

# *The Cancer Agency Act*

*being*

Chapter C-1.1 of *The Statutes of Saskatchewan, 2006* (January 2, 2007) as amended by the *Statutes of Saskatchewan, 2009, c. 32; 2010, c.N-5.2; 2016, c.12; and 2017, c.P-30.3.*

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER C-1.1

An Act respecting the Provision of Cancer Control Services and the Cancer Agency and to make consequential amendments to other Acts

### PART I Short Title and Interpretation

#### Short title

1 This Act may be cited as *The Cancer Agency Act*.

#### Interpretation

2 In this Act:

- (a) **“agency”** means the Saskatchewan Cancer Agency continued pursuant to section 3;
- (b) **“cancer control services”** means services provided by the agency that are mentioned in section 9;
- (c) **“chairperson”** means the chairperson of the agency designated pursuant to subsection 4(10);
- (d) **Repealed.** 2016, c 12, s.4.
- (e) **“fiscal year”** means the period that commences on April 1 in one year and ends on March 31 in the following year;
- (f) **“health care organization”** means:
  - (i) an affiliate as defined in *The Provincial Health Authority Act*; or
  - (ii) a prescribed person that receives funding from the provincial health authority to provide health services;
- (g) **“member”** means a member of the agency appointed in accordance with section 4;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h.1) **“ministry”** means the ministry over which the minister presides;
- (i) **“prescribed”** means prescribed in the regulations;
- (i.1) **“provincial health authority”** means the provincial health authority continued pursuant to *The Provincial Health Authority Act*;
- (j) **Repealed.** 2017, c P-30.3, s.11-3.

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(k) “**registry**” means the cancer registry continued pursuant to subsection 12(1);

(l) “**reportable cancer**” means a prescribed cancer;

(m) “**vice-chairperson**” means the vice-chairperson for the agency designated pursuant to subsection 4(10).

2006, c.C-1.1, s.2; 2016, c 12, s.4; 2017, c P-30.3, s.11-3; 2017, cP-30.3, s.11-1 and 11-3.

## PART II Cancer Agency

### Agency continued

**3** The Saskatchewan Cancer Foundation established pursuant to *The Cancer Foundation Act*, as that Act existed before the coming into force of this Act, is continued as a corporation under the name of the Saskatchewan Cancer Agency.

2006, c.C-1.1, s.3.

### Status and composition of agency

4(1) The agency is a not-for-profit corporation.

(2) *The Financial Administration Act, 1993* does not apply to the agency.

(3) Subject to subsection (6), the agency consists of not more than 12 members appointed by the Lieutenant Governor in Council.

(4) The members constitute the board of the agency.

(5) The board is responsible for administering the affairs and conducting the business of the agency.

(6) Members appointed pursuant to subsection (3) shall meet any qualifications prescribed for members of the provincial health authority pursuant to *The Provincial Health Authority Act* and the regulations made pursuant to that Act, and that Act and those regulations apply, with any necessary modification, to members of the agency.

(7) Each member of the agency is appointed at pleasure and holds office for a term of not more than three years and thereafter until the member is reappointed or a successor is appointed.

(8) If a member of the agency dies or resigns, the person ceases to be a member on the date of death or on the day on which the resignation is received by the minister, as the case may be.

- (9) If the office of a person appointed pursuant to subsection (3) becomes vacant, the Lieutenant Governor in Council may:
- (a) appoint a person for the remainder of the term of the person who vacated the office; or
  - (b) appoint a person for the term mentioned in subsection (7).
- (10) The Lieutenant Governor in Council shall designate one of the members of the agency as chairperson and another member as vice-chairperson.
- (11) The chairperson shall preside over meetings of the agency.
- (12) If the chairperson is absent or otherwise unable to act or if the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.
- (13) In the absence of the chairperson or vice-chairperson, the members of the agency who are present at a meeting and who constitute a quorum may designate one of their number to act as the chairperson, and that member may exercise all the powers and must perform all the duties of the chairperson.
- (14) A majority of the members of the agency constitutes a quorum.
- (15) No proceedings, decisions or actions of the agency are void, voidable or subject to challenge by reason only of a defect in the appointment of a member.

2006, c.C-1.1, s.4; 2017, c P-30.3 Table 1.

