

2006

CHAPTER 32

An Act to amend *The Regional Health Services Act*

(Assented to May 19, 2006)

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 Regional Health Services Amendment Act, 2006*.

S.S. 2002, c.R-8.2 amended

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

Section 2 amended

3(1) The following clauses are added after clause 2(1)(a):

“(a.1) ‘**cancer agency**’ means the Saskatchewan Cancer Agency continued pursuant to *The Cancer Agency Act*;

“(a.2) ‘**cancer care services**’ means cancer care services as defined in *The Cancer Agency Act*”.

(2) Clause 2(1)(f) is amended by adding “or the cancer agency” after “regional health authority”.

(3) Clause 2(1)(j) is repealed and the following substituted:

“(j) ‘**health services**’, with respect to:

(i) regional health authorities and health care organizations, includes services that are ancillary to health services and any services that may be prescribed; and

(ii) the cancer agency, means cancer care services”.

(4) Clause 2(1)(m) is amended by adding “or the cancer agency” after “regional health authority”.

Section 5 amended

4 Section 5 is amended by adding “, the cancer agency” after “health care organizations”.

Section 6 amended

5 Section 6 is amended by adding “, the cancer agency” after “health care organizations”.

Section 7 amended

6(1) Subsection 7(1) is repealed and the following substituted:

“(1) The minister may, from time to time, give a written directive to a regional health authority, a health care organization or the cancer agency, requiring the regional health care authority, the health care organization or the cancer agency to take any action that the minister considers necessary in relation to the operations of, or the health services provided by, the regional health authority, the health care organization or the cancer agency, as the case may be”.

(2) Subsection 7(2) is amended by striking out “or health care organization” and substituting “, a health care organization or the cancer agency”.**(3) Subsection 7(3) is repealed and the following substituted:**

“(3) If a regional health authority, a health care organization or the cancer agency receives a minister’s written directive pursuant to this section, the regional health authority, the health care organization or the cancer agency, as the case may be, shall take any steps that are necessary to comply with the written directive”.

Section 8 amended

7(1) The following subsection is added after subsection 8(1):

“(1.1) The minister may provide funding to the cancer agency for the purposes of this Act or *The Cancer Agency Act*”.

(2) The following subsection is added after subsection 8(3):

“(4) If, in the opinion of the minister, the cancer agency is in breach of any requirement of this Act, the regulations, *The Cancer Agency Act* or the regulations made pursuant to that Act, an agreement with the minister or a minister’s written directive, the minister:

(a) may cease making any payment, or any part of a payment, that would otherwise be made to the cancer agency until the minister is satisfied that the cancer agency has complied with this Act, the regulations, *The Cancer Agency Act*, the regulations made pursuant to that Act, the agreement or the directive, as the case may be; and

(b) may retain the amounts of any payments mentioned in clause (a)”.

Section 9 amended

8 Clause 9(a) is amended by adding “, the cancer agency” after “a health care organization”.

Section 10 amended

9 Section 10 is amended by striking out “or a health care organization” and substituting “, a health care organization or the cancer agency”.

New section 11

10 Section 11 is repealed and the following substituted:

“Standards for health services and facilities

11(1) A regional health authority, a health care organization or the cancer agency providing a health service shall comply with any prescribed standards that are applicable to that health service.

(2) A regional health authority, a health care organization or the cancer agency operating a facility or a part of a facility shall comply with any prescribed standards that are applicable to that facility or part of a facility”.

New section 16

11 Section 16 is repealed and the following substituted:

“Status and composition of regional health authority

16(1) A regional health authority is a not-for-profit corporation.

(2) *The Financial Administration Act, 1993* does not apply to a regional health authority.

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

(4) The members of the regional health authority constitute the board of the regional health authority.

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

(6) Members appointed pursuant to subsection (3) shall meet any prescribed qualifications.

(7) Each member of a regional health authority 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 a regional health authority 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 a regional health authority as chairperson and another member as vice-chairperson.

(11) The chairperson shall preside over meetings of the regional health authority.

(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 and vice-chairperson, the members of the regional health authority 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 shall perform all the duties of the chairperson.

(14) A majority of the members of a regional health authority constitutes a quorum.

(15) No proceedings, decisions or actions of a regional health authority are void, voidable or subject to challenge by reason only of a defect in the appointment of a member”.

Heading to Part V amended

12 The heading to Part V is amended by adding “and the Cancer Agency” after “Regional Health Authorities”.

Section 29 amended

13(1) Subsection 29(1) is amended:

(a) in the portion preceding clause (a) by adding “, and the cancer agency may, for the purpose of carrying out its responsibilities pursuant to this Act and *The Cancer Agency Act*” after “subsection 27(1)”;

(b) in clause (c) by adding “or the cancer agency” after “regional health authority”; and

(c) in clause (e) by adding “or the cancer agency” after “regional health authority”.

