

AM 1
s. 7 (18)

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 7

AMENDMENT:

Amendment 1 is withdrawn and renamed AM aa.

AM 2 and SAM 1
s. 12 (22.0.1)

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 12

AMENDMENT:

AM 2 is withdrawn and renamed AM ab.

SAM 1 becomes SAM a.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 15.1

AMENDMENT:

Insert after section 15:

15.1. The Act is amended by inserting the following section after section 22.4:

“**22.5.** No decision to impose a monetary administrative penalty may be notified to a person for a failure to comply with this Act or the regulations if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.”

*adopté
RC*


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 20

AMENDMENT:

In proposed section 38.2, replace “except the fourth paragraph” by “except the fifth paragraph”.

copy


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 20

AMENDMENT:

Insert after proposed section 38.5:

“38.5.1. Section 22.5 of the Act applies to a dispenser on whom a statement of offence has been served.”

adpte
RE

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 23.1

AMENDMENT:

Insert after section 23:

23.1. Section 64 of the Act is amended

(1) by inserting the following subparagraph after subparagraph *c* of the first paragraph:

“(d) the description of the service that was furnished.”;

(2) by inserting “, except that referred to in subparagraph *d* of the first paragraph,” after “shall be required to disclose such information” in the second paragraph.

adapte


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 24.1

AMENDMENT:

Insert after section 24:

24.1. Section 69 of the Act is amended, in the first paragraph,

(1) by striking out “prescribe the terms and conditions for claims and payments,” in subparagraph *h.2*;

(2) by striking out “the information and documents he must provide,” in subparagraph *l*;

(3) by replacing “, the documents that must be presented by the applicant, and the conditions the applicant must fulfil” in subparagraph *l.2* by “and the conditions to be met by the applicant”.

adpte
RR

AM 8
s. 26.1 (74.1)

Bill 92

**An Act to extend the powers of the
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Section 26.1

AMENDMENT:

Amendment 8 is withdrawn and renamed AM p.

SAM 1
AM 8
s. 26.1 (74.1)

Bill 92

**An Act to extend the powers of the
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Section 26.1

AMENDMENT:

Subamendment 1 to Amendment 8 is withdrawn and renamed SAM a.

Bill 92

**An Act to extend the powers of the
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provisions**

Section 24.0.1

AMENDMENT:

Insert after section 24:

24.0.1. The Act is amended by inserting the following section after section 65:

“65.0.0.1. If a person is found guilty of an offence under this Act or its regulations, the Board must inform the professional order of which the person is a member, if any.”

adopté


AM 10
s. 30 (10)

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 30

AMENDMENT:

Amendment 10 is withdrawn and renamed AM ad.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
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provisions**

Section 31.1

AMENDMENT:

Amendment 11 is withdrawn and renamed AM ag.

AM 12
s. 32.1 (82.1)

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.1

AMENDMENT:

Amendment 12 is withdrawn and renamed AM aj.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 26.1

AMENDMENT:

Insert after section 26:

26.1. The Act is amended by inserting the following section after section 74:

“**74.1.** Every person who threatens or intimidates a person or takes reprisals in any manner whatever against him, including demoting, suspending or dismissing him or taking any disciplinary or other measure that adversely affects his employment or conditions of employment because he is complying with this Act, is exercising a right provided for by this Act or has reported conduct that contravenes this Act is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in any other case. In the case of a subsequent offence, the minimum and maximum fines are doubled.

The Board must take all necessary measures to protect the identity of persons making a disclosure. The Board may however communicate the identity of such persons to the Director of Criminal and Penal Prosecutions.”

adapté
ML

Bill 92

**An Act to extend the powers of the
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and to amend various legislative
provisions**

Section 32.5

AMENDMENT:

Insert after section 32.4:

32.5. Section 80 of the Act is amended by adding the following paragraph after paragraph 3:

“(4) determine the elements for which a certificate or report must be prepared by an independent auditor.”

proposé
[Signature]

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 38

AMENDMENT:

Add the following paragraph at the end of proposed section 2.0.13:

The Board's forms are published on the Board's website."

pebarte
RQ

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 38.1

AMENDMENT:

Insert after section 38:

38.1. Section 16.0.1 of the Act is amended

- (1) by adding “of the Board” at the end of the first paragraph;
- (2) by replacing the third paragraph by the following paragraph:

“Such a regulation comes into force on the date of its publication on the Board’s website or on any later date specified in the regulation. Publication on the website imparts authentic value to the regulation.”

A handwritten signature in black ink, appearing to be 'M. St-Onge' or similar, with a stylized flourish.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 42.1

AMENDMENT:

Insert after section 42:

42.1. Section 25 of the Act is amended by inserting the following paragraph after the first paragraph:

“In a separate section of the report, the Board shall state the number of inspections and investigations conducted as well as the sums recovered following those inspections and investigations.”

adopté
MR

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 42.1

AMENDMENT:

Insert “, in particular,” after “state” in the proposed paragraph.

Handwritten signature and initials in black ink, appearing to be 'P. G. G.' or similar, with a stylized flourish.