**Disqualification of members**

- 5(1) A member is disqualified from holding office as a member if:
- (a) the member fails to meet or ceases to meet any prescribed qualification mentioned in subsection 4(6); or
  - (b) the member absents himself or herself from three or more consecutive meetings of the board without the authorization of the board.
- (2) If the agency becomes aware that a member is disqualified from holding office, the agency shall notify the minister.
- (3) If the minister has received a notice pursuant to subsection (2) or is of the opinion that a member is disqualified from holding office:
- (a) the minister may recommend to the Lieutenant Governor in Council that the appointment of the member be terminated; and
  - (b) the Lieutenant Governor in Council, on the recommendation of the minister, shall terminate the appointment of the member.
- (4) The office of a member is not vacated, and the member is not prevented from voting or acting as a member, until the appointment of the member is terminated.

2006, c.C-1.1, s.5.

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**Vacancy on agency's board does not impair acts of remaining members**

**6** A vacancy in the membership does not impair the power of remaining members to act.

2006, c.C-1.1, s.6.

**Remuneration of members**

**7(1)** The Lieutenant Governor in Council may determine the maximum rates for the remuneration and reimbursement for expenses that may be paid to members.

**(2)** The agency may, by resolution, determine rates, not exceeding the maximum rates determined pursuant to subsection (1), for the remuneration and reimbursement for expenses that may be paid to members.

**(3)** The remuneration and reimbursement for expenses of members are to be paid from the funds of the agency.

**(4)** No member shall directly or indirectly receive any profit or personal financial benefit from the position of member other than the remuneration and reimbursement for expenses that are authorized pursuant to this section.

2006, c.C-1.1, s.7.

**Employment of chief executive officer**

**8** The agency and its chief executive officer shall comply with sections 4-7 and 4-8 of *The Provincial Health Authority Act*, and sections 4-7 and 4-8 of that Act apply, with any necessary modification, to:

- (a) the agency and its chief executive officer; and
- (b) any contract entered into before, on or after the coming into force of this Act between the agency and its chief executive officer.

2006, c.C-1.1, s.8; 2017, c P-30.3, s.11-3.

## PART III

**Responsibilities and Powers of Agency****Responsibility for cancer control services**

**9(1)** Subject to *The Provincial Health Authority Act*, the agency is responsible for the planning, organization, delivery and evaluation of cancer control services throughout Saskatchewan in collaboration with:

- (a) the provincial health authority; and
- (b) health care organizations.

(2) For the purposes of this Act and *The Provincial Health Authority Act*, the agency is responsible for providing:

- (a) services respecting:
  - (i) the detection, diagnosis, testing, treatment and monitoring of individuals, including follow-up care, performance outcome analysis and assessment of treatment outcomes;
  - (ii) the provision and delivery of treatment, rehabilitation or palliation services to individuals;
  - (iii) the education of health care providers and Saskatchewan residents respecting cancer and the prevention of cancer;
  - (iv) the prevention of, and screening of individuals for, cancers;
  - (v) cancer research and studies, including statistical analysis; and
  - (vi) any other prescribed matter; and
- (b) any prescribed services in addition to those mentioned in clause (a).

(3) Subject to *The Provincial Health Authority Act*, in carrying out its responsibilities pursuant to this section, the agency shall:

- (a) assess the cancer control and health care needs of the persons to whom the agency provides cancer control services;
- (b) provide the cancer control services that the minister, pursuant to this Act or *The Regional Health Services Act*, determines that the agency is to provide;
- (c) co-ordinate the cancer control services it provides with health services, as defined in *The Regional Health Services Act*, provided by regional health authorities and other providers of health services;
- (d) evaluate the cancer control services that are provided in Saskatchewan;
- (e) establish provincial protocols and standards for cancer control services;
- (f) educate health care providers in the prevention, diagnosis, treatment and post-treatment of persons at risk of cancer or diagnosed with cancer;
- (g) promote and encourage health and wellness;
- (h) serve as an information management service provider, as defined in *The Health Information Protection Act*, for other trustees, as defined in that Act;
- (i) do any other things that the minister may direct; and
- (j) carry out any other prescribed responsibilities.

(4) The agency shall comply with this Act, the regulations, *The Provincial Health Authority Act* and the regulations made pursuant to that Act.

**Administrative powers**

**10(1)** For the purpose of carrying out its responsibilities pursuant to section 9, the agency may exercise any of the powers that it is given pursuant to *The Provincial Health Authority Act*, subject to any limitations set out in that Act.

