

1996

CHAPTER 47

An Act to amend *The Health Districts Act*, to repeal
The Union Hospital Act and *The Lloydminster Hospital Act, 1948*
and to make consequential amendments to other Acts

(Assented to June 25, 1996)

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 Districts Amendment Act, 1996*.

S.S. 1993, c.H-0.01 amended

2 *The Health Districts Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing clause (a) and substituting the following:

“(a) `affiliate' means a person prescribed as an affiliate who:

(i) operates a facility; and

(ii) receives funding to operate the facility from a district health board;

“(a.1) `ambulance board' means a board as defined in *The Ambulance Act*”;

(b) by repealing clause (c) and substituting the following:

“(c) `chairperson' means a chairperson for a district health board designated or deemed to have been designated pursuant to subsection 6(5), designated pursuant to subsection 7.1(5) or elected pursuant to subsection 7(9), 7.1(6) or 13(4)”;

(c) in clause (o):

(a) by striking out “or” after subclause (ii); and

(b) by adding the following after subclause (ii):

“(ii.1) a northern municipality within the meaning of *The Northern Municipalities Act*; or”;
and

(d) by repealing clause (u) and substituting the following:

“(u) `vice-chairperson' means a vice-chairperson of a district health board designated pursuant to subsection 6(5) or 7.1(5) or elected pursuant to subsection 7(9), 7.1(6) or 13(4)”.

Section 7 amended

4(1) Subsection 7(1) is repealed and the following substituted:

“(1) The members of a district health board who are appointed pursuant to section 6 hold office until the first meeting of the district health board that is held after an election pursuant to this section”.

(2) Subsection 7(2) is amended by striking out “an election” and substituting “elections”.

(3) Subsection 7(4) is repealed and the following substituted:

“(4) A member of a district health board who is elected pursuant to this section holds office from the first meeting of the district health board following the election for that office, and continues to hold office until the next election for that office, unless the office is sooner vacated”.

(4) Subsection 7(6) is repealed and the following substituted:

“(6) Subject to subsection (6.1), no person is to be appointed as a member of a district health board pursuant to subsection (5) unless the person is nominated by 10 persons who reside in the health district.

“(6.1) In the case of the Regina Health District and the Saskatoon Health District, two of the persons appointed as members of the district health board may be persons who are nominated by one person who resides in the health district and nine other persons who are residents of Saskatchewan”.

(5) Clause 7(8)(b) is amended by striking out “three” and substituting “four”.

(6) The following subsection is added after subsection 7(9):

“(10) No proceedings, decisions or actions of a district health board are void, voidable or subject to challenge by reason only of any defect in the appointment of a member”.

New section 7.1

5 The following section is added after section 7:

“Lloydminster Health District

7.1(1) On and after the day on which this section comes into force, sections 6 and 7 do not apply to the Lloydminster District Health Board established pursuant to section 5.

(2) The members of the Lloydminster District Health Board appointed by the Order in Council establishing the Lloydminster District Health Board are appointed at pleasure and hold office:

(a) for the term specified in the Order in Council; or

(b) until their appointments are terminated at an earlier date in accordance with the regulations.

(3) Subject to subsection (4), subsequent members of the Lloydminster District Health Board shall be elected or appointed in accordance with the regulations.

(4) If a vacancy in the Lloydminster District Health Board occurs before regulations are enacted for the purposes of subsection (3), the Lieutenant Governor in Council may appoint a member to fill the vacancy, and subsection (2) applies to that member, with any necessary modification.

(5) The Lieutenant Governor in Council may designate one of the members of the Lloydminster District Health Board mentioned in subsection (2) as chairperson and one other as vice-chairperson.

(6) At the first meeting of the Lloydminster District Health Board after the election or appointment of members pursuant to subsection (3), and thereafter from time to time, the members shall elect a chairperson and a vice-chairperson from among the members".