Bill 92

**An Act to extend the powers of the
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Section 42.1

AMENDMENT:

Insert “and, as regards the latter, their class and the number of them having lasted more than one year,” after “conducted”.

A handwritten signature in black ink, appearing to be 'B. B.', is written over a diagonal line.

Bill 92

**An Act to extend the powers of the
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provisions**

Section 45

AMENDMENT:

Replace “(14)”, “(15)” and “(16)” in paragraph 2 by “(16)”, “(17)” and “(18)”, respectively.

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Bill 92

**An Act to extend the powers of the
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provisions**

Section 46

AMENDMENT:

Amendment 19 is withdrawn and renamed AM ah.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
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provisions**

Section 51

AMENDMENT:

Amendment 20 is withdrawn and renamed AM ap.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 6

AMENDMENT:

Insert after paragraph 2:

(2.1) by replacing the second paragraph by the following paragraph:

“The recovery of amounts unduly paid is prescribed five years after the insured services are received. In the case of a false declaration, recovery is prescribed five years after the date on which the Board becomes aware of a person’s ineligibility for such services, but not later than 10 years after the services are received.”;

A handwritten signature in black ink, appearing to be 'P. G. G.' or similar, located below the text of the amendment.

Bill 92

**An Act to extend the powers of the
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provisions**

Section 7

AMENDMENT:

Amendment 22 is withdrawn and renamed AM af.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 9

AMENDMENT:

Add after the proposed paragraphs:

Every person who manages the business of a health professional and makes a false declaration in connection with a claim for payment to the Board is guilty of an offence and is liable to a fine of \$5,000 to \$50,000 in the case of a natural person and \$10,000 to \$100,000 in any other case. In the case of a subsequent offence, the minimum and maximum fines are doubled.”

*ad-je
RL*

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 11

AMENDMENT:

Replace paragraph 1 by:

(1) by replacing “the remedy provided for in the first paragraph of section 22.0.1” in the fourth paragraph by “the right of the person from whom payment is exacted contrary to section 22.0.1 to claim reimbursement”;

adp te
ND

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 12

AMENDMENT:

Replace by:

12. Section 22.0.1 of the Act is replaced by the following section:

“22.0.1. Where the Board believes that a health professional or third person has received payment from an insured person contrary to this Act, including if the health professional or third person has exacted more than the amount that would have been paid by the Board to a professional subject to the application of an agreement for the services provided to an insured person who did not present his health insurance card, claim booklet or eligibility card, it shall notify the health professional or third person in writing. The notice must also indicate the reimbursement mechanisms that the Board may apply under this section and, if applicable, the monetary administrative penalty that may be imposed, and allow the health professional or third person 30 days to present observations.

At the expiry of the 30-day period, the Board shall notify its decision to the health professional or third person in writing, with reasons. If the Board maintains that an amount has been so paid, it shall reimburse the amount to the insured person in respect of whom it has, within five years after payment is made, written proof of the payment.

The Board may

(1) inform the insured persons concerned by any means it considers appropriate, such as by publishing a notice to that effect on its website or in a newspaper in the locality where the health professional practises, that they may file an application for reimbursement with the Board within five years of the date of payment;

(2) recover from the health professional or third person, by compensation or otherwise, any amount received contrary to this Act, whether or not the Board has received an application for reimbursement, such an amount then being deemed to be a debt toward the Board; and

(3) impose on the health professional or third person a monetary administrative penalty equal to 15% of the payment received contrary to this Act, which it may collect by compensation or otherwise.

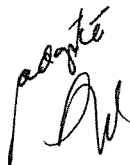
If the five-year period referred to in the second paragraph has expired, the Board may not take any recovery measure under subparagraph 2 of the third paragraph in respect of an amount for which it has not received an application for reimbursement.

If the third person having received the prohibited payment is the operator of a private health facility or specialized medical centre where the health professional named in the application for reimbursement or affected by the recovery measure practises, or if the third person manages the business of the health professional, compensation may be applied against that health professional, except as regards the monetary administrative penalty, provided the health professional has been notified in accordance with the first paragraph.

The health professional or third person may, within 60 days of notification of the decision, contest the decision before the Superior Court or the Court of Québec, according to their respective jurisdictions. The burden of proving that the decision of the Board is ill-founded is on the health professional or third person, as the case may be.

If the health professional or third person does not contest such a decision and the Board cannot recover the amount owing by compensation, the Board may, at the expiry of the 60-day period for contesting the decision, issue a certificate stating the name and address of the health professional or third person and attesting the amount owing and the health professional's or third person's failure to contest the decision. On the filing of the certificate with the office of the Superior Court or the Court of Québec, according to their respective jurisdictions, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

The second paragraph of section 18.3.2 applies, with the necessary modifications, to the amount owed by the health professional or third person."

A handwritten signature in black ink, appearing to be "M. D. L." or similar, with a stylized flourish.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
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provisions**

Section 13

AMENDMENT:

1. Insert after paragraph 1:

(1.1) by replacing “36” in the first paragraph by “60”;

(1.2) by replacing “36 preceding months” in the second paragraph by
“preceding 10 years”;

2. Replace paragraph 4 by:

(4) by inserting the following paragraphs after the fifth paragraph:

“The amount of the payments that a health professional has obtained for services referred to in the first or second paragraph may be established by statistical inference on the sole basis of information obtained by a sampling of those services, according to a method consistent with generally accepted practices.