(2) In carrying out its responsibilities pursuant to section 9, the agency shall fulfil any responsibilities that are imposed on the agency pursuant to *The Provincial Health Authority Act*.

(3) The agency shall comply with any standards that are applicable to cancer control services or other services that are prescribed in the regulations or in the regulations made pursuant to *The Provincial Health Authority Act*.

(4) **Repealed.** 2016, c 12, s.6.

2006, c.C-1.1, s.10; 2016, c 12, s.6; 2017, c P-30.3, s.11-1.

## PART IV Cancer Registry

**Interpretation and application of Part**

**11(1)** In this Part and in section 20:

(a) **“de-identified personal health information”** means de-identified personal health information as defined in *The Health Information Protection Act*;

(b) **“personal health information”** means personal health information as defined in *The Health Information Protection Act*.

(2) This Part and the regulations made for the purposes of the registry apply only to information that is personal health information collected, used and disclosed by the agency pursuant to this Part.

(3) This Part and the regulations made for the purposes of the registry do not apply to de-identified personal health information that cannot reasonably be expected, either by itself or when combined with other information available to the person who receives it, to enable the subject individuals to be identified.

(4) Nothing in this Part prohibits the agency from:

(a) collecting information that is not governed by this Part and that the agency considers necessary for the purposes of fulfilling its responsibilities; and

(b) establishing and maintaining databases for recording and using the information mentioned in clause (a).

2006, c.C-1.1, s.11.

**Cancer registry continued**

12(1) The register maintained pursuant to section 15 of *The Cancer Foundation Act*, as that Act existed on the day before the coming into force of this Act, is continued as the cancer registry.

(2) Subject to the regulations, the agency shall maintain the registry.

(3) The registry is to contain the information collected pursuant to this Part.

2006, c.C-1.1, s.12.

**Collection of information**

13(1) The agency may collect the following information:

(a) information concerning a reportable cancer that is required by section 16 to be reported to the agency, including information respecting:

(i) the reportable cancer or any previous reportable cancer the individual may have been diagnosed with, treated for or tested for and the stage to which the cancer has progressed; and

(ii) the diagnosis, treatment or test;

(b) information respecting individuals who have been diagnosed with and treated and tested for a reportable cancer outside Saskatchewan and who are residents of Saskatchewan or who have established their residency in Saskatchewan after the diagnosis, treatment or test, including the information mentioned in subclauses (a)(i) and (ii);

(c) information respecting individuals who receive services from the agency for a medical condition or disease whether or not those individuals have a reportable cancer;

(d) prescribed demographic information respecting the individuals mentioned in clauses (a) to (c), including the health services numbers of those individuals;

(e) information respecting the metastasis of any tumour, tumour markers or other information with respect to a body part or substance involving an individual mentioned in clauses (a) to (c);

(f) information respecting the physical health of an individual mentioned in clauses (a) to (c), including details of any services provided by the agency to the individual;

(g) information maintained pursuant to *The Vital Statistics Act, 2009* or any other similar Act or Act of the Parliament of Canada or of another province or territory of Canada respecting the death and cause of death of an individual mentioned in clauses (a) to (c);

(h) any other prescribed information.

(2) The agency may collect the information mentioned in subsection (1) about an individual whether or not the individual is alive.

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(3) The agency shall collect, use or disclose only the personal health information that is reasonably necessary for the purpose for which it is being collected, used or disclosed.

(4) Subject to the regulations, the agency may continue to collect the information authorized pursuant to subsection (1) respecting an individual after services have ceased to be provided by the agency to the individual or after the individual no longer has a reportable cancer if:

- (a) the agency considers it necessary for any of the purposes mentioned in subsection 14(1); and
- (b) the information is required:
  - (i) for follow-up care to the individual;
  - (ii) to analyse the outcome or performance of diagnosis, treatment or testing;
  - (iii) to assess treatment or testing methods; or
  - (iv) to conduct research.

2006, c.C-1.1, s.13; 2009, c.32, s.2; 2016, c.12, s.7.

