

---

**MEDICARE PROTECTION AMENDMENT ACT, 2019****CHAPTER 8***Assented to May 16, 2019*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1** *Section 1 of the Medicare Protection Act, R.S.B.C. 1996, c. 286, is amended by repealing the definition of “premium”.*
- 2** *Sections 5 (1) (b), 7.2 (5), 8 to 8.2, 32, 36 (12), 46 (3) and 51 (2) (c.2) to (d) are repealed.*
- 3** *Section 5 (1) (i) is amended by striking out “premium assistance” and substituting “additional benefits or services”.*
- 4** *Section 7.4 is amended by adding the following subsection:*
  - (2.1) Before making a cancellation under subsection (1) (b) or (c), the commission must notify the beneficiary in a manner the beneficiary can understand
    - (a) of the commission’s intention to proceed,
    - (b) of the circumstances giving rise to the commission’s intended action,
    - (c) that the beneficiary has the right to a hearing, to be requested by the beneficiary within 21 days from the date that the notice was delivered, and to appear in person, with or without legal counsel, at the hearing, and
    - (d) that if the beneficiary does not request a hearing or appear at the hearing, an order may be made in the beneficiary’s absence.
- 5** *Section 11 (4) is amended by striking out “or a cancellation under section 7.4 (1) (b) or (c),”.*
- 6** *Sections 11 (4) (c), 15 (3) (c), 33 (5) (c) and 37 (2) (c) are amended by striking out “appear in person or with legal counsel” and substituting “appear in person, with or without legal counsel,”.*
- 7** *Section 36 (6), (7) and (8) (a) is amended by striking out “or (12)” wherever it appears.*
- 8** *Section 49 (2) (b) (ii) and (c) (ii) is amended by adding “of this Act or section 11 (1) (d) of the Medicare Protection Amendment Act, 2019” after “section 36”.*

### Transitional Provisions

#### Transition – interpretation

- 9** (1) In this section and in sections 10 to 12 of this Act, “**premium**” means an amount owing under section 7.2 (5) of the *Medicare Protection Act* as a premium for a period described in section 8 (4) of that Act that ended on or before December 31, 2019.
- (2) A reference in this section and in sections 10 to 12 of this Act to a provision of the *Medicare Protection Act* or to the Medical and Health Care Services Regulation must be read as a reference to the provision as it read on December 31, 2019.

#### Transition – premiums and interest remain payable

- 10** (1) If a person is liable to pay to the commission an amount in respect of a premium,
- (a) that liability continues and the person must pay to the commission the amount of
    - (i) the premium, and
    - (ii) interest accruing from the date that the amount of the premium was owing to the date that the amount of the premium is paid, at the rate prescribed for the purposes of section 20 of the *Financial Administration Act*, and
  - (b) the commission may
    - (i) receive payment of the amount of the premium and interest,
    - (ii) determine whether the person met, for the period for which the premium was owing, the requirements established for premium assistance, and
    - (iii) recover the amount of the premium and interest as a debt owing to the commission.
- (2) Despite the repeal of sections 8 (1) to (3), 8.2 and 51 (2) (c.2), (c.4) and (d) of the *Medicare Protection Act*, the following provisions continue to apply for the purposes of this section:
- (a) section 8.2 of the *Medicare Protection Act*;
  - (b) sections 7.6, 8, 8.1 and 10 to 14 of the Medical and Health Care Services Regulation.

#### Transition – agreements remain in force

- 11** (1) If a person is required under an agreement made under section 32 of the *Medicare Protection Act* to pay all or part of another person’s premiums or to collect premiums from another person for remission to the commission,
- (a) the agreement continues to have force and effect until terminated in accordance with its terms,

- (b) the person must make payments or remit amounts to the commission in accordance with the terms of the agreement and in the manner and at the times specified by the commission,
  - (c) the person must, if requested by the commission, collect and remit to the commission arrears and applicable interest on those arrears, including arrears arising before the making of the agreement,
  - (d) the person may be audited by an inspector appointed under section 36 (2) of the *Medicare Protection Act*, and
  - (e) the person commits an offence if the person fails to pay or to collect and remit amounts as required.
- (2) Section 36 (6) to (10) of the *Medicare Protection Act* applies for the purposes of an audit under subsection (1) (d) of this section.
- (3) Despite the repeal of sections 32 (2) to (6) and 36 (12) of the *Medicare Protection Act*, those sections continue to apply for the purposes of this section.

**Transition – commission may refund amounts**

- 12** Despite the repeal of section 8 (5) of the *Medicare Protection Act*, that provision continues to apply for the purposes of authorizing the commission to refund to a person all or part of an amount paid by the person in respect of a premium.

**Consequential Amendment***Financial Administration Act*

- 13** *Section 16.1 (3) (j) of the Financial Administration Act, R.S.B.C. 1996, c. 138, is repealed and the following substituted:*

- (j) information given by a debtor to the government for the purpose of receiving any of the following:
  - (i) income assistance;
  - (ii) assistance with the payment of premiums within the meaning of section 9 (1) of the *Medicare Protection Amendment Act, 2019*;
  - (iii) supplemental services within the meaning of a regulation made under section 51 (2) (b) of the *Medicare Protection Act*;
  - (iv) support services;
  - (v) a loan, credit or benefit; .

**Commencement**

- 14** This Act comes into force on January 1, 2020.