



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 83

An Act respecting mainly the health insurance plan and prescription drug insurance plan eligibility of certain children whose parents' migratory status is precarious

Introduction

**Introduced by
Mr. Christian Dubé
Minister of Health and Social Services**

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EXPLANATORY NOTES

The main purpose of this bill is to make certain children whose parents' migratory status is precarious eligible for the health insurance plan and the prescription drug insurance plan.

To that end, the bill amends the Health Insurance Act and the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec to allow all unemancipated minor children who meet certain conditions and who have one of the statuses specified in that Act, in particular Canadian citizenship, to be considered domiciled in Québec and thus covered by the health insurance plan as residents. To do so, the latter must however be able to demonstrate their intention to stay in Québec for a period of more than six months following their registration with the Régie de l'assurance maladie du Québec. In addition, the Regulation is amended to allow all minor children who have been granted entry by Canadian immigration authorities for a stay of more than six months to be covered by the plan, as temporary residents of Québec, regardless of their parents' status.

The bill amends the Act respecting prescription drug insurance and the Regulation respecting the basic prescription drug insurance plan to make all children thus covered by the health insurance plan eligible for coverage under the basic prescription drug insurance plan. In addition, minor children already covered by the health insurance plan only, that is, dependent children accompanying persons who are temporary residents of Québec and who are themselves covered by that plan, are now eligible for coverage under the basic prescription drug insurance plan.

Also, the bill specifies that to be considered residents of Québec for the purposes of the health insurance plan, children born to a parent who is a resident of Québec, during a stay outside Québec, must, subject to certain other conditions, be minors and have lived with such a parent on a permanent basis since birth. The bill facilitates coverage for such children on their arrival in the province by providing that they may, to register with the Board, submit an authorization issued by Canadian immigration authorities for a stay of more than six months.

The bill also allows the Government to determine, by regulation, after consultation with the Board or on its recommendation, the cases in which an application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated.

Lastly, the bill contains various transitional and consequential provisions.

LEGISLATION AMENDED BY THIS BILL:

- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1);
- Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4).

Bill 83

AN ACT RESPECTING MAINLY THE HEALTH INSURANCE PLAN AND PRESCRIPTION DRUG INSURANCE PLAN ELIGIBILITY OF CERTAIN CHILDREN WHOSE PARENTS' MIGRATORY STATUS IS PRECARIOUS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

HEALTH INSURANCE ACT

1. Section 5 of the Health Insurance Act (chapter A-29) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of the first paragraph, an unemancipated minor who is not already domiciled in Québec under article 80 of the Civil Code is considered domiciled in Québec in the cases and on the conditions determined by regulation.”

2. Section 9.0.4 of the Act is replaced by the following section:

“9.0.4. Every application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated in the cases and in accordance with the terms and conditions determined by regulation.

The first paragraph does not apply to applications for which the Board may issue a health insurance card or an eligibility card that does not include the insured person's photograph and signature.”

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

(1) by replacing subparagraph *j* by the following subparagraph:

“(j) determine, for the purposes of section 5, the conditions to be met by a person referred to in that section, the cases or conditions in which an unemancipated minor who is not already domiciled in Québec under article 80 of the Civil Code is considered domiciled in Québec, the time at which and the conditions subject to which a person becomes a resident of Québec as well as the time at which and the conditions subject to which the person ceases to be one, and determine any class of persons referred to in subparagraph 5 of the first paragraph;”;

(2) by replacing subparagraph *l.2* by the following subparagraph:

“(l.2) determine the cases in which and the terms and conditions according to which an application for registration, for renewal of registration or for the replacement of a health insurance card or eligibility card must be authenticated;”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

4. Section 5 of the Act respecting prescription drug insurance (chapter A-29.01) is amended by adding the following paragraph at the end:

“The classes of persons determined by a government regulation made under subparagraph 1.1 of the first paragraph of section 78 are also eligible for the plan.”

5. Section 24 of the Act is amended by adding the following paragraph at the end:

“(4) a person under 18 years of age in whose respect a parent or tutor exercises parental authority and to whom paragraph 4 of section 15 applies.”

6. Section 78 of the Act is amended by replacing subparagraph 1.1 of the first paragraph by the following subparagraph:

“(1.1) determine, for the purposes of the second paragraph of section 5, classes of persons eligible for the basic plan as well as the conditions those persons must meet to be eligible;”.

REGULATION RESPECTING ELIGIBILITY AND REGISTRATION OF PERSONS IN RESPECT OF THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

7. Section 2 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance maladie du Québec (chapter A-29, r. 1) is amended by replacing paragraph 4 by the following paragraph:

“(4) minor children born outside Québec, if the parent with whom the child has lived on a permanent basis since birth is a resident of Québec.”

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

“2.1. For the purposes of the second paragraph of section 5 of the Act, minor children not already domiciled in Québec under article 80 of the Civil Code are considered domiciled in Québec if they demonstrate their intention to stay in Québec for a period of more than 6 months in the year following the date of their registration.”

9. Section 3 of the Regulation is amended by adding the following paragraph at the end:

“(7) minor foreign nationals who are not already referred to in paragraph 6 and who have been granted entry by Canadian immigration authorities for a stay of more than 6 months.”

10. Section 4.5 of the Regulation is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) a minor child born in Québec; and

“(2) a minor child born outside Québec, if the parent with whom the child has lived on a permanent basis since birth is a resident of Québec;”;

(2) by striking out paragraphs 3 and 4.

11. Section 15 of the Regulation is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 2:

“(2.0.1) in the case of a minor child referred to in section 2.1, in addition to one of the documents listed in subparagraph 2 of the first paragraph, one of the following documents, as the case may be:

(a) the original of the authorization issued by Canadian immigration authorities attesting that the parent with whom the child lives on a permanent basis is authorized to stay in Québec for more than 6 months as of the child’s date of registration;

(b) in the absence of such an authorization, an affidavit by the parent with whom the child lives on a permanent basis or by the person who has the care or custody of the child establishing the parent’s or person’s intention and the child’s intention to stay in Québec for a period of more than 6 months in the year following the child’s date of registration;”;

(2) in subparagraph 3,

(a) by adding the following subparagraph at the end of subparagraph *a*:

“vi. the original of the authorization issued by Canadian immigration authorities for a stay of more than 6 months, in the case of a minor child referred to in paragraph 4 of section 2;”;

(b) by adding the following subparagraph at the end of subparagraph *b*:

“iv. the original of the authorization issued by Canadian immigration authorities for a stay of more than 6 months, in the case of a minor foreign national referred to in paragraph 7 of section 3;”.

12. Section 18 of the Regulation is amended by replacing “in paragraph 1 or 2” in the second paragraph by “in paragraph 1, 2 or 4”.

13. Section 19.1 of the Regulation is amended by replacing “in paragraph 1 or 2” by “in paragraph 1, 2 or 4”.

14. Section 22 of the Regulation is amended, in the first paragraph,

(1) by replacing “in paragraph 1 or 2” in the introductory clause by “in paragraph 1, 2 or 4”;

(2) by replacing “in paragraph 1 or 2” in subparagraph 2.1 by “in paragraph 1, 2 or 4”.

15. Section 23 of the Regulation is amended, in the first paragraph,

(1) by replacing “in paragraph 1 or 2” in subparagraph *a* of subparagraph 1 by “in paragraph 1, 2 or 4”;

(2) in subparagraph 3,

(a) by replacing “in paragraph 1 or 2” in subparagraph *a* by “in paragraph 1, 2 or 4”;

(b) by replacing “in paragraph 1 or 3” in subparagraph *b* by “in paragraph 1, 3 or 7”;

(c) by inserting “or 7” after “paragraph 6” in subparagraph *c*.

REGULATION RESPECTING THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

16. The Regulation respecting the basic prescription drug insurance plan (chapter A-29.01, r. 4) is amended by adding the following division before Division I:

“DIVISION 0.1

“ELIGIBILITY FOR THE BASIC PRESCRIPTION DRUG INSURANCE PLAN

“**0.1.** In addition to the persons referred to in section 5 of the Act respecting prescription drug insurance (chapter A-29.01), persons under 18 years of age who are referred to in paragraph 6 or 7 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1) and who are duly registered with the Board in accordance with that Regulation are eligible for the basic prescription drug insurance plan.”

17. Section 7 of the Regulation is amended by adding the following paragraph at the end:

“However, a person referred to in paragraph 4 of section 24 of the Act respecting prescription drug insurance need not provide the information required under subparagraphs 6.1 to 12 of the first paragraph. A person who registers a person to whom this paragraph applies must also specify in which capacity the person is doing so, that is, as father, mother or tutor.”

TRANSITIONAL AND FINAL PROVISIONS

18. Despite sections 4 and 4.5 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec (chapter A-29, r. 1), for the purposes of the Health Insurance Act (chapter A-29), the Act respecting prescription drug insurance (chapter A-29.01) and their regulations, a minor child who, on (*insert the date of assent to this Act*), becomes a resident of Québec within the meaning of section 5 of the Health Insurance Act, as amended by section 1 of this Act, is deemed to have become a resident of Québec on that date.

In addition, despite section 4 of that Regulation, for the purposes of those Acts and regulations,

(1) a minor child who, on (*insert the date of assent to this Act*), becomes referred to in paragraph 7 of section 3 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l’assurance maladie du Québec, enacted by section 9 of this Act, is deemed to have become a temporary resident of Québec on that date;

(2) a minor child who is referred to in paragraph 6 of section 3 of that Regulation and who, on *(insert the date of assent to this Act)*, has not reached the moment as of which the child becomes a temporary resident of Québec under section 4 of that Regulation, becomes a temporary resident of Québec on that date.

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

