

Consumer Taxes

TVQ. 176-3/R1 **The supply of a hospital bed**
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Reference(s): *An Act respecting the Québec sales tax* (R.S.Q., c. T-0.1), section 176,
paragraphs 3 and 31

This bulletin supersedes bulletin TVQ.176-3 dated September 29, 2000, and is effective beginning March 1, 2000.

This bulletin discusses the application of the *Act respecting the Québec sales tax* (hereinafter referred to as “the Act”) with regard to supplies of hospital beds and supplies of parts, accessories or attachments specially designed for hospital beds.

APPLICATION OF THE ACT

1. Paragraph 3 of section 176 of the Act stipulates that a supply of a hospital bed is zero-rated if the bed is supplied to the operator of a health care institution or on the written order of a medical practitioner for use by an incapacitated person named in the order.
2. The expression “health care institution,” as defined in section 108 of the Act, means
 - a centre operated by an institution, within the meaning of the *Act respecting health services and social services* (R.S.Q., chapter S-4.2) or within the meaning of the *Act respecting health services and social services for Cree Native persons* (R.S.Q., chapter S-5), for the purpose of providing health care or hospital care, acute or chronic care or rehabilitative care, and any other institution operated for the purpose of providing such care;
 - a centre referred to in the previous point that is primarily for the mentally deficient, and any other institution primarily for the mentally deficient;
 - a facility, or part thereof, operated for the purpose of providing residents of the facility who have limited physical or mental capacity for self-supervision and self-care with:
 - (a) nursing and personal care under the direction or supervision of qualified medical and nursing-care staff or other personal and supervisory care, other than domestic services of an ordinary household nature, according to the individual requirements of the residents;

- (b) assistance with the activities of daily living and social, recreational and other related services designed to meet the psycho-social needs of the residents;
- (c) meals and accommodation.

3. The term “hospital bed” is not defined in the Act. However, a hospital bed is considered to be a special type of bed that meets the specific needs of hospitals or of incapacitated persons in ways that ordinary beds do not.

4. In view of point 3, a hospital bed must generally have the following features:

- legs that assemble with castors,
- a tilting, rigid mattress deck,
- mattress-deck height and tilting mechanisms,
- headboard and footboard,
- side rails,
- bumpers,
- attached drip (intravenous) pole.

5. The Ministère considers that, for the purposes of paragraph 3 of section 176 of the Act, a hospital bed must possess the following minimum features at the time of supply:

- a tilting, rigid mattress deck,
- mattress-deck height and tilting mechanisms,
- headboard and footboard, and
- side rails.

6. Where a written order from a medical practitioner is required for the zero-rating of a hospital bed, that order must specify that the person whose name appears thereon requires a hospital bed because of his or her incapacity.

7. The bed must be intended for the person whose name appears on the order, though it need not be sold to that person.

8. Paragraph 31 of section 176 of the Act provides that a supply of parts, accessories or attachments specially designed for property contemplated by that section is also zero-rated.

9. Consequently, where a mattress is specially designed for a hospital bed that is supplied pursuant to paragraph 3 of section 176 of the Act, and that satisfies the criteria outlined in point 5 above, the supply is zero-rated under paragraph 31 of section 176 of the Act.

10. The Ministère considers that the word “designed” must be understood in relation to the intention of the designer or initial manufacturer as to the final use of the mattress. Consequently, a mattress

designed for general use or for improved comfort does not qualify as a mattress designed specially for a hospital bed. However, a mattress that is used for the prevention and treatment of pressure ulcers may qualify as a mattress designed specially for a hospital bed, provided it was designed to replace the mattress of a hospital bed.

11. The Ministère considers that the following products do not constitute parts, accessories or attachments for a hospital bed: safety blankets, sheets, overmattresses designed to reduce pressure ulcers, and positioning straps and belts. Consequently, supplies of these items are taxable.

12. This bulletin is effective beginning March 1, 2000.