

## Regulations and other Acts

Gouvernement du Québec

### O.C. 764-2022, 4 May 2022

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

#### **Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic entrusted to the Régie de l'assurance maladie du Québec**

CONCERNING the Program of Temporary Measures  
Related to Certain Assisted Procreation Services  
Required for *In Vitro* Fertilization Due to the  
COVID-19 Pandemic 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 implementa-  
tion 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 Régie de l'assurance  
maladie du Québec (“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 be entrusted  
with the Program of Temporary Measures Related to  
Certain Assisted Procreation Services Required for  
*In Vitro* Fertilization Due to the COVID-19 Pandemic;

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

That the Régie de l'assurance maladie du Québec  
be entrusted with the Program of Temporary Measures  
Related to Certain Assisted Procreation Services Required  
for *In Vitro* Fertilization Due to the COVID-19 Pandemic,  
the text of which is attached to this Order in Council.

YVES OUELLET  
*Clerk of the Conseil exécutif*

#### **PROGRAM OF TEMPORARY MEASURES RELATED TO CERTAIN ASSISTED PROCREATION SERVICES REQUIRED FOR *IN VITRO* FERTILIZATION DUE TO COVID-19 PANDEMIC**

##### **DIVISION I INTRODUCTORY PROVISIONS**

1. The Program of Temporary Measures Related  
to Certain Assisted Procreation Services Required for  
*In Vitro* Fertilization Due to the COVID-19 Pandemic is  
intended to offset the economic consequences brought  
about by the loss of insurance coverage of certain assisted  
procreation services required for *in vitro* fertilization due  
to the COVID-19 pandemic.

2. The Régie de l'assurance maladie du Québec (“the  
Board”) shall administer, apply and assume the cost of  
the Program of Temporary Measures Related to Certain  
Assisted Procreation Services Required for *In Vitro*  
Fertilization Due to the COVID-19 Pandemic according to  
the terms and conditions provided for under that program.

##### **DIVISION II ELIGIBILITY CRITERIA**

3. A woman is eligible for the program if she meets the  
following conditions:

1° she meets the criteria for assisted procreation services required for *in vitro* fertilization (IVF) to be considered insured services within the meaning of section 34.4 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5);

2° she reached age 41 between 15 November 2021 and 31 December 2022;

3° she did not receive assisted procreation services required for IVF covered by health insurance referred to in section 34.8 of the Regulation respecting the application of the Health Insurance Act, except for those required for the embryo transfer referred to in subparagraph *e* of the first paragraph of this section;

4° she began the services referred to in her application for reimbursement after reaching 41 years of age and completed them before reaching 42 years of age;

5° she received the services referred to in her application for reimbursement from a professional subject to the application of an agreement or a professional who has withdrawn within the meaning of subparagraphs *c* and *d* of the first paragraph of section 1 of the Health Insurance Act (chapter A-29).

### **DIVISION III** AMOUNT AND REIMBURSEMENT TERMS AND CONDITIONS

4. Subject to the eligibility criteria and terms and conditions provided in this division, the Board shall reimburse, upon application, a maximum amount of \$8,250 for assisted procreation services required for *in vitro* fertilization referred to in section 34.8 of the Regulation respecting the application of the Health Insurance Act, except for those required for the embryo transfer referred to in subparagraph *e* of the first paragraph of this section. The Board shall reimburse only the services required for one IVF cycle within the meaning of DIVISION XII.2 of the Regulation respecting the application of the Health Insurance Act. The maximum amounts for each service reimbursed are detailed in Schedule A attached hereto.

Notwithstanding the provisions of the previous paragraph, the amount reimbursed by the Board will be reduced by any amount already paid by the Board for a given service.

5. Any woman wishing to obtain a reimbursement for the services referred to in section 4 must apply therefor within the prescribed time limit using the form made available by the Board and provide all required information.

The application must be accompanied by a statement of fees or invoice describing the professional services rendered, their detailed cost and proof of their payment.

The Board shall assess the application in light of the information and documents that it requires, render its decision and, if applicable, determine the reimbursement amount and issue the payment.

6. Where the Board so requires it, the woman must provide any document or information that the Board requires for the application of this program or grant the authorizations necessary to obtain them.

In addition, she must provide the Board with proof of any fact establishing her right to a reimbursement.

7. Any application for reimbursement under the provisions of this program must be sent to the Board before 1 July 2024.

The Board may agree to consider an application submitted after this deadline if the woman demonstrates that she was, in fact, unable to submit the application sooner.

### **DIVISION IV** FINANCIAL ASSISTANCE RECEIVED WITHOUT ENTITLEMENT

8. The Board shall recover any amount unduly paid under this program where the woman received a reimbursement without entitlement.

The recovery of amounts unduly paid is prescribed five years after the date of the reimbursement by the Board. In the case of false declarations, recovery is prescribed five years after the date on which the Board became aware of the woman's ineligibility for a reimbursement, but no later than 10 years after the date of the reimbursement.

### **DIVISION V** PROGRAM MANAGEMENT

9. The Minister of Health and Social Services 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 actual development and administration costs of this program.

10. The Board shall provide the Minister with periodic reports on the amounts paid and 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.

**DIVISION VI**  
**FINAL PROVISIONS**

11. The Board shall publish this program on its website before 16 June 2022.

12. This program comes into force on 1 June 2022 and ends on 1 October 2024.

**SCHEDULE A**

**Maximum amounts for each service reimbursed**

Covered services	Maximum amounts reimbursed
—Percutaneous epididymal sperm aspiration or surgical extraction (PESA/TESE)	\$2,500
<b>OR</b>	
—Microsurgical testicular sperm extraction	\$4,000
—Services required for ovarian stimulation (a maximum of two per IVF cycle);	\$1,200
—Services required to retrieve eggs from only one person, services required to retrieve sperm, including the visit and sperm washing and standard fertilization and embryo culture services carried out in the laboratory	\$4,300
—Assisted hatching services	\$500
—Sperm microinjection (ICSI) services	\$1,500
—Either one sperm straw from a single retrieval in the context of a directed donation or one sperm straw from a sperm bank	\$950
—Freezing and storage of embryos for a maximum of one year	\$1,000

105713

**M.O., 2022**

**Ministerial Order 4740 of the Minister of Justice dated 11 May 2022**

Act respecting the Ministère de la Justice  
(chapter M-19)

Extension of the measures for ensuring the proper administration of justice following the fire at the Roberval courthouse

THE MINISTER OF JUSTICE,

CONSIDERING section 5.1 of the Act respecting the Ministère de la Justice (chapter M-19), which provides that, in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of penal procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure;

CONSIDERING that that section provides that the measures are to be published in the *Gazette officielle du Québec*, that they may take effect on the date on which the situation occurs or on any later date specified in the measures, and that they are applicable for the period determined by the Minister of Justice, which may not exceed one year after the end of the situation;

CONSIDERING that that section provides that, if necessary for the proper administration of justice, the Minister of Justice may, each year for five years, extend the period before it expires;

CONSIDERING that that section provides that, before extending the measures, the Minister must take into consideration their effects on the rights of individuals and obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and the Minister must also take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec;

CONSIDERING section 12 of the Regulations Act (chapter R-18.1), which provides that a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that a reason provided for in the Act under which the proposed regulation may be made warrants it;