



## ACTS IN FORCE

July 25, 2018 up to and including September 18, 2018

### ***MEDICARE PROTECTION AMENDMENT ACT, 2003, S.B.C. 2003, C. 95 (BILL 92)***

Amended: *Medicare Protection Act*, R.S.B.C. 1996, c 286. Consequential amendments made to the: *Community Care and Assisted Living Act*, S.B.C. 2003, c. 75; *Medicare Protection Act*, R.S.B.C. 1996, c. 286

Transitional  
Provisions: None

Statutes  
Repealed: None

Summary: Bill 92 amends the *Medicare Protection Act*.

Section 1 permits the Medical Services Commission (Commission) to make payments and recover debts for payments to persons entitled to refunds or to accept assignments from those persons of the right to seek recovery of the refunds.

Section 2, as it enacts section 15(1)(d) of the *Medicare Protection Act*, except as it enacts the text ", 18.1 " in section 15(1)(d)(i), (ii) and (iii), expands the definition of "cause"; section 18.1 puts limits on direct or extra billing in a diagnostic facility.

Section 3 adds definitions of "another person", "the other person" and "charge another person".

Section 4 prohibits a person from charging another person for a benefit for materials, consultations, procedures, use of an office, clinic or other place or for any other matters that relate to the rendering of a benefit. Section 4 also expressly provides that there is no liability to pay for an amount charged that is not approved under the Act.

Section 5, except as it enacts section 18.1 of the *Medicare Protection Act* regarding diagnostic facilities, restricts direct or extra billing by medical practitioners that are not approved under the Act.

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Section 6, as it enacts sections 19 and 20 of the *Medicare Protection Act*, except as it enacts the text ", 18.1 (3)" in section 20(2) regarding refunds and diagnostic facilities, requires that beneficiaries, and persons who pay for services provided by un-enrolled practitioners are entitled to prior notice of the cost. Section 6 also permits persons to obtain refunds for overpayments of services.

Section 7 repeals a provision regarding persons acting for beneficiaries.

Section 8 permits the Commission to have a debt assigned to it and allows the Commission to recover a debt assigned by legal action or setoff.

Section 12, as it amends section 46 of the *Medicare Protection Act*, except as it enacts the text ", 18.1 (1) or (2)" in section 46 (5.1 ) regarding diagnostic facilities, expands list of offences under the Act and specifies that a person who is convicted of any of these offences added by Bill 92 is liable to a fine of not more than \$10,000, and for a second or subsequent offence to a fine of not more than \$20,000.

Section 15 is a consequential amendment regarding limits on direct or extra billing by a medical practitioner added by section 5 of Bill 92.

Section 2, insofar as that section was not brought into force by section 1(b) of Schedule 1 of B.C. Reg. 178/2018, expands the definition of "cause" regarding section 18.1 of the Act for limits on direct or extra billing in a diagnostic facility.

Section 5, as it enacts section 18.1 of the *Medicare Protection Act*, restricts direct or extra billing by diagnostic facilities that are not approved under the Act.

Section 6, insofar as that section was not brought into force by section 1(e) of Schedule 1 of B.C. Reg. 178/2018, requires that persons are able to obtain refunds for overpayments of services provided by diagnostic facilities.

Section 9 repeals the provision regarding the requirement that a practitioner must not knowingly refer a beneficiary to a diagnostic facility that is not approved unless he or she first notifies the beneficiary that services performed in the diagnostic facility are not benefits in respect of which payment will be made under the Act.

Section 12, insofar as that section was not brought into force by section 1(g) of Schedule 1 of B.C. Reg. 178/2018, makes it an offence to breach the provisions which set limits on direct or extra billing in diagnostic facilities.

In Force: Section 1, section 2, as it enacts section 15(1)(d) of the *Medicare Protection Act*, except as it enacts the text ", 18.1 " in section 15(1)(d)(i), (ii) and (iii), sections 3 and 4, section 5, except as it enacts section 18.1 of the *Medicare Protection Act*, section 6, as it enacts sections 19 and 20 of the *Medicare Protection Act*, except as it enacts the text", 18.1 (3)" in section 20(2), sections 7 and 8, section 12, as it amends section 46 of the *Medicare Protection Act*, except as it enacts the text ", 18.1 (l) or (2)" in section 46 (5.1 ) and section 15 are in force October 1, 2018.

Section 2, insofar as that section was not brought into force by section 1(b) of Schedule 1 of B.C. Reg. 178/2018, section 5, as it enacts section 18.1 of the *Medicare Protection Act*, section 6, insofar as that section was not brought into force by section 1(e) of Schedule 1 of B.C. Reg. 178/2018, section 9 and section 12, insofar as that section was not brought into force by section 1(g) of Schedule 1 of B.C. Reg. 178/2018. are in force April 1, 2019

See related regulations under the *Medicare Protection Amendment Act, 2003*

END