New sections 12.1 and 12.2

6 The following sections are added after section 12:

"Disqualification of elected board member

12.1(1) An elected member of a district health board is disqualified from holding office as a member of the board if:

- (a) the member has ceased to reside in the health district;
- (b) the member is not qualified to be nominated or elected or to hold office pursuant to this Act;
- (c) the member has absented himself or herself from three or more consecutive meetings of the district health board without the authorization of the district health board;
- (d) while in office, the member has been convicted of an indictable offence; or
- (e) the member is required to vacate his or her office in accordance with any regulations made pursuant to clause 40(1)(t).

(2) An elected member of a district health board who becomes disqualified pursuant to subsection (1) shall vacate his or her office as a member of the board, and the remaining members shall declare that office to be vacant and shall immediately notify the minister of that fact.

(3) Notwithstanding subsection (2), the office of an elected member of a district health board is not vacated, and the member is not prevented from voting or acting as a member of the district health board until:

- (a) the member resigns; or
- (b) on application by a person who is qualified to vote in an election for members of the district health board, a judge of the Court of Queen's Bench determines that the member is disqualified from holding office.

"Disqualification of appointed board member

12.2(1) An appointed member of a district health board is disqualified from holding office as a member of the board if:

- (a) the member has absented himself or herself from three or more consecutive meetings of the district health board without the authorization of the district health board;
- (b) while in office, the member has been convicted of an indictable offence; or
- (c) the member is required to vacate his or her office in accordance with any regulations made

pursuant to clause 40(1)(t).

(2) Where an appointed member of a district health board becomes disqualified pursuant to subsection (1), the district health board shall notify the minister and the minister shall terminate the appointment of the member.

(3) The office of an appointed member of a district health board is not vacated, and the member is not prevented from voting or acting as a member of the district health board, until the appointment of the member is terminated by the minister”.

Section 13 amended

7(1) Clause 13(3)(e) is repealed and the following substituted:

“(e) subject to subsection (5), the members of the amalgamating district health boards continue as the members of the amalgamated district health board;

“(e.1) the members of the amalgamated district health board hold office until the first meeting of the district health board that is held after an election pursuant to subsection (7)”.

(2) The following subsection is added after subsection 13(6):

“(7) Subsequent members of an amalgamated district health board to which this section applies shall be elected or appointed in accordance with the regulations”.

Section 19 amended**8 The following subsections are added after subsection 19(3):**

“(3.1) Where a municipality fails to pay the amount set out in a statement issued pursuant to subsection (2) within the 60-day period mentioned in subsection (3), the municipality shall pay to the Saskatchewan Municipal Board interest on the amount set out in the statement or any portion of that amount that is outstanding, calculated in accordance with subsection (3.2).

“(3.2) For the purposes of subsection (3.1):

(a) the interest rate is the prime rate of interest of the chartered bank that holds the general revenue fund; and

(b) interest is calculated on a daily basis on the amount outstanding, from the first day after the expiry of 60-day period mentioned in subsection (3).

“(3.3) Where a municipality fails to pay the amount set out in a statement issued pursuant to subsection (2) within the 60-day period mentioned in subsection (3), the Saskatchewan Municipal Board may file in the office of a local registrar of the Court of Queen's Bench a certified copy of the statement and, on filing, the amount set out in the statement or any portion of that amount that is outstanding, plus interest calculated in accordance with subsection (3.2), is enforceable in the same manner as a judgment or order of the court”.

Section 26 amended**9(1) Subsection 26(1) is amended:**

(a) in clause (j) by adding “subject to section 28” before “purchase”;

(b) in clause (k) by adding “subject to section 28” before “sell”; and

(c) in subclause (o)(i) by adding “subject to section 26.1,” before “to other persons”.

(2) Subclause 26(3)(b)(ii) is amended by striking out “health-care” and substituting “health”.

New section 26.1**10 The following section is added after section 26:****“Agreements with affiliates**

26.1(1) After 120 days have elapsed after the day on which an affiliate is prescribed, and subject to subsections (8), (9) and (10), no district health board shall provide funding to an affiliate unless the district health board and the affiliate have entered into a written agreement for that purpose.

