

November 4, 2016

Mr. Gaétan Barrette
Minister of Health and Social Services
Édifice Catherine-de-Longpré
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Subject: Draft Regulation abolishing accessory costs related to the provision of insured services and governing transportation costs for biological samples

Mr. Minister:

Within the framework of its mandate, the Québec Ombudsman reviews all bills and draft regulations introduced in the National Assembly or published in the *Gazette officielle du Québec*. When it deems necessary, it intervenes under section 27.3 of its constituting act, which empowers it to call the attention of the government or a chief executive officer of a public body to legislative, regulatory or administrative reforms it considers to be in the public interest.

I therefore examined the above draft regulation, published on September 28, 2016, and am making the following comments.

The *Act to enact the Act to promote access to family medicine and specialized medical services and to amend various legislative provisions relating to assisted procreation* (2015, c. 25) was assented to on November 10, 2015. It amends the *Health Insurance Act* (CQLR, c. A-29, ninth and twelfth paragraphs of section 22) such that "no payment may be charged to or received from any insured person, directly or indirectly, for costs incurred for insured services provided by a health professional who is subject to the application of an agreement or by a professional who has withdrawn." However, the Act provides that, this prohibition notwithstanding, "the Government may, by regulation, prescribe the cases and conditions in and on which a payment is authorized." Therefore, even though charges for accessory costs for insured services are prohibited in theory, it remains possible through regulatory means. Pending such a regulation, the costs authorized under agreements with medical federations continue to be allowed pursuant to a transitional measure.

The purpose of the draft regulation is to abolish accessory costs except for two of them, which relate to the transportation of biological samples. Should the regulation become

law, the provisions in the agreements with medical federations that authorize certain other accessory costs will no longer apply.

I note that the regulation will permit charging of costs to insured persons of up to \$15 for the transportation of biological samples, including a blood sample, and of \$5 for the transportation of any other biological sample. Since citizens have another option—to go to a public network centre for this service free of charge—and since they are the only costs henceforth authorized and the amounts appear reasonable, at this point I will confine myself to saying that it is a form of delisting.

While the immediate consequence of the coming into force of the regulation will be prohibition of all other accessory costs for which physicians who participate in the public plan are remunerated, we cannot discount the possibility that, over time, other accessory costs related to services, supplies, medication and equipment will be added to the list, again via the regulatory route. This remains worrisome.

I repeat that access to health services must not be hampered by fixing of accessory costs, furthermore, in violation of the Act.

Yours respectfully,

(Original signed)

Raymonde Saint-Germain
Ombudsperson

c.c.: Mr. Jacques Cotton, President and Chief Executive Officer, Régie de l'assurance
maladie du Québec
Mr. Michel Fontaine, Deputy Minister of Health and Social Services
Ms. Dany Hallé, Secretary, Committee on Health and Social Services
Mr. Maxime Perrault, Secretary, Committee on Institutions