**Use of information in registry**

14(1) Subject to *The Health Information Protection Act* and the regulations, the agency may use information in the registry for the following purposes:

- (a) to assess and improve the standards of diagnosis, treatment and care provided to cancer patients;
  - (b) to assist in the diagnosis, treatment and care of the individual to whom the information relates;
  - (c) to assist in the delivery of cancer prevention and screening programs for Saskatchewan residents;
  - (d) to plan, deliver, evaluate or monitor the services provided by the agency;
  - (e) to compile statistics on cancer;
  - (f) to undertake and conduct research;
  - (g) to undertake any other prescribed use or to achieve any other prescribed purpose.
- (2) The agency must, where practicable, use or disclose only de-identified personal health information if it will serve the purpose.
- (3) The agency may compile, publish and distribute any statistical information for the purposes of fulfilling its responsibilities and exercising its powers pursuant to this Act.

2006, c.C-1.1, s.14.

**Disclosure of information in registry**

**15** The agency may disclose information in the registry for any of the following purposes without the consent of the individual to whom the information relates:

- (a) for any purpose authorized by *The Health Information Protection Act*;
- (b) pursuant to an agreement between the agency and the Government of Canada or any of its agencies, the government of another province or territory of Canada or any of its agencies or a person in another province or territory of Canada that has responsibilities and powers similar to those of the agency for a purpose mentioned in section 14;
- (c) for any other prescribed purpose to any other prescribed person.

2006, c.C-1.1, s.15; 2016, c.12, s.8.

**Duty and power to report**

**16(1)** The following persons who know or have reason to believe that an individual has a reportable cancer and whose knowledge or reasonable belief about the individual arises from a professional relationship with that individual or from providing a health service, as defined in *The Provincial Health Authority Act*, shall provide the agency with the prescribed information respecting that individual and the reportable cancer:

- (a) a physician licensed pursuant to *The Medical Profession Act, 1981*;
- (b) a dentist licensed pursuant to *The Dental Disciplines Act*;
- (c) the provincial health authority;
- (d) the Athabasca Health Authority;
- (e) a health care organization;
- (f) a laboratory licensed pursuant to *The Medical Laboratory Licensing Act, 1994*;
- (g) any other prescribed person or member of a prescribed class of persons.

(1.1) If the minister knows or has reason to believe that an individual has a reportable cancer and that knowledge or reasonable belief about the individual arises from the provision of health services by the ministry, the minister shall provide the agency with the prescribed information respecting that individual and the reportable cancer.

(2) If the agency requests information from a person mentioned in clauses (1)(a) to (g) or subsection (1.1) respecting an individual previously reported to the agency, the person shall provide the information that is requested.

(3) The information mentioned in subsections (1), (1.1) and (2) must be provided in the prescribed time, form and manner.

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(4) A person mentioned in clauses (1)(a) to (g) may disclose to the agency any information that the agency requires for the purposes set out in subsection 13(4) respecting an individual who no longer has a reportable cancer or who no longer receives cancer control services from the agency.

(5) No action or other proceeding lies or shall be commenced against the agency or any person mentioned in clauses (1)(a) to (g) or subsection (1.1) for providing any information mentioned in this section or with respect to any information that is provided in accordance with subsection (1) or (1.1).

2006, c.C-1.1, s.16; 2016, c.12, s.9; 2017, c.P-30.3, s.11-1.

## PART V Governance

**Annual report and audit**

**17** The agency shall comply with sections 7-5 and 7-7 of *The Provincial Health Authority Act* and those sections apply, with any necessary modification, to the agency.

2006, c.C-1.1, s.17; 2017, c.P-30.3, s.11-3.

**Public administrator**

**18(1)** In accordance with *The Provincial Health Authority Act*, the Lieutenant Governor in Council may, at any time, appoint a public administrator to manage the affairs of the agency.

(2) The provisions of *The Provincial Health Authority Act* respecting the appointment of a public administrator apply, with any necessary modification, to the agency.

2006, c.C-1.1, s.18; 2017, c.P-30.3, s.11-1.

## PART VI General

**Property exempt from taxation**

**19(1)** The land, buildings and improvements owned and operated by the agency that are used by the employees of the agency in connection with the activities of the agency are exempt from taxation pursuant to *The Municipalities Act*, *The Cities Act*, *The Northern Municipalities Act, 2010*, *The City of Lloydminster Act* and *The Education Act, 1995*.

(2) Subsection (1) does not apply to doctors' residences, nurses' residences or vacant land.

2006, c.C-1.1, s.19; 2010, c.N-5.2, s.449.