- (2) An agreement required by subsection (1) must:
- (a) provide for an audit of the accounts of the affiliate at least once in each fiscal year by an independent auditor who possesses the prescribed qualifications and is appointed for the purpose by the affiliate;
 - (b) set out the services to be provided for the district health board by the affiliate;
 - (c) set out the funding to be provided by the district health board and stipulate that the funding is to be used for no purpose other than providing services;
 - (d) require the affiliate to provide to the district health board in a timely manner any information requested by the district health board, in any form requested by the district health board, respecting the activities of the affiliate that the district health board requires to fulfil its responsibilities pursuant to this Act;
 - (e) specify the term of the agreement and provide for termination of the agreement by either party on not less than 180 days' notice to the other party;
 - (f) set out a process for resolving disputes under the agreement, including the provision of remedies for breaches of the agreement; and
 - (g) provide for any other prescribed matter.
- (3) The district health board for the health district in which an affiliate provides service may request the minister to appoint a mediator to assist the parties to enter into an agreement if the district health board and the affiliate have not entered into a written agreement after 45 days have elapsed after the day on which the affiliate is prescribed.
- (4) Where the minister receives a request pursuant to subsection (3), the minister may appoint a mediator if the minister considers it appropriate to do so.
- (5) Where a district health board and an affiliate have not entered into an written agreement after 60 days have elapsed after the day on which the affiliate is prescribed, and the district health board has not requested the minister to appoint a mediator pursuant to subsection (3), the minister may appoint a mediator if the minister considers it appropriate to do so.
- (6) The minister may determine the remuneration and reimbursement of expenses payable to a mediator, and those amounts are to be paid by the district health board and the affiliate in the proportions determined by the minister.
- (7) Where the district health board and the affiliate have not entered into a written agreement within 45 days after the appointment of the mediator, the mediator shall report the matter to the minister.

(8) Where the minister receives a report pursuant to subsection (7), the minister may set the terms governing the provision of funding by the district health board to the affiliate for services provided by the affiliate and the provision of services by the affiliate to the district health board, and those terms are deemed to constitute a written agreement required by subsection (1) that is binding on the parties.

(9) Where an agreement made pursuant to this section is to expire or terminate, and the district health board and affiliate have not entered into a new agreement, the district health board may, not later than 30 days prior to the date of expiration or termination of the agreement, request that the minister:

- (a) extend the term of the agreement for a period of not longer than 90 days;
- (b) appoint a mediator; or
- (c) both extend the term of the agreement and appoint a mediator.

(10) Where the minister exercises the powers set out in subsection (9):

- (a) the agreement is extended for the period specified; and
- (b) where a mediator is appointed, the provisions of subsections (6) to (8) apply”.

Section 28 amended

11 Section 28 is amended:

(a) by striking out “or” after clause (b); and

(b) by adding the following after clause (b):

“(b.1) purchase, lease or otherwise acquire for consideration any interest in personal property where the total amount to be paid to acquire the interest exceeds a prescribed amount;

“(b.2) sell, lease or otherwise dispose of any interest in personal property where the value of the interest exceeds a prescribed amount; or”.

New section 28.1

12 The following section is added after section 28:

“Insurance required

28.1 Where required by the regulations, every district health board and every affiliate shall hold policies of insurance to the extent prescribed, protecting against:

- (a) loss or damage to buildings, equipment and furnishings of the district health board or affiliate; and
- (b) claims founded on negligence or malpractice of the district health board, the affiliate or any of their employees or agents”.

