

Notice

001-2014

Health Insurance Act
(chapter A-29)

Regulation to amend the Regulation respecting the conditions of provision and payment of certain insured goods and services

Making by the Régie de l'assurance maladie du Québec of a Regulation to amend the Regulation respecting the conditions of provision and payment of certain insured goods and services

The RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC,

CONSIDERING subparagraph (2) of the first paragraph of section 72.1 of the Health Insurance Act (chapter A-29);

HEREBY GIVES NOTICE that, by resolution CA-499-14-25 of its board of directors dated 11 June 2014, it has made the Regulation to amend the Regulation respecting the conditions of provision and payment of certain insured goods and services.

Québec, 18 June 2014

Original signed by:

Chantal Garcia
Secretary General of the
Régie de l'assurance maladie du Québec

REGULATION TO AMEND THE REGULATION RESPECTING THE CONDITIONS OF PROVISION AND PAYMENT OF CERTAIN INSURED GOODS AND SERVICES

Health Insurance Act
(chapter A-29, s. 72.1, 1st par., subpar. (2))

1. Section 1 of the Regulation respecting the conditions of provision and payment of certain insured goods and services (chapter A-29, r. 6) is replaced by the following section:

"1. In this Regulation,

(a)"good" means a device or other equipment which compensates for a physical deficiency, a visual aid, a hearing aid or a communication aid, as well as its components, supplements and accessories, as the case may be;

(b)"dispenser" means an institution, laboratory, distributor or hearing aid acoustician member of the Ordre des audioprothésistes du Québec providing an insured good or service referred to in the fifth, sixth and seventh paragraphs of section 3 of the Health Insurance Act (chapter A-29) and who is duly registered with the Board."

2. Section 2 of the Regulation is amended:

(1) by replacing, in subparagraph (1) of the first paragraph, the words "an unexpired" with the words "a valid";

(2) by replacing, in subparagraph (5) of the first paragraph, the words "person to whom the good or service has been provided" with the words "insured person";

(3) by deleting subparagraph (6) of the first paragraph;

(4) by deleting the second paragraph.

3. The Regulation is amended by inserting, after section 2, the following section:

"2.1. A dispenser must cease any order of a good referred to in a notice of interruption of supplies as soon as the dispenser receives a copy of the notice of interruption of supplies for this good sent by the Board to the supplier."

4. Section 3 of the Regulation is amended by inserting after the word "relating" the words "to the person's obligations regarding routine maintenance of the good and".

5. Section 4 of the Regulation is replaced by the following section:

"4. A dispenser must use the dispenser number assigned by the Board to send a request for special consideration, an application relating to an aid marked "SC", an application for prior authorization or a claim for payment."

6. Section 5 of the Regulation is amended by adding, after the first paragraph, the following paragraph:

"This dispenser must be the one providing the good and rendering the service."

7. Section 7 of the Regulation is amended by adding, after the first paragraph, the following paragraph:

"Upon request, a dispenser must provide to the Board any document contained in the insured person's record."

8. Section 8 of the Regulation is amended:

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

"A dispenser must file in the record of the insured person the statement referred to in subparagraph (5) of the first paragraph of section 2 of this Regulation.";

(2) by inserting, in the second paragraph and before the word "record", the words "insured person's".

9. The Regulation is amended by inserting, after section 8, the following sections:

"8.1. A dispenser who provides a device which compensates for a physical deficiency must enter in the insured person's record the dates on which the dispenser carried out maintenance of the good provided to the insured person.

8.2. A dispenser must file in the insured person's record a document indicating the number assigned by the supplier, confirming the latter's refusal to repair or replace a good during the warranty period applicable to this good."

10. Section 9 of the Regulation is replaced by the following section:

"9. A dispenser must send to the Board the originals or copies of the documents supporting an application for prior authorization, a request for special consideration, or an application relating to an aid marked "SC" within five days following the date on which the request or application is sent to the Board."

Upon request from the Board, the dispenser must also send the original or a copy of any document contained in the insured person's record within the following time periods:

(1) within 15 days of a request by the Board in the case of a request concerning a document in support of a claim for payment, an application to have the Board assume responsibility for a device or an application aimed at cancelling an application sent to the Board by the dispenser;

(2) within the time limit indicated by the Board in its application for all other situations."

