



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 83

**An Act to foster the practice
of medicine in the public health
and social services network**

Introduction

**Introduced by
Mr. Christian Dubé
Minister of Health**

**Québec Official Publisher
2024**

EXPLANATORY NOTES

The purpose of this bill is to foster the practice of medicine in the public health and social services network.

To that end, the bill requires any new physician to participate in the public plan established by the Health Insurance Act for five years before being entitled to become a non-participating physician practising outside the scope of the plan. A specific penal offence is introduced for failure to fulfil that obligation. It also adapts certain provisions of Acts relating to the field of health and social services to take the new obligation into account.

The bill also amends the Act respecting the governance of the health and social services system to allow the Government to require the students and residents in medicine it determines to sign, before the beginning of their training or residency, an undertaking, with a penal clause, to practise medicine in Québec after their training or residency. It gives the Government the power to determine the duration and the other terms and conditions of the undertaking.

LEGISLATION AMENDED BY THIS BILL:

- Health Insurance Act (chapter A-29);
- Act respecting the governance of the health and social services system (chapter G-1.021);
- Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5).

Bill 83

AN ACT TO FOSTER THE PRACTICE OF MEDICINE IN THE PUBLIC HEALTH AND SOCIAL SERVICES NETWORK

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HEALTH INSURANCE ACT

1. The Health Insurance Act (chapter A-29) is amended by inserting the following section after section 26:

“27. To avail himself of section 26 to become a non-participating professional, a physician must first have been a physician subject to the application of an agreement for five years.

A physician who, while not being entitled to avail himself of section 26 to become a non-participating professional, exacts or receives for an insured service a remuneration other than that provided for in an agreement is guilty of an offence and is liable to a fine of \$20,000 to \$100,000 and, for a subsequent offence, to a fine of \$40,000 to \$200,000.”

2. Section 77 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “However, if the professional so found guilty is a physician who is not entitled to become a non-participating physician because of the application of section 27, the order issued by the Board shall instead prohibit that physician from being remunerated for any insured service provided during either of those periods, as the case may be.”;

(2) by inserting “or may not be remunerated for an insured service, as the case may be,” after “non-participating professional” in the second paragraph.

3. Section 77.0.1 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“Where the professional is a physician who is not entitled to become a non-participating professional because of the application of section 27, the Board may issue, in the same cases, an order prohibiting the physician from being remunerated for any insured service provided during a period of six months.”;

(2) by replacing “Such an order of non-participation” in the second paragraph by “An order”.

ACT RESPECTING THE GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES SYSTEM

4. Section 259 of the Act respecting the governance of the health and social services system (chapter G-1.021) is amended

(1) by adding the following sentence at the end of the first paragraph: “In the case of a physician who is not entitled to become a non-participating professional because of the application of section 27 of that Act, the physician is instead prohibited, from such a date, from being remunerated for any insured service provided during an equivalent period.”;

(2) by inserting “or during which that professional may not be remunerated for an insured service, as the case may be” at the end of the second paragraph.

5. Section 464 of the Act is amended by adding the following paragraph at the end:

“The Government may, if it considers it appropriate, require the residents it determines to sign, before the beginning of their residency, an undertaking, with a penal clause, to practise medicine in Québec after the end of their residency. In such a case, the Government determines the duration and the other terms and conditions of that undertaking.”

6. Section 465 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Government may, if it considers it appropriate, require the students it determines to sign, before the beginning of their training, an undertaking with a penal clause to practise medicine in Québec after obtaining their licence to practise. In such a case, the Government determines the duration and the other terms and conditions of the undertaking.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR THE INUIT AND NASKAPI

7. Section 257 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) is amended

(1) by adding the following sentence at the end of the first paragraph: “In the case of a physician who is not entitled to become a non-participating professional because of the application of section 27 of the Health Insurance Act, the physician is instead prohibited, from such a date, from being remunerated for any insured service provided during an equivalent period.”;

(2) by inserting “or during which he may not be remunerated for an insured service, as the case may be” after “non-participating professional” in the second paragraph.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

8. Section 132.2 of the Act respecting health services and social services for Cree Native persons (chapter S-5) is amended

(1) by adding the following sentence at the end of the first paragraph: “In the case of a physician who is not entitled to become a non-participating professional because of the application of section 27 of that Act, the physician is instead prohibited, from such a date, from being remunerated for any insured service provided during an equivalent period.”;

(2) by inserting “or during which the professional may not be remunerated for an insured service, as the case may be” at the end of the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

9. Section 27 of the Health Insurance Act (chapter A-29), enacted by section 1 of this Act, does not apply to physicians who began practising in Québec before (*insert the date of assent to this Act*).

10. This Act comes into force on (*insert the date of assent to this Act*).