Section 30 amended

13 Subsection 30(1) is amended by adding “The Northern Municipalities Act,” after “The Urban Municipality Act, 1984,”.

New sections 30.1 to 30.3

14 The following sections are added after section 30:

"MEDICAL, DENTAL AND CHIROPRACTIC STAFF

Bylaws re medical, dental and chiropractic staff

30.1(1) For the purpose of providing for and maintaining a high standard of medical care within a health district, a district health board:

- (a) subject to the regulations, shall enact bylaws governing the medical staff, including bylaws:
 - (i) governing procedures for appointing, assessing and disciplining members of the medical staff;
 - (ii) governing the classification and organization of the medical staff;
 - (iii) governing the appointment of committees and officers of the medical staff and prescribing their duties;
 - (iv) respecting any other matter prescribed in the regulations; and
- (b) subject to the regulations, may enact bylaws governing the dental staff and the chiropractic staff, including bylaws similar to those described in subclauses (a)(i) to (iv).

(2) A bylaw made pursuant to subsection (1) does not come into force until it is approved by the minister after it is filed pursuant to section 38.1.

Appeal

30.2(1) A member of the medical staff, dental staff or chiropractic staff of a district health board who is aggrieved by a decision of the district health board made pursuant to a bylaw mentioned in section 30.1 may appeal the decision to a tribunal established by the regulations.

(2) Subject to the regulations, a tribunal may determine its own procedures for the hearing of an appeal pursuant to subsection (1).

(3) For the purposes of hearing an appeal pursuant to this section, the members of the tribunal have the powers conferred on commissioners by *The Public Inquiries Act*.

(4) A decision of a tribunal may be appealed to a judge of the Court of Queen's Bench on a question of law within 30 days after the date of the tribunal's decision.

Application to affiliates

30.3 Sections 30.1 and 30.2 apply, with any necessary modification, to affiliates that operate hospitals”.

Section 31 amended

15 Subsection 31(1) is amended by striking out the portion that precedes clause (a) and substituting the following:

“Prior to the day fixed by the minister, a district health board shall, for each fiscal year, prepare and deliver to the minister a statement setting out:”.

New section 38.1

16 The following section is added after section 38:

“Approval of certain bylaws

38.1(1) Within 30 days after its enactment, a district health board shall file with the minister a copy of:

- (a) any bylaw made pursuant to section 30.1;
- (b) any bylaw relating to a prescribed matter; and
- (b) any amendment to a bylaw mentioned in clause (a) or (b), together with the bylaw to which the amendment relates.

(2) Where the minister does not advise the district health board in writing, within 60 days of receiving copies of the bylaw or amendment, the bylaw or amendment is deemed not to be approved”.

New section 39.1

17 The following section is added after section 39:

“Public administrator

39.1(1) The Lieutenant Governor in Council may at any time appoint a person as a public administrator to manage the affairs of an affiliate if the minister is of the opinion that:

- (a) the safety of persons cared for by the affiliate is, for any reason, being jeopardized;
- (b) the members of the board of the affiliate have resigned and are not being immediately replaced;
- (c) the affiliate is not otherwise carrying out its responsibilities under an agreement pursuant to section 26.1; or
- (d) for any other reason, it is in the public interest that a public administrator be appointed.

(2) Subject to subsection (3), a public administrator appointed pursuant to subsection (1):

- (a) has the right to exercise all of the powers of the affiliate that relate to the operation of the facility or program that the affiliate operates; and
- (b) has control of all assets of the affiliate that relate to the facility or program that the affiliate operates, including the power to dispose of those assets in the everyday operations of the affiliate.

(3) The Lieutenant Governor in Council may set the terms and conditions governing the powers and duties of a public administrator.

(4) On the appointment of a public administrator, the directors and any other members of the board of the affiliate cease to have any powers relating to the assets or the operation of the facility or program for which the public administrator was appointed.

(5) The Lieutenant Governor in Council may at any time terminate the appointment of a public administrator and return control of the assets and the operation of the facility or program to the board of the affiliate.

(6) The Lieutenant Governor in Council may determine the remuneration and reimbursement of expenses payable to a public administrator, and those amounts are to be paid from the funds of the affiliate”.

