

M.O., 2024**Order 2024-016 of the Minister of Health dated August 23, 2024**

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

Act to increase the supply of primary care services and
to improve the management of that supply
(2022, chapter 16)

Regulation respecting health services and social services
that may be provided and activities that may be
conducted from a distance

THE MINISTER OF HEALTH,

CONSIDERING the first paragraph of section 453.2 of the Act respecting health services and social services (chapter S-4.2), made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), which provides that the Minister may, by regulation, determine the cases in which and the conditions under which the following services may be provided from a distance, in particular to ensure their quality:

—the health services and social services determined under section 105 of the Act respecting health services and social services;

—the services insured under the plan established by the Health Insurance Act (chapter A-29) and provided by a health professional, within the meaning of that Act, who practises in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services; and

—the services insured under the plan established by the Health Insurance Act and provided by a health professional, within the meaning of that Act, who practises in a private health facility;

CONSIDERING the second paragraph of section 453.2 of the Act respecting health services and social services, made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply, which provides that the regulation may also determine the conditions under which the activities determined under section 105 of the Act respecting health services and social services may be conducted from a distance;

CONSIDERING that, in accordance with paragraph 2 of section 31 of the Act to increase the supply of primary care services and to improve the management of that supply, section 453.2 of the Act respecting health services and

social services, made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply, comes into force on the date of the first regulation made for the purposes of that section;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance was published in Part 2 of the *Gazette officielle du Québec* of 6 March 2024 with a notice that it could be made by the Minister of Health on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation without amendment;

ORDERS AS FOLLOWS:

The Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance, attached to this Order, is hereby made.

CHRISTIAN DUBÉ
Minister of Health

Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance

Act respecting health services and social services
(chapter S-4.2, s. 453.2).

Act to increase the supply of primary care services and
to improve the management of that supply
(2022, chapter 16).

1. A health service or a social service provided by an institution, as well as a service insured under the plan instituted by the Health Insurance Act (chapter A-29) provided by a health professional, within the meaning of the Act, practising in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services (chapter S-4.2) or in a private health facility may be provided from a distance only if the following conditions are met:

(1) the person receiving the service has consented to the service being provided from a distance;

(2) the service does not require the person providing the service and the person receiving it to be present in person with one another, namely because it involves an examination or support that cannot be provided from a distance;

(3) a contingency plan has been developed in case of problems with the technologies used to provide the service;

(4) an in-person follow-up can be offered to the service user.

An activity organized by an institution can also be conducted from a distance. The conditions provided for in subparagraphs 1 to 3 of the first paragraph apply, with the necessary modifications.

2. Before requesting the consent required under subparagraph 1 of the first paragraph of section 1 from the person concerned, the person must be informed of the following:

(1) the inherent limits of providing services or participating in an activity from a distance;

(2) the means that can be used to communicate and their potential risks with regard to the confidentiality of personal information;

(3) if applicable,

(a) the place where the person can obtain in-person follow-up;

(b) the fact that communications are recorded.

3. Despite subparagraph 1 of the first paragraph of section 1, consent is not required if the life of the person is in danger or the person's integrity is threatened and the person's consent cannot be obtained in due time.

4. The contingency plan referred to in subparagraph 3 of the first paragraph of section 1 may be a joint plan for all professionals practising in the same place of practice or in any place of practice operated by the same person or partnership.

5. The in-person follow-up referred to in subparagraph 4 of the first paragraph of section 1 in the case of a service provided by a health professional, within the meaning of the Health Insurance Act, practising in a specialized medical centre or a private health facility, must be provided by one of the following professionals:

(1) the professional concerned;

(2) other professionals practising in the same place of practice as the professional concerned;

(3) a professional practising in a place of practice whose operator has agreed, by agreement, to the implementation of a service corridor with the professional concerned, allowing in-person follow-up.

6. In addition to the conditions provided for in section 1, where a service provided from a distance requires the establishment of a therapeutic relationship between a professional and the person receiving the service involving long-term follow-up of all aspects of the person's health, the professional must plan a subsequent in-person follow-up visit with the person.

7. For the purposes of the Act respecting health services and social services, and for the purposes of the user's record or the record kept by a professional, as the case may be, the services provided from a distance are deemed to have been provided in the place of practice of the professional who provided the service or in whose support the service was provided. In the case of professionals having more than one place of practice, the services are deemed to have been provided in the place where they would have been provided in person.

For the same purposes, activities conducted from a distance are deemed to have been conducted in the facility where they would have been conducted in person.

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

107021