Notification of a notice of investigation to the health professional by the Board suspends the 60-month prescription provided for in the first paragraph or the 10-year prescription provided for in the second paragraph until the expiry of one year from the notification or until the investigation report is completed, whichever comes first.”;

A handwritten signature in black ink, appearing to be 'Adg' followed by a stylized 'Ae'.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
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provisions**

Section 15.2

AMENDMENT:

Amendment 27 is withdrawn and renamed AM ai.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 19.1

AMENDMENT:

Insert after section 19:

19.1. Section 38 of the Act is amended by replacing “Subject to the second paragraph of section 18.2 and excepting any proceeding under section 18.4 or 50” by “Unless another period is specified”.

adopté
RR

Bill 92

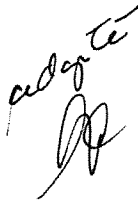
**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 20 as amended

AMENDMENT:

1. Replace "36" in the first paragraph of proposed section 38.3 by "60".
2. Replace "36 months" in the second paragraph of proposed section 38.3 by "10 years".
3. Replace the last paragraph of proposed section 38.3 by:

Notification of a notice of investigation to the dispenser by the Board suspends the 60-month prescription provided for in the first paragraph or the 10-year prescription provided for in the second paragraph, as the case may be, until the expiry of one year from the notification or until the investigation report is completed, whichever comes first."

A handwritten signature in black ink, appearing to be "adg te" followed by a stylized flourish.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 21

AMENDMENT:

Replace by:

21. Section 47 of the Act is amended

- (1) by replacing “36” in the first paragraph by “60”;
- (2) by adding the following paragraph at the end:

“Notification of a notice of investigation to the health professional by the Board suspends the 60-month prescription provided for in the first paragraph until the expiry of one year from the notification or until the investigation report is completed, whichever comes first.”

A handwritten signature in black ink, appearing to be 'P. St. L.' or similar, with a stylized flourish below it.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 30

AMENDMENT:

Replace by:

30. Section 10 of the Hospital Insurance Act (chapter A-28) is amended

(1) by adding the following sentence at the end of subsection 1: "Any claim by the State must be notified by the Board to the third party by way of a notice stating the amount of the debt and the reasons for which the debt is due.";

(2) by replacing subsection 3.1 by the following subsection:

"(3.1) An insurer of a third party's liability shall notify the Board in writing as soon as the insurer is informed of an event involving physical or mental injury that entails or might entail the payment of insured services.";

(3) by adding the following subsections at the end:

"(7) An institution shall, on a request by the Board specifying the nature of the information or documents sought, communicate to the Minister any information or document contained in the insured person's record that is necessary to exercise a right of recovery under subsection 1, provided the institution has informed the insured person of the nature of the information or documents to be communicated to the Board within a reasonable time before they are sent.

"(8) For the purposes of this section, "insurer of a third party's liability" also means a person or group of persons that provides coverage which may otherwise be obtained under a liability insurance contract."



Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 7

AMENDMENT:

Replace by:

7. Section 18 of the Act is amended

(1) by adding the following sentence at the end of subsection 1: "Any claim by the Board must be notified to the third person by way of a notice stating the amount of the debt and the reasons for which the debt is due.";

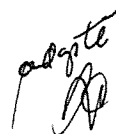
(2) by inserting the following subsections after subsection 1:

"(1.1) A health professional or dispenser shall, on a request by the Board specifying the nature of the information or documents sought, communicate to the Board any information or document contained in the insured person's record that is necessary to exercise a right of recovery under subsection 1. The health professional or dispenser shall inform the insured person of the nature of the information or documents to be communicated to the Board within a reasonable time before they are sent.

"(1.2) If a judicial application is instituted to obtain compensation for the injury caused by the third person's fault, the insured person or insured person's successors shall notify it to the Board within five days after it is instituted.

"(1.3) The Board may intervene in any judicial application brought against the third person to obtain compensation for the injury caused to the insured person. If it wishes to intervene, it shall send a notice to that effect to each of the parties and to the court; it is then considered to be a party to the proceeding.";

(3) by replacing subsection 2.1 by the following subsection:



“(2.1) An insurer of a third person’s liability shall notify the Board in writing as soon as the insurer is informed of an event involving physical or mental injury that entails or might entail the payment of insured services.”;

(4) by adding the following subsection at the end:

“(6) For the purposes of this section, “insurer of a third person’s liability” also means a person or group of persons that provides coverage which may otherwise be obtained under a liability insurance contract.”

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.1


AMENDMENT:

Insert after section 31:

31.1. Section 60 of the Act is amended by replacing the fourth and fifth paragraphs by the following paragraphs:

“The list shall also, for medications provided by a pharmacist, in the cases and on the conditions determined in the list, indicate the price of the medications or supplies sold to a pharmacist by an accredited manufacturer or wholesaler, the manner in which the price of a medication or supply is established, the cost payable by the basic plan for a medication or supply and the accredited wholesalers’ maximum profit margins.