Section 40 amended

18 Subsection 40(1) is amended:

(a) by adding the following clause after clause (b):

“(b.1) prescribing persons as affiliates for the purposes of operating facilities and receiving funding for the operation of facilities from district health boards”;

(b) by repealing clauses (c) and (d) and substituting the following:

“(c) establishing standards to be met by district health boards and affiliates in providing services and operating facilities;

“(c.1) respecting:

(i) the monitoring and enforcement of standards established pursuant to clause (c);

(ii) the appointment of bodies, including bodies outside the department, to monitor and enforce standards established pursuant to clause (c);

“(d) respecting charges for services provided by district health boards and affiliates”;

(c) by adding the following subclause after subclause (h)(x):

“(x.1) providing that contraventions of specified provisions of the regulations constitute offences and prescribing the penalties to be imposed on summary conviction for those offences”;

(d) by adding the following clause after clause (j):

“(j.1) governing the manner in which persons become members of the Lloydminster District Health Board and the holding of office by those members”;

(e) by repealing clause (k) and substituting the following:

“(k) governing the composition of district health boards to which subsection 8(2) applies, the manner in which persons become members of those district health boards, the holding of office by those members and the manner in which persons become officers of those district health boards”;

(f) by adding the following clause after clause (m):

“(m.1) for the purposes of subsection 26.1(2), prescribing additional matters to be contained in

agreements between district health boards and affiliates”;

(g) by adding the following clauses after clause (p):

“(p.1) for the purposes of clause 28(b.1), prescribing the maximum amount that may be paid by a district health board to acquire an interest in personal property without the approval of the minister;

“(p.2) for the purposes of clause 28(b.2), prescribing the maximum value of an interest in personal property that may be sold, leased or otherwise disposed of by a district health board without the approval of the minister”;

(h) by adding the following clauses after clause (q):

“(q.1) for the purposes of section 28.1, requiring district health boards and affiliates to hold policies of insurance and prescribing the extent of insurance coverage required;

“(q.2) governing the enactment of bylaws pursuant to section 30.1 and the contents of those bylaws;

“(q.3) for the purposes of subclause 30.1(1)(a)(iv), prescribing other matters to be included in bylaws;

“(q.4) establishing tribunals for hearing appeals pursuant to section 30.2, conferring any powers on those tribunals that the Lieutenant Governor in Council considers necessary for the conduct of those hearings and governing the remuneration and expenses of members of tribunals;

“(q.5) governing appeals to tribunals pursuant to section 30.2, including the time within which appeals must be commenced and procedures for the hearing of appeals”;

(i) by repealing clause (r);

(j) in clause (s) by adding “and clause 26.1(2)(a)” after “section 36”; and

(k) by adding the following clauses after clause (s):

“(s.1) respecting the reporting to the minister and the sharing among health districts of health data and information;

“(s.2) prescribing the types of bylaws to which section 38.1 applies”.

R.S.S. 1978, c.U-2 repealed

19 *The Union Hospital Act* is repealed.

S.S. 1948, c.112 repeal and transition

20(1) *The Lloydminster Hospital Act, 1948* is repealed.

(2) The Lloydminster Hospital Board is dissolved.

(3) The assets, liabilities, rights and obligations of the Lloydminster Hospital Board dissolved pursuant to subsection (2) are transferred to, and become the assets, liabilities, rights and obligations of, the Lloydminster District Health Board.

Consequential amendments

21(1) Subclause 2(1)(d)(iii) of *The Builders' Lien Act* is amended:

(a) by adding the following paragraph after paragraph (C):

“(C.01) *The Health Districts Act*”; and

(b) by repealing paragraphs (D.1), (I), (J), (K) and (N.1).

(2) Sections 3 and 4 of *The Hospital Standards Act* are repealed.

(3) Sections 6 to 8 of *The Hospital Standards Act* are repealed.

(4) Sections 10 to 14 of *The Hospital Standards Act* are repealed.

(5) Sections 16 to 32 of *The Hospital Standards Act* are repealed.

Coming into force

22(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Subsections 4(3) and (6) and clause 21(1)(a) of this Act come into force on assent, but are retroactive and are deemed to have been in force on and from May 24, 1993.