

1995

CHAPTER 10

An Act to amend Certain Health Statutes

(Assented to April 28, 1995)

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

Short title

1 This Act may be cited as *The Health Statutes (Miscellaneous) Amendment Act, 1995*.

R.S.S. 1978, c.D-17 amended

2(1) *The Department of Health Act* is amended in the manner set forth in this section.

(2) **Section 17 is amended by adding the following clause after clause (e):**

“(f) for the purposes of section 19, prescribing services as health services and governing the calculation of the cost of health services”.

(3) **The following section is added after section 18:**

“Liability of certain third parties and insurers

19(1) In this section:

(a) ‘**beneficiary**’ means a beneficiary within the meaning of *The Saskatchewan Medical Care Insurance Act*;

(b) ‘**health services**’ means:

(i) insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*;

(ii) inpatient services or outpatient services provided in a hospital or any other health facility;

(iii) services provided pursuant to section 10 that a physical therapist is authorized to provide; or

(iv) any other services prescribed in the regulations.

(2) Where, as a result of the negligence or other wrongful act of any other person, a beneficiary suffers personal injuries for which the beneficiary receives health services, the beneficiary has the same right to recover the cost of those services from the person guilty of the negligence or other wrongful act as the beneficiary would have had if he or she had been required to pay for the health services.

(3) On the provision of health services to a beneficiary mentioned in subsection (2), the minister shall be subrogated to all rights of recovery of the beneficiary from any person with respect to the cost of those health services and may bring an action in the name of the beneficiary to enforce those rights.

(4) Nothing in subsection (2) or (3) restricts the right of the beneficiary to recover any sum with respect to the personal injuries in addition to the cost of health services received by the beneficiary.

(5) Where a beneficiary brings an action to recover any sum with respect to the personal injuries mentioned in subsection (4), the beneficiary shall, on behalf of the minister, include in his or her claim a claim for the cost of health services received by the beneficiary.

(6) Except with the written consent of the minister, no action mentioned in subsection (5) shall be settled without provision being made for payment in full of the cost of health services received by the beneficiary.

(7) The cost of health services received by a beneficiary shall be determined in accordance with the following:

(a) where the health service is an insured service within the meaning of *The Saskatchewan Medical Care Insurance Act*, the cost of the health service is equal to the amount to be paid for that type of service as set out in the regulations made pursuant to that Act;

(b) subject to clause (c), where the health service is an inpatient service or an outpatient service provided to the beneficiary in a hospital or other health facility, the cost of the health service is to be calculated on the basis of the daily rate for that type of service set by the department for the purpose of charging other provinces or territories of Canada for the provision of that service to residents of those provinces or territories while they are in Saskatchewan;

- (c) where the health service is provided outside a hospital by a physical therapist who is under contract to, or is an employee of, the department or a district health board within the meaning of *The Health Districts Act*, the cost of the health service is to be calculated on the basis of the rate for that type of service set by the department; or
- (d) where the health service is a service that is prescribed in the regulations, the cost of the health service is to be calculated in the manner set out in the regulations.
- (8) On recovering all or any part of the cost of health services received by the beneficiary, the beneficiary shall immediately pay the amount recovered to the minister.
- (9) The minister may bear the proportion of the taxable costs payable by a beneficiary conducting an action mentioned in this section that bears the same ratio to the total of those costs as the amount claimed on behalf of the minister bears to the total amount claimed, but the portion of the taxable costs borne by the minister shall not exceed 50% of the amount claimed on the minister's behalf.
- (10) An insurer who is liable to indemnify the person guilty of the negligence or other wrongful act mentioned in subsection (2) shall pay to the minister the lesser of:
- (a) the amount for which the insurer is liable; and
 - (b) the cost of the health services received by the beneficiary.
- (11) A payment to the minister pursuant to subsection (10) shall, to the extent of the amount paid, discharge the liability of the insurer to the person guilty of the negligence or other wrongful act mentioned in subsection (2).
- (12) Notwithstanding anything in *The Automobile Accident Insurance Act*, where a beneficiary mentioned in subsection (2) receives benefits pursuant to Part VIII of that Act, the insurer within the meaning of that Act shall pay to the minister the cost of health services received by the beneficiary determined in accordance with subsection (7), unless the minister agrees otherwise".

R.S.S. 1978, c.S-23, section 26 repealed

3 Section 26 of *The Saskatchewan Hospitalization Act* is repealed.

R.S.S. 1978, c.S-29, section 32.2 repealed

4 Section 32.2 of *The Saskatchewan Medical Care Insurance Act* is repealed.

Coming into force

5 This Act comes into force on assent.