair or within 30 days thereafter	$27.71
Insertion gain, payable only if more than 12 months have elapsed since purchase of the device and not payable if the service is provided at the time of a remake or repair or within 30 days thereafter	$33.25
Impression taking	
• On purchase of a device	$26.01
• As of the second year following purchase of a device	$13.26

The costs for the repair or replacement of a hearing device accessory are reimbursable up to a total annual amount of $195.

The repairs may be done by a person under the supervision of the hearing aid acoustician.

The repair costs consist of the following, including the related products and professional services, and are payable up to the following amounts:

Conduction tube without speaker (slim tube) for open-fit hearing aids	$5.00
Earmolds for conduction tube without speaker (dome receiver) for open-fit hearing aids	$5.00
Earmolds for conduction tube with speaker (RITE dome) for open-fit hearing aids	$5.00
Microphone protection covers	$5.00
Cerumen guard (pack)	$10.00
Conduction tube with speaker (RITE receiver) for open-fit hearing aids	$75.00
Other replacement parts such as battery holders, covers, etc.	$5.00
Custom earmold for behind-the-ear hearing aid, maximum price	$45.00

SCHEDULE II
Hearing device maintenance product costs:

The costs for the maintenance of a hearing device are reimbursable up to a total annual amount of $110 per worker.

The maintenance costs consist of the following, and are payable up to the following amounts:

	Unit rate
Telephone ear pad, per pad	$10.00
Insertion cream, for a minimum 15 ml format	$10.00
Cleansing tablets, pack of 20 tablets	$10.00
Dehumidifier	$15.00
Cleaner, for a minimum 60 ml format	$5.00
Soothing anti-itch cream, for a minimum 15 ml format	$15.00

Other accessories for hearing device maintenance:

Earmold blower:

	Unit rate
Earmold blower, once per 5 years per worker	$15.00

Batteries:

	Unit rate
Zinc air batteries, per hearing device, maximum of 100 batteries per year	$1.00
Remote control battery, maximum of one battery per year	$5.00
Zinc air batteries for a CROS-BiCROS system, maximum of 100 batteries per year	$1.00

Regulation to amend the Regulation respecting medical aid

Act respecting industrial accidents and occupational diseases (chapter A-3.001, s. 189, par. 5, s. 198.1 and s. 454, 1st par., subpars. 3.1 and 4.1)

1. The Regulation respecting medical aid (chapter A-3.001, r. 1) is amended in section 1

(1) by adding ", but excluding a member of the Ordre des audioprothésistes du Québec and an audiologist who is a member of the Ordre des orthophonistes et audiologistes du Québec" at the end of the definition of "**health worker**";

(2) by striking out the definition of "**statutory holiday**".

2. Section 2 is amended by inserting "In addition to the medical aid to which a worker is entitled under the Regulation respecting hearing devices and audiology services," at the beginning.

3. Section 9 is amended by striking out "audiology or" in the first paragraph.

4. Section 30 is revoked.

5. Section 30.1 is replaced by the following:

"**30.1.** The Commission shall assume the cost of purchasing a communication aid listed in Schedule II if the following conditions are met:

(1) the worker has a prescription from the health professional in charge of the worker recommending a consultation in speech therapy; and

(2) the use of such an aid is recommended by a speech therapist.".

6. Schedule I is amended by striking out the section "**Audiology**" in "**2. Professions services**".

7. Schedule II is amended by striking out paragraph 2 in "4. Communication aids".

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

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M.O., 2022

Order 2022-014 of the Minister of Forests, Wildlife and Parks dated 13 April 2022

Act respecting the conservation and development of wildlife (chapter C-61.1)

Tracking Dog Handler Pilot Project

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 164.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of management, oversight, protection, conservation or development of wildlife or its habitat or to study, improve or define standards applicable to those areas;

CONSIDERING the second paragraph of section 164.1 of the Act, which provides that the Minister may also, within the scope of such pilot projects, authorize any person or body to offer or conduct wildlife and wildlife habitat management, oversight, protection, conservation or development activities in compliance with standards and rules prescribed by the Minister that differ from those set out in any Act or regulation whose administration falls under the Minister's responsibility;

CONSIDERING the third paragraph of section 164.1 of the Act, which provides that such pilot projects are to be conducted for a period of up to four years, which the Minister may extend by up to one year, the Minister may modify or terminate a pilot project at any time and the Minister may also determine the provisions of a pilot project whose violation constitutes an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than $500 nor more than $3,000;