

**CLASS ACTION REGARDING THE BILLING OF ACCESSORY FEES FOR INSURED
MEDICAL AND OPTOMETRIC SERVICES IN PRIVATE CLINICS**

NOTICE OF AUTHORIZATION

The Superior Court has authorized Daniel Raunet and Colombe Gagnon, the representative plaintiffs, to institute a class action against the Attorney General of Québec (for the Minister of Health and Social Services - "**MSSS**"), the *Régie de l'assurance-maladie du Québec* ("**RAMQ**"), and the *Fédération des médecins spécialistes du Québec*, the *Fédération des médecins omnipraticiens du Québec* and the *Association des optométristes du Québec* ("**Federations**"), regarding the billing of accessory fees for medical and optometric services insured by the RAMQ. This class action bears file number 500-06-000793-162.

CLASS MEMBERS

The criteria for membership in the class action are the following:

- You have paid accessory fees related to an insured service received from a physician or an optometrist;
- These fees were paid between June 2, 2013, and January 26, 2017; **AND**
- This amount does not correspond to accessory fees paid for drugs or anesthetic agents that exceed their cost; persons who paid such fees form a separate group in the class action *Philippe Léveillé v. Procureur général du Québec* (500-06-000695-144).

If you meet these criteria, depending on the final judgment in the case, you may be entitled to compensation for the accessory fees you were charged.

Class counsel's fees will be paid based on a percentage of the compensation awarded to class members that is approved by the Court, but only if the case is successful.

YOU CAN OPT OUT OF THIS CLASS ACTION UNTIL FEBRUARY 14, 2025

If you do nothing, you will automatically become a class member and be bound by any judgment rendered in this class action.

If you do not wish to participate, you must exclude yourself from the group by opting out. You will not be entitled to any compensation in the event of a favorable outcome to the class action.

To opt out, send a letter to the Superior Court clerk's office, with a copy to the lawyers representing Mr. Raunet and Ms. Gagnon, indicating the file number 500-06-000793-162:

Office of the Clerk of the Superior Court
Montreal Courthouse
1 Notre-Dame Street East
Montreal, QC H2Y 1B6

Trudel Johnston & Lespérance
90-750 Côte de la Place d'Armes
Montreal, QC H2Y 2X8

NEXT STEPS

The authorization judgment is an initial step that allows the class action to begin. It does not determine the defendants' liability. The defendants will be able to raise their defenses at trial.

Following such trial, which will take place in the Montreal Division, the Superior Court will decide whether one or more of the defendants must compensate the class members, and, if so, what the amount of compensation should be.

To do so, the trial judge must answer several questions and conclusions sought, which have already been determined by the Court in its authorization judgment. These questions and conclusions can be found in Appendix A.

YOU CAN ASK TO INTERVENE

A class member may apply to the Court to intervene in the class action. The Court will authorize such intervention if it deems it useful to the members.

FOR MORE INFORMATION

If you would like to receive information on the progress of the case, subscribe to the newsletter of the lawyers for the plaintiffs by filling out the online form at: <https://tjl.quebec/en/class-actions/additional-costs-for-medical-procedures-covered-by-the-ramq/>.

WARNING! Your subscription to the newsletter is not a claim. If the class action is successful, you will have to file a claim according to the procedure determined by the Court.

Counsel for plaintiffs and class members are:

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APPENDIX A

QUESTIONS AND CONCLUSIONS AUTHORIZED BY THE COURT

Questions authorized by the Court:

- Have group members paid illegal fees in connection with services insured under Article 3 of the *Health Insurance Act*?
- Did the MSSS and the RAMQ commit civil faults by tolerating or permitting such illegal billing?
- Did the Federations commit civil faults by inciting their members to violate the law by illegally charging fees for insured services or by authorizing third parties to do so?
- If so, are the respondents (excluding the RAMQ) solidarily required to pay each class member an amount equivalent to the amount illegally billed, plus legal interest and the additional indemnity provided for in article 1619 C.c.Q.?
- Should collective recovery be ordered?
- Are class members entitled to punitive damages?

Conclusions sought authorized by the Court:

GRANT the class action;

CONDEMN solidarily the defendants (except the Régie de l'assurance maladie du Québec) to pay each member of the group a sum equivalent to the amount illegally billed, as well as legal interest and the additional indemnity provided for in article 1619 C.c.Q., and **ORDER** the collective recovery of these sums;

CONDEMN the defendants to pay punitive damages to the members and **ORDER** the collective recovery of these sums;

ORDER the defendants to deposit with the Office of the Clerk of this Court all sums subject to a collective recovery order, together with interest and additional indemnity;

TAKE any other measures the Court deems appropriate and necessary to safeguard the rights of the parties;

THE WHOLE with legal costs, including expert fees and opinions.