**Regulations**

**20** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) generally governing the activities and affairs of the agency;
- (c) for the purposes of clause 2(l), prescribing cancers as reportable cancers;
- (d) for the purposes of subclause 9(2)(a)(vi), prescribing matters with respect to which the agency shall provide cancer control services;
- (e) for the purposes of clause 9(2)(b), prescribing other services as cancer control services;
- (f) for the purposes of clause 9(3)(j), prescribing responsibilities of the agency;
- (g) for the purposes of Part IV:
  - (i) prescribing information that the agency may collect for the registry;
  - (ii) prescribing information respecting a diagnosis or treatment of a reportable cancer that the agency may collect;
  - (iii) prescribing persons or classes of persons who are required to provide information to the agency;
  - (iv) prescribing the time, form and method of providing information to the agency;
  - (v) respecting the collection, use and disclosure of information in the registry, including:
    - (A) prescribing purposes for which information in the registry may be collected, used or disclosed; and
    - (B) prescribing persons to whom the agency may disclose information in the registry without the consent of the individual to whom the information relates;
  - (vi) respecting any other matter involving the registry or information in the registry that the Lieutenant Governor in Council considers appropriate or necessary;
- (h) respecting the processing, storing, archiving, destroying or using, in any manner, of information by the agency in its role as an information management service provider as defined in *The Health Information Protection Act*;
- (i) establishing eligibility requirements for persons to receive cancer control services or other services from the agency;
- (j) prescribing and governing the standards to be met by the agency in the provision of cancer control services or other services;
- (k) respecting the monitoring and enforcement of standards and other requirements established pursuant to this Act or the regulations;

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- (l) with respect to any matter regulated pursuant to this Act:
  - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
  - (ii) amending for the purposes of this Act or the regulations a code or standard adopted pursuant to subclause (i);
  - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i);
- (m) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (n) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2006, c.C-1.1, s.20; 2016, c.12, s.10.

**Application of various Acts to employees of agency**

**21** *The Public Service Superannuation Act, The Superannuation (Supplementary Provisions) Act and The Public Employees Pension Plan Act* apply, with any necessary modification, to employees of the agency.

2006, c.C-1.1, s.21.

## PART VII

**Repeal, Transitional and Consequential Amendments****S.S. 1979, c.C-2.1 repealed**

**22** *The Cancer Foundation Act* is repealed.

2006, c.C-1.1, s.22.

**Transitional**

**23** A reference in any Act, regulation, order, bylaw, contract or other document to the Saskatchewan Cancer Foundation is deemed to be a reference to the agency.

2006, c.C-1.1, s.23.

**S.S. 1984-85-86, B-7.1, section 2 amended**

**24** Subclause 2(1)(d)(iv) of *The Builders' Lien Act* is repealed and the following substituted:

“(iv) the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*”.

2006, c.C-1.1, s.24.

S.S. 1991, c.C-50.11, section 2 amended

**25 Clause 2(e) of *The Crown Employment Contracts Act* is amended in the portion following subclause (iv) by striking out “Saskatchewan Cancer Foundation established pursuant to *The Cancer Foundation Act*” and substituting “Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*”.**

2006, c.C-1.1, s.25.

S.S. 1999, c.H-0.021, section 4 amended

**26 Clause 4(4)(c) of *The Health Information Protection Act* is repealed.**

2006, c.C-1.1, s.26.

S.S. 1989-90, c.P-6.01, section 2 amended

**27 Subclause 2(e)(vii) of *The Personal Care Homes Act* is repealed and the following substituted:**

“(vii) that is a facility used by the cancer agency continued pursuant to *The Cancer Agency Act*”.

2006, c.C-1.1, s.27.

S.S. 1996, c.P-36.2, section 3 amended

**28 Subclause 3(4)(a)(iv) of *The Public Employees Pension Plan Act* is amended by striking out “Saskatchewan Cancer Foundation” and substituting “Saskatchewan Cancer Agency”.**

2006, c.C-1.1, s.28.

R.S.S. 1978, c.S-29, section 37 amended

**29 Clause 37(1)(h) of *The Saskatchewan Medical Care Insurance Act* is repealed and the following substituted:**

“(h) to the Saskatchewan Cancer Agency for any purpose relating to the administration of *The Cancer Agency Act*”.

2006, c.C-1.1, s.29.

## PART VIII Coming into Force

**Coming into force**

**30 This Act comes into force on proclamation.**

2006, c.C-1.1, s.30.