Furthermore, the list shall include, where applicable, the cases in which and the conditions on which payment of the cost of a medication is covered by the basic plan, in particular the therapeutic indications concerned, the maximum quantity covered for that medication, the duration of the pharmacological treatment, the necessity of obtaining the Board’s authorization and the restrictions relating to the age of the eligible person.”

A handwritten signature in black ink, appearing to be 'M. Gauthier' or similar, with a stylized flourish below it.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.1

AMENDMENT:

Insert “, including an exceptional medication,” after the first occurrence of
“medication” in the last proposed paragraph.

adapte
DR

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.2

AMENDMENT:

Insert after section 31.1:

31.2. Section 60.0.0.1 of the Act is amended by replacing “it is entered as an exceptional medication” by “the brand-name medication is subject to the Board’s authorization”.

Handwritten signature and initials in black ink, appearing to be 'p. d. g. t.' and 'RQ'.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.3

AMENDMENT:

Insert after section 31.2:

31.3. Section 60.1 of the Act is amended by replacing “it” by “the president and chief executive officer or, in that officer’s absence, the person that officer designates”.

adopté
AB

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 36.1

AMENDMENT:

Insert after section 36:

36.1. The Act is amended by inserting the following sections after section 85.1:

“**85.2.** The Board is also authorized, within the scope of any action it institutes to recover a sum collected in contravention of this Act, to act on behalf of any insurer transacting group insurance or administrator of an employee benefit plan if it has previously informed the insurer or administrator of its intention and given the insurer or administrator reasonable time to bring an action itself.

The sums collected on behalf of insurers or administrators are distributed among them by the Board in the manner and on the conditions prescribed by regulation. As consideration, the insurer or administrator shall take the necessary measures to use them for the purpose of benefiting its insured.

“**85.3.** No decision to impose a monetary administrative penalty may be notified to a person for a failure to comply with this Act or the regulations if a statement of offence has already been served for a failure to comply with the same provision on the same day, based on the same facts.”

A handwritten signature in black ink, appearing to be 'p. g. te' followed by a stylized flourish.

Bill 92

**An Act to extend the powers of the
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and to amend various legislative
provisions**

Section 42.0.1

AMENDMENT:

Insert after section 42:

42.0.1. Section 23 of the Act is replaced by the following section:

“**23.** The Board may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or a department or body of such a government, or with an international organization or a body of such an organization.”

A handwritten signature in black ink, appearing to be 'p. de la 1ère' followed by a stylized monogram.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 46

AMENDMENT:

Replace by:

46. Section 78 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph:
“Any claim by the Government must be notified to the third person by way of a notice stating the amount of the debt and the reasons for which the debt is due.”;

(2) by adding the following paragraphs at the end:

“An institution must, on a request by the Minister specifying the nature of the information or documents sought, communicate to the Minister any information or document contained in the insured person’s record that is necessary to exercise a right of recovery under the first paragraph, provided the institution has informed the insured person of the nature of the information or documents to be communicated to the Board within a reasonable time before they are sent.

For the purposes of this section, “insurer of a third person’s liability” also means a person or group of persons that provides coverage which may otherwise be obtained under a liability insurance contract.”

adopté
RL

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 15.2

AMENDMENT:

Insert after section 15.1:

15.2. The Act is amended by inserting the following section after section 22.5:

“**22.6.** Despite section 63, the information contained in a decision made by the Board under section 22.0.1, the second or third paragraph of section 22.2 or section 50 that is not contested within the time prescribed or the contestation of which has been withdrawn is public information, except the personal information concerning a person to whom the decision does not apply. The Board shall send such a decision to the professional order concerned.”

adopté
RR

SAM 1
AM 39
s. 15.2 (22.6)

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 15.2

AMENDMENT:

Insert “, section 38.3” after “section 22.2” in proposed section 22.6.

Adopté

Bill 92

**An Act to extend the powers of the
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and to amend various legislative
provisions**

Section 24.0.2

AMENDMENT:

Insert after section 24.0.1:

24.0.2. Section 67 of the Act is amended by inserting the following paragraph after the tenth paragraph:

“Neither does it prohibit the communication to the Minister of Health and Social Services, in accordance with the conditions and formalities prescribed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), of the information necessary to advise the Minister on any matter the Minister refers to the Board and to inform the Minister of any problem or any matter which, in the Board’s opinion, warrants examination or action by the Minister or by any other minister or body with an interest in the administration or implementation of a program in accordance with subparagraph *c* of the second paragraph of section 2 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5).”

adopté
AD

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 30.1

AMENDMENT:

Insert before section 31:

30.1. The Act respecting prescription drug insurance (chapter A-29.01) is amended by inserting the following sections after section 8.1:

“8.1.1. A pharmacist must give an itemized invoice to a person from whom payment of a pharmaceutical service, except a service for which no contribution is payable under subparagraph 1.4 of the first paragraph of section 78, or of a medication or supply covered by the basic plan is claimed. The invoice must list separately the pharmacist’s professional fees for every service provided, the price paid by the basic plan for every medication or supply provided and the wholesaler’s profit margin, if any.

The invoice must also show any other information the Government determines by regulation, based on whether the insurance coverage is provided by the Board or by a group insurance contract or an employee benefit plan.

An accredited wholesaler must give the pharmacist to whom the wholesaler sells a medication or supply covered by the basic plan an itemized invoice which lists separately the price of that medication or supply and the wholesaler’s profit margin.

“8.1.2. No pharmacist may sell a medication covered by the basic plan to a person covered by that plan at any other price than the price the pharmacist paid. In the case of a compounded medication, a parenteral therapy, an ophthalmic solution or any other medication requiring preparation, the price that the pharmacist paid includes the cost of all the ingredients used in the preparation and the fees of the compounding pharmacist.

No compounding pharmacist who, at the request of another pharmacist, prepares a compounded medication, a parenteral therapy, an ophthalmic solution

or any other medication requiring preparation for a person covered by the basic plan may sell such a medication to that other pharmacist at any other price than the price paid by the basic plan, or bill that other pharmacist for fees other than those established according to the tariffs determined in the agreement under section 19 of the Health Insurance Act (chapter A-29).”

adote
RR

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31

AMENDMENT:

1. Insert before paragraph 1:

(0.1) by replacing “36” in the third paragraph by “60”;

(0.2) by inserting “government” before “regulation” in the third paragraph;

2. Insert after paragraph 1:

(1.1) by inserting the following paragraph after the third paragraph:

“For the purposes of the third paragraph, any benefit received by a pharmacist is presumed, in the absence of any evidence to the contrary, to have been received in connection with pharmaceutical services or medications for which the pharmacist claimed or received payment.”

3. Replace paragraph 2 by:

(2) by adding the following paragraphs at the end:

“The information contained in a decision made by the Board under the third paragraph that is not contested within the time prescribed or the contestation of which has been withdrawn is public information, except the personal information concerning a person to whom the decision does not apply. The Board shall send such a decision to the Ordre professionnel des pharmaciens du Québec.

Notification of a notice of investigation to the pharmacist by the Board suspends the 60-month prescription provided for in the third paragraph until the expiry of one year from the notification or until the investigation report is completed, whichever comes first.”

adote
AP

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.2.1

AMENDMENT:

Amendment 43 is withdrawn and renamed AM ak.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.1

AMENDMENT:

Insert after section 32:

32.0.1. The Act is amended by inserting the following chapter after section 80:

**“CHAPTER IV.I
“PROHIBITED COMMERCIAL PRACTICES**

“80.1. An accredited manufacturer may not enter into an exclusive agreement with an accredited wholesaler or an intermediary to supply a pharmacy with a medication or supply entered on the list of medications.

For the purposes of this Act, an intermediary is

(1) any person with whom owner pharmacists identify within the scope of their professional or commercial activities, in particular by using, with the person's consent, the person's name or image or a trademark the person owns; or

(2) any person who intervenes, directly or indirectly, in the supply chain for the medications entered on the list of medications or in the marketing of such medications in pharmacies, except accredited manufacturers or wholesalers or owner pharmacists or any of their employees.

“80.2. An accredited manufacturer or wholesaler may not, nor may an intermediary,

(1) pay or reimburse to a person covered by the basic plan all or part of the price of a medication or supply covered by the plan, except for humanitarian reasons;

(2) limit the supply of medications or supplies entered on the list of medications to a restricted number of owner pharmacists, unless a notice of compliance with conditions has been issued by Health Canada to the contrary;

(3) require that an owner pharmacist procure from the manufacturer, wholesaler or intermediary, on an exclusive basis, medications or supplies entered on the list of medications;

(4) require that an owner pharmacist procure from the manufacturer, wholesaler or intermediary, on a preferential basis, medications or supplies entered on the list of medications, unless an agreement between them explicitly provides for the possibility of procuring medications or supplies otherwise when, in the pharmacist's opinion, a person's state or condition requires a medication or supply that is not available on a preferential basis;

(5) directly or indirectly induce or require an owner pharmacist to sell on a preferential basis a specific brand of medication or supply entered on the list of medications; or

(6) grant to or receive from an accredited manufacturer or wholesaler, intermediary or pharmacist, directly or indirectly, any benefit in connection with the sale or purchase of a medication entered on the list of medications covered by the basic plan, except a benefit authorized by regulation or a discount or, in the case of a manufacturer, a profit margin not provided for in the commitment.

"80.3. An accredited manufacturer or wholesaler may not, nor may an intermediary or owner pharmacist, grant any benefit, directly or indirectly, in connection with the sale or purchase of a medication entered on the list of medications covered by the basic plan, to the author of a prescription or an operator or employee of a private seniors' residence governed by the Act respecting health services and social services (chapter S-4.2).

The author of a prescription or the operator or employee of a private seniors' residence may not receive such a benefit from an accredited manufacturer or wholesaler or from an intermediary or owner pharmacist.

"80.4. If, after an investigation, the Board believes that an accredited manufacturer or wholesaler or an intermediary has granted or received, within the preceding 60 months, a benefit, a discount or a profit margin contrary to paragraph 6 of section 80.2, the Board may require that the accredited manufacturer or wholesaler or the intermediary reimburse it. In addition, the Board may require that the accredited manufacturer or wholesaler or the intermediary pay the administrative costs determined in the commitment and may impose a monetary administrative penalty equal to 15% of the amount of the reimbursement.


If, after an investigation, the Board believes that an accredited manufacturer or wholesaler or an intermediary has granted, within the preceding 60 months, any benefit contrary to the first paragraph of section 80.3, the Board may require that the accredited manufacturer or wholesaler or the intermediary reimburse it. In addition, the Board may require that the accredited manufacturer or wholesaler or the intermediary pay the administrative costs determined in the commitment and may impose a monetary administrative penalty equal to 15% of the amount of the reimbursement.

Notification of a notice of investigation to the accredited manufacturer or wholesaler, the intermediary or owner pharmacist by the Board suspends the 60-month prescription provided for in the first or second paragraph, as the case may be, until the expiry of one year from the notification or until the investigation report is completed, whichever comes first.

Sections 22.2 to 22.3 of the Health Insurance Act govern the procedure applicable to a decision made under the first or second paragraph, as if the decision had been made under the second paragraph of section 22.2 of that Act, with the necessary modifications.

The information contained in a decision made under the first or second paragraph that is not contested in the time prescribed or the contestation of which has been withdrawn is public information, except the personal information concerning a person to whom the decision does not apply.

For the purposes of this section, any benefit granted or received is presumed, in the absence of any evidence to the contrary, to have been granted or received in connection with a medication entered on the list of medications covered by the basic plan.”

A handwritten signature in black ink, appearing to be "adoption" or similar, with a stylized flourish below it.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.1

AMENDMENT:

In proposed section 80.2, replace “except for humanitarian reasons” by “except to the extent provided for by ministerial regulation, in particular for humanitarian reasons”.

amti
Re

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32

AMENDMENT:

1. Strike out proposed section 70.0.1.
2. Strike out “, other than a failure under section 70.0.1” in the first paragraph of proposed section 70.0.2.
3. Strike out “70.0.1 or” in proposed section 70.0.3.
4. Replace “second” in proposed section 70.0.3 by “third”.

paste
Al

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.0.1

AMENDMENT:

Insert after section 32:

32.0.0.1. Section 78 of the Act is amended by replacing subparagraph 2.1 of the first paragraph by the following subparagraph:

“(2.1) determine the other information the itemized invoice referred to in section 8.1.1 must contain, which may vary according to whether the insurance coverage is provided by the Board or by a group insurance contract or an employee benefit plan;”.

A handwritten signature in black ink, appearing to be 'p. d. g. t. e.' followed by a stylized flourish.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.0.2

AMENDMENT:

Insert after section 32.0.0.1:

32.0.0.2. Section 80 of the Act is amended

(1) by replacing the introductory clause by the following:

“**80.** In addition to the other regulatory powers conferred by this Act, the Minister may make regulations to”;

(2) by adding the following paragraphs at the end:

“(4) determine the benefits intermediaries may grant or receive within the scope of their activities in the supply chain for medications entered on the list of medications or in the marketing of such medications in pharmacies; and

“(5) determine the elements for which a certificate or report must be prepared by an independent auditor.”

adopté
R

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.2

AMENDMENT:

Insert after section 32.0.1:

32.0.2. The Act is amended by inserting the following section before section 81:

“**80.5.** A pharmacist who contravenes the first or second paragraph of section 8.1.1 or section 8.1.2 is guilty of an offence and is liable to a fine of \$2,500 to \$25,000.

The same applies to an accredited wholesaler who contravenes the third paragraph of section 8.1.1.”

adopté


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.3

AMENDMENT:

Insert after section 32.0.2:

32.0.3. Section 81 of the Act is amended by replacing “of not less than \$100 and not more than \$1,000” at the end by “of \$1,000 to \$10,000”.

adopté
AB

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.0.4

AMENDMENT:

Insert after section 32.0.3:

32.0.4. Section 82 of the Act is amended by replacing the second paragraph by the following paragraphs:

“Every person who assists or encourages another person to obtain or receive a benefit, in particular a brand-name medication, to which that other person is not entitled under this Act or who provides information the person knows to be false or inaccurate to allow the other person to enjoy such a benefit is guilty of an offence.

A person found guilty of an offence under this section is liable to a fine of \$1,000 to \$10,000.”

adapté
AP

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.1

AMENDMENT:

Insert after section 32:

32.1. The Act is amended by inserting the following section after section 82:

“**82.1.** Every person who threatens or intimidates a person, or takes reprisals in any manner whatever against the person, including demoting, suspending or dismissing the person or taking any disciplinary or other measure that adversely affects the person's employment or conditions of employment because the person is complying with this Act, is exercising a right provided for by this Act or has reported conduct that contravenes this Act is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of a natural person and \$10,000 to \$250,000 in any other case.

The Board must take all necessary measures to protect the identity of persons making a disclosure. The Board may however communicate the identity of such persons to the Director of Criminal and Penal Prosecutions.”

adopté
Ge

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.2

AMENDMENT:

Amendment 52 is withdrawn and renamed AM al.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.3

AMENDMENT:

Amendment 53 is withdrawn and renamed AM an.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 33

AMENDMENT:

Replace by:

33. The Act is amended by inserting the following sections after section 84.5:

“**84.6.** A pharmacist who receives a benefit in connection with pharmaceutical services or medications for which the pharmacist claimed or received payment, except a benefit authorized by regulation, is guilty of an offence and is liable to a fine of \$10,000 to \$100,000.

“**84.7.** An accredited manufacturer or wholesaler who contravenes a condition or commitment prescribed by ministerial regulation is guilty of an offence and is liable to a fine of \$2,500 to \$250,000.”

accepte
RQ

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 34

AMENDMENT:

Replace by:

34. Section 85 of the Act is amended by replacing “Every person” by “Subject to section 84.7, every person”.

A handwritten signature in black ink, appearing to be 'R. G. G.' or similar, written in a cursive style.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 35

AMENDMENT:

1. Replace “following section” in the introductory clause of proposed section 85.0.1 by “following sections”;
2. Insert after proposed section 85.0.1:

“**85.0.2.** In the case of a subsequent offence, the minimum and maximum fines prescribed in this Act are doubled.”

accepté


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 39

AMENDMENT:

Insert “or an intermediary within the meaning of section 80.1 of the Act respecting prescription drug insurance” after “Minister” in subparagraph 1 of the second paragraph of proposed section 19.1.

adopté
AR

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.0.1

AMENDMENT:

Insert after section 31:

31.0.1. The Act is amended by inserting the following section after section 42.2:

“**42.2.1.** No group insurance contract or employee benefit plan may restrict a beneficiary's freedom to choose a pharmacist.”

adapte
W

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 31.2.1

AMENDMENT:

Insert after section 31.2:

31.2.1. The Act is amended by inserting the following sections after section 60.0.3:

“60.0.4. The Minister may suspend the insurance coverage of a manufacturer's medication or supply, end it or not re-enter a medication or a supply of that manufacturer on the list of medications when the list is updated in the following cases:

(1) if the manufacturer fails to comply with a condition or commitment prescribed by ministerial regulation, a provision of a listing agreement or a provision of a contract entered into following a call for tenders;

(2) if the selling price guaranteed by the manufacturer for a medication is higher than the maximum amount payable by the basic plan;

(3) if a competing medication or supply is the subject of a listing agreement;

(4) if the Institut national d'excellence en santé et en services sociaux recommends doing so; or

(5) if the Minister considers that the public interest so requires.

The Minister suspends or ends the insurance coverage by publishing a notice on the Board's website. The suspension or end of the insurance coverage applies on the date of publication of the notice or on any later date specified in the notice. Where applicable, a notice of the end date of the suspension is also published on the website. Publication imparts authentic value to such notices. The notices are not subject to the requirements concerning publication and date of

coming into force set out in sections 8, 15 and 17 of the Regulations Act (chapter R-18.1).

However, the Minister may, in a suspension or end-of-coverage notice or on an updating of the list, maintain the insurance coverage of a medication or supply for persons undergoing pharmacological treatment.

A medication for which the Minister has issued a suspension or end-of-coverage notice or which has not been re-entered on the list of medications is excluded from the application of the sixth paragraph of section 60.

“60.0.5. If the Minister considers that the available stock of a medication entered on the list of medications is becoming scarce and there is a serious risk of a stock shortage, the Minister may, by publishing a notice on the Board’s website, suspend, if applicable, the application of any preferential procurement agreement relating to that medication. The suspension applies on the date of publication of the notice or any later date specified in the notice. A notice of the end date of the suspension is also published on the Board’s website.

The accredited manufacturer or wholesaler or the intermediary within the meaning of the second paragraph of section 80.1 governed by such an agreement must then supply any pharmacist who requests it.

“60.6. At the Minister’s request, a manufacturer or wholesaler must provide, within 24 hours following the request and in the requested format, any information on the manufacturer’s or wholesaler’s stocks and back orders, including, if requested, the medication or supply, the format, dosage, lot numbers and expiry dates and the sales to pharmacists with an account. The Minister may request that the Board send the information to pharmacists.

A handwritten signature in black ink, appearing to be 'Adopte' with a stylized flourish below it.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.3

AMENDMENT:

Insert after section 32.2:

32.3. The Act is amended by inserting the following section after section 84.3:

“84.3.1. An accredited manufacturer who contravenes section 80.1 is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000.

An accredited manufacturer or wholesaler or an intermediary who contravenes section 80.2 or 80.3 is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000.

A pharmacist who contravenes section 80.3 is guilty of an offence and is liable to a fine of \$10,000 to \$100,000.

“84.3.2. The operator of a private seniors' residence or author of a prescription who contravenes the second paragraph of section 80.3 is guilty of an offence and is liable to a fine of \$5,000 to \$50,000.

The employee of a private seniors' residence who contravenes the second paragraph of section 80.3 is guilty of an offence and is liable to a fine of \$1,000 to \$10,000.”

adopté


Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.2

AMENDMENT:

Insert after section 32.1:

32.2. Sections 84, 84.1 and 84.2 of the Act are amended by replacing “of not less than \$1,000 and not more than \$10,000” by “of \$2,500 to \$250,000”.

adpte
RP

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.2.1

AMENDMENT:

Insert after section 32.2:

32.2.1. The Act is amended by inserting the following sections after section 84.2:

“**84.2.1.** An insurer contracting group insurance or an administrator of an employee benefit plan who, in contravention of section 42.2.1, restricts a beneficiary's freedom to choose a pharmacist is guilty of an offence and is liable to a fine of \$10,000 to \$1,000,000.

“**84.2.2.** An accredited manufacturer or wholesaler or an intermediary who contravenes the second paragraph of section 60.0.5 is guilty of an offence and is liable to a fine of \$2,500 to \$250,000.”

adopté
RL

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.2.2

AMENDMENT:

Insert after section 32.2.1:

32.2.2. Section 84.3 of the Act is amended by replacing “of not less than \$1,000 and not more than \$10,000” by “of \$1,000 to \$100,000”.

adapte
RH

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 32.4

AMENDMENT:

Insert after section 32.3:

32.4. Section 84.4 of the Act is amended by replacing “of not less than \$1,000 and not more than \$10,000” by “of \$2,500 to \$25,000”.

adapte
DP

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 44.1

AMENDMENT:

Insert before section 45:

44.1. The Act respecting health services and social services (chapter S-4.2) is amended by inserting the following section before section 10:

“9.2. No person may hinder a person from having access to a place to which the person has a right of access and where health services or social services are provided.”

A handwritten signature in black ink, appearing to be "R. G. G." or similar, with a stylized flourish above it.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 44.2

AMENDMENT:

Insert after section 44.1:

44.2. The Act is amended by inserting the following chapter after section 16:

“CHAPTER I.1

**“ACCESS TO VOLUNTARY TERMINATION OF PREGNANCY
SERVICES**

“16.1. No person may, within a distance of 50 metres from the grounds on which a facility or premises providing voluntary termination of pregnancy services are situated, demonstrate in any manner or in any other way intervene to

(1) attempt to dissuade a woman from obtaining such a service or contest or condemn her choice of obtaining or having obtained the service; or

(2) attempt to dissuade a person from providing, or from participating in the provision of, such a service or contest or condemn the person's choice of providing, or participating in the provision of, such a service or working in such a place.”

A handwritten signature in black ink, appearing to be 'P. St-Onge' or similar, written in a cursive style.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 46.1

AMENDMENT:

Insert after section 46:

46.1. The Act is amended by inserting the following section after section 531:

“531.0.1. Every person who contravenes section 9.2 or 16.1 is guilty of an offence and is liable to a fine of \$250 to \$1,250 in the case of a natural person or to a fine of \$500 to \$2,500 in any other case.

Every person who threatens or intimidates a person who is accessing, trying to access or leaving a facility or premises where voluntary termination of pregnancy services are provided is guilty of an offence and is liable to a fine of \$500 to \$2,500 in the case of a natural person or to a fine of \$1,000 to \$5,000 in any other case.”

ad-pte
BB

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 48

AMENDMENT:

Replace by:

48. The sixth paragraph of section 22.2 of the Health Insurance Act, as amended by section 13 of this Act, has effect from (*insert the date that is ten years before the date of assent to this Act*).

A handwritten signature in black ink, appearing to be 'pd-pte' followed by a stylized flourish.

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Section 51

AMENDMENT:

Replace by:

51. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) section 12, to the extent that it concerns subparagraph 3 of the third paragraph of section 22.0.1 of the Health Insurance Act, paragraph 2 of section 13, to the extent that it concerns the third paragraph of section 22.2 of the Health Insurance Act, section 20, to the extent that it concerns the third paragraph of section 38.3 of the Health Insurance Act, paragraph 1 of section 22, paragraph 1 of section 31, section 32.0.1, to the extent that it concerns the last sentence of the first and second paragraphs of section 80.4 of the Act respecting prescription drug insurance, which come into force on (*insert the date that is three months after the date of assent to this Act*);

(2) sections 23.1 and 24.1, paragraph 1 of section 25 and section 38, which come into force on (*insert the date that is one year after the date of assent to this Act*), unless the Government sets an earlier date or earlier dates for their coming into force;

(3) sections 30.1, 32.0.0.1 and 32.0.2, to the extent that they concern section 8.1.1 of the Act respecting prescription drug insurance, which come into force on 15 September 2017;

(4) sections 30.1 and 32.0.2, to the extent that they concern section 8.1.2 of the Act respecting prescription drug insurance, which come into force by order of the Government;

(5) section 32.0.1, to the extent that it concerns paragraph 1 of section 80.2 of the Act respecting prescription drug insurance, which comes into force on

the day of coming into force of the first regulation under paragraph 1 of that section 80.2;

- (6) section 42.1, which comes into force on 31 July 2018.

adopte
RC

Bill 92

**An Act to extend the powers of the
Régie de l'assurance maladie du Québec
and to amend various legislative
provisions**

Title

AMENDMENT:

Replace by:

An Act to extend the powers of the Régie de l'assurance maladie du Québec,
regulate commercial practices relating to prescription drugs and protect access to
voluntary termination of pregnancy services

adopté