(2) The following subsection is added after subsection 29(2):

“(2.1) The cancer agency may, for the purpose of carrying out its responsibilities pursuant to this Act and *The Cancer Agency Act*:

(a) accept grants, donations, gifts and bequests of real or personal property;

(b) subject to subsection (3), manage, invest and expend all moneys and manage all property that belongs to the cancer agency;

(c) provide funding:

(i) to a person other than a regional health authority or health care organization, for the provision of health services; or

(ii) subject to the approval of the minister and to any directions of the minister, to any other person; and

(d) subject to the regulations, determine the charges to be made for health services provided by the cancer agency”.

(3) Subsection 29(3) is amended by adding “and the cancer agency” after “regional health authority”.

(4) The following subsection is added after subsection 29(4):

“(4.1) The cancer agency may, for the purpose of carrying out its responsibilities pursuant to this Act or *The Cancer Agency Act*:

(a) subject to section 31 and *The Cancer Agency Act*, employ or engage the services of any person;

(b) provide superannuation and other benefits for its employees; and

(c) appoint persons or committees to provide advice to the cancer agency”.

(5) The following subsection is added after subsection 29(5):

“(6) The cancer agency may, for the purpose of carrying out its responsibilities pursuant to this Act and *The Cancer Agency Act*:

(a) enter into agreements with the Government of Canada or its agencies, the Government of Saskatchewan or its agencies, the government of any other province or territory of Canada or its agencies, municipalities, any other government organization, regional health authorities, Indian bands or any other persons;

(b) co-operate with persons who provide education or training to students of disciplines, occupations and professions that provide health services; and

(c) exercise any other rights, powers and privileges that are necessary, incidental or conducive to the exercise of the powers conferred on the cancer agency by this Act or *The Cancer Agency Act*”.

Section 30 amended

14 Subsection 30(1) is amended:

(a) in the portion preceding clause (a) by adding “or the cancer agency” after “regional health authority”; and

(b) in clause (a) by adding “or the cancer agency, as the case may be,” after “regional health authority”.

Section 38 amended

15(1) Subsection 38(1) is amended:

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

“(a) co-operate with the minister and the regional health authority in whose region the health care organization is located to achieve provincial and regional goals and objectives for health services set by the minister and the regional health authority”; **and**

(b) in clause (b) by adding “in whose region the health care organization is located” after “regional health authority”.

(2) Subsection 38(2) is repealed and the following substituted:

“(2) A health care organization shall not provide health services that are inconsistent with the operational plan of the regional health authority in whose region the health care organization is located”.

Section 42 amended

16 Subsection 42(1) is amended in the portion preceding clause (a) by adding “and the cancer agency” after “regional health authority”.

Section 47 amended

17 Section 47 is amended:

- (a) by renumbering it as subsection 47(1); and**
- (b) by adding the following subsection after subsection (1):**

“(2) All bylaws of the cancer agency made pursuant to section 42 must be open for inspection by the public during the normal office hours of the cancer agency”.

Section 48 amended

18 Section 48 is amended:

- (a) by renumbering it as subsection 48(1); and**
- (b) by adding the following subsection after subsection (1):**

“(2) Subject to subsection 49(4), all minutes of the meetings of the cancer agency that have been adopted by the cancer agency at a subsequent meeting shall be open for inspection by the public during the normal office hours of the cancer agency”.

Section 49 amended

19(1) Subsection 49(1) is amended by adding “or of the cancer agency” after “a regional health authority”.

(2) Subsection 49(2) is amended:

(a) in the portion preceding clause (a) by striking out “regional health authority” wherever it appears and in each case substituting “regional health authority or the cancer agency”;

(b) in subclause (a)(ii) by adding “or the cancer agency, as the case may be,” after “regional health authority”; and

(c) in clause (d) by adding “or the cancer agency” after “regional health authority”.

(3) Subsection 49(4) is amended by adding “or the cancer agency” after “regional health authority”.

(4) Subsection 49(5) is amended by striking out “the regional health authority” and substituting “every regional health authority”.

(5) The following subsection is added after subsection 49(5):

“(6) At least once in each fiscal year, the cancer agency shall present at a meeting:

(a) information respecting the health services it is to provide pursuant to clause 52(b); and

(b) its annual report prepared pursuant to *The Cancer Agency Act* for the preceding fiscal year”.

Section 50 amended

20(1) Subsection 50(1) is amended by striking out “A regional health authority” and substituting “Every regional health authority and the cancer agency”.

(2) Subsection 50(3) is amended by adding “or the cancer agency” after “regional health authority”.

Section 51 amended

21 Section 51 is amended by striking out “a regional health authority” and substituting “every regional health authority and the cancer agency”.

New section 52

22 Section 52 is repealed and the following substituted:

“Annual determination of funding, services and objectives

52 After receiving the financial and health service plan of a regional health authority or the cancer agency for a fiscal year, the minister