

chapter S-4.2, r. 7

Regulation respecting the contribution of users taken in charge by family-type resources or by intermediate resources

Act respecting health services and social services
(chapter S-4.2, ss. 512 to 515).



The amounts prescribed in the Regulation have been indexed as of 1 January 2024. (ss. 1.2, 5; see I.N. 2024-02-15)

O.C. 98-2001; O.C. 1167-2019, s. 2.

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CHAPTER I

GENERAL PROVISION

O.C. 1167-2019, s. 3.

1. Unless otherwise indicated, a reference to “the Regulation” in any section of this Regulation is a reference to the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1).

O.C. 98-2001, s. 1.

CHAPTER II

USERS OF FULL AGE TAKEN IN CHARGE BY FAMILY-TYPE RESOURCES

O.C. 1167-2019, s. 4.

1.1. Where a user of full age taken in charge by a family-type resource has not reached the age of eligibility for the full pension under the Old Age Security Act (R.S.C. 1985, c. O-9), his monthly contribution is equal to the basic benefit, the adjustments and allowances for an independent adult applicable to him under the Individual and Family Assistance Act (chapter A-13.1.1), minus the personal expense allowance referred to in subparagraph 4 of the first paragraph of section 363.3 of the Regulation.

If this user is not receiving any benefit under the Individual and Family Assistance Act, the benefit amount used for the calculation of the contribution referred to in the first paragraph corresponds to the basic benefit amount applicable to an independent adult under the Social Solidarity Program established by that Act, adjusted in accordance with section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1).

O.C. 1167-2019, s. 4; O.C. 1281-2020, s. 2.

1.2. Where a user of full age taken in charge by a family-type resource has reached the age of eligibility for the full pension under the Old Age Security Act (R.S.C. 1985, c. O-9), his monthly contribution is equal to the Old Age Security pension and the maximum guaranteed income supplement payable under that Act, minus the personal expense allowance referred to in subparagraph 4 of the first paragraph of section 363.3 of the Regulation. However, the monthly contribution may not exceed \$1,060.

Notwithstanding the first paragraph, the contribution of a user of full age is determined in accordance with section 1.1 where this user, although he has reached the age of eligibility for the full pension under the Old Age Security Act, is ineligible for a pension under that Act.

The maximum monthly contribution referred to in the first paragraph is indexed, on 1 January of each year, on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9). The amount so indexed is rounded off to the closest dollar.

O.C. 1167-2019, s. 4; O.C. 1281-2020, s. 3; O.C. 1698-2022, s. 4.

1.3. Where the period of taking charge of a user of full age is less than 30 days within a given month, the monthly contribution is prorated to the number of days of presence. For the application of this section, each month is considered to comprise 30 days.

The initial day of taking charge of the user is considered a day of presence, but the day of the user’s departure is not counted. The user’s days of temporary leave are counted in the days of presence.

O.C. 1167-2019, s. 4.

CHAPTER III

USERS TAKEN IN CHARGE BY INTERMEDIATE RESOURCES

O.C. 1167-2019, s. 4.

2. The contribution that may be required from users who are taken in charge by an intermediate resource of a public institution shall be determined in accordance with the rules set out in this chapter.

O.C. 98-2001, s. 2; O.C. 1167-2019, s. 5.

3. *(Revoked).*

O.C. 98-2001, s. 3; O.C. 1134-2021, s. 1.

4. The provisions of chapter II apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age taken in charge by an intermediate resource in the following cases:

(1) the user receives benefits under a financial assistance program provided for in Chapter I, II, V or VI of Title II of the Individual and Family Assistance Act (chapter A-13.1.1);

(2) the intervention plan of the user provides for the reintegration of the user into his natural environment within 2 years of his taking in charge by the intermediate resource;

(3) the user is taken in charge by an intermediate resource referred to in section 1 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

Notwithstanding subparagraph 2 of the first paragraph, the amount of the contribution exigible from a user of full age is determined in accordance with section 5 from first day of the month following the moment the user is taken in charge by an intermediate resource on a continuous basis for 2 years or more.

O.C. 98-2001, s. 4; O.C. 1167-2019, s. 6; O.C. 1797-2022, s. 2.

5. The provisions of sections 361 to 369.1, 373 and 374 of the Regulation and section 1.1 of the Regulation respecting the contribution by users of health and social services institutions (chapter S-4.2, r. 6) apply, with the necessary modifications and subject to the special rules prescribed by this chapter, to determine the amount of the contribution exigible from a user of full age not referred to in the first paragraph of section 4.

The daily sum applicable for the purposes of the monthly billing referred to in section 361 of the Regulation is \$47.18. That amount is indexed at the beginning of each year on 1 January on the basis of the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

O.C. 98-2001, s. 5; O.C. 1167-2019, s. 7; O.C. 1281-2020, s. 4; O.C. 1698-2022, s. 4.

6. For the purposes of this chapter, a user of full age shall not be considered capable of reintegration into his natural life environment if he must be taken in charge by a foster home or an intermediate resource of a public institution or if he must be lodged in a facility maintained by a public or private institution under agreement.

O.C. 98-2001, s. 6; O.C. 1167-2019, s. 8.

7. The contribution is exigible from the first day a user of full age is taken in charge.

Notwithstanding the foregoing, when a user must be taken in charge temporarily for rehabilitation purposes, the contribution becomes exigible after 45 days of taking in charge, except if the attending physician or a specialized nurse practitioner certifies in the user's record that active care is still required and such certification is renewed every 30 days thereafter.

O.C. 98-2001, s. 7; S.Q. 2020, c. 6, s. 85.

8. *(Revoked).*

O.C. 98-2001, s. 8; O.C. 1167-2019, s. 9.

9. The contribution of a user of full age shall be determined by the Minister of Health and Social Services and collected by the public institution via which the user was entrusted to the intermediate resource, or by any other public institution acting on behalf of the former institution.

O.C. 98-2001, s. 9; O.C. 1167-2019, s. 10.

10. *(Revoked).*

O.C. 98-2001, s. 10; O.C. 1167-2019, s. 11.

11. *(Omitted).*

O.C. 98-2001, s. 11.

12. *(Omitted).*

O.C. 98-2001, s. 12.

UPDATES

O.C. 98-2001, 2001 G.O. 2, 1222

S.Q. 2005, c. 32, s. 309

O.C. 1167-2019, 2019 G.O. 2, 3097

O.C. 1281-2020, 2020 G.O. 2, 3234

S.Q. 2020, c. 6, s. 85

O.C. 1134-2021, 2021 G.O. 2, 3465

O.C. 1797-2022, 2022 G.O. 2, 4019

O.C. 1698-2022, 2022 G.O. 2, 3853