11. Sections 10 and 11 of the Regulation are replaced by the following sections:

"10. A dispenser must notify the Board immediately of any difficulty of supply, warranty non-compliance or malfunction relating to an insured good obtained from a supplier."

10.1. A dispenser must notify the Board immediately when an insured good poses a risk of danger for the safety or physical integrity of insured persons.

10.2. A dispenser must assist the Board during a product recall process involving insured goods."

11. A dispenser must notify the Board immediately of any change made to the characteristics of an insured good obtained from a supplier, notably if the good does not correspond to the description made of it, as the case may be, in the Tariff for insured hearing aids and related services (chapter A-29, r. 8), in the Tariff for insured devices which compensate for a motor deficiency and related services (chapter A-29, r. 9) or in the Tariff for insured visual aids and related services (chapter A-29, r. 8.1)."

11.1. A dispenser must notify the Board immediately when the price exigible by a supplier for a hearing aid or a device which compensates for a motor deficiency does not correspond, as the case may be, to the price set in the Tariff for insured hearing aids and related services (chapter A-29, r. 8), to the price set in the Tariff for insured devices which compensate for a motor deficiency and related services (chapter A-29, r. 9) or to the price set in the supplier's catalog of spare parts."

12. The Regulation is amended by inserting, after the heading of Division II of Chapter II, the following section:

"18.0.1. A dispenser must use the order form published by the Board on its website to submit an order for a good to a supplier."

13. Section 20 of the Regulation is replaced by the following section:

"20. A dispenser who submits to the Board an application for the authorization of an initial purchase or for the replacement of a device, a component or an additional supplement referred in section 16 or 50 of the Regulation respecting devices which compensate for a physical deficiency and are insured under the Health Insurance Act (chapter A-29, r. 4) must send, along with the application, the reasons for which use of the device, component or supplement is required to carry out specific activities pertaining essentially to recognized studies or to professional activities.

The dispenser must also submit, along with the application for authorization, official proof of school attendance, or an attestation of enrolment in a program of studies leading to a diploma, a certificate or other attestation of studies recognized by the Minister of Education, Recreation and Sports, or else confirmation of employment issued by the employer, or proof of self-employment income, as the case may be. The document submitted must indicate the name and address of the educational institution or employer or company, as the case may be, and bear the full signature of a person in authority. In addition, this document must not be dated more than one year following the date of submittal of the application for authorization."

14. Section 21 of the Regulation is amended:

(1) by replacing what comes before subparagraph (1) of the first paragraph with the following:

"A dispenser who submits to the Board a request relating to a good whose purchase or replacement price is marked "SC" must keep in the insured person's record the following information and documents:";

2° by replacing clauses (b), (c) and (d) of paragraph (1) with the following clauses:

"(b) a detailed list of the components, supplements, parts and materials used and their cost price;";

(c) the detailed costs of the labour required to evaluate the needs of the insured person, the manufacturing and the adjustments necessary prior to final setup;";

(d) manufacturing specifications, including all information necessary for the manufacturing of an orthosis or prosthesis, component thereof or supplement thereto and from which information the manufacturing process is accomplished;"

(3) by inserting, in clause (a) of subparagraph (2), before the words "production materials", the words "parts and other";

(4) by deleting clause (c) of subparagraph (3);

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

"The dispenser is not required to keep in the insured person's record the original invoice of the components, supplements, parts and materials purchased in bulk. The dispenser must nevertheless provide this invoice on request from the Board."

15. Section 23 of the Regulation is amended:

(1) by inserting, in the first paragraph, before the word "record", the words "insured person's";

(2) by deleting, in clause (c) of subparagraph (2), the words "and the name of the organization that paid for it, if applicable";

(3) by deleting clauses (e) and (f) of subparagraph (2).

16. Section 27 of the Regulation is amended by replacing the words "include with the request the following information and documents" by the words "keep in the insured person's record the following information and documents".

17. This Regulation comes into force on the date of its publication on the website of the Régie de l'assurance maladie du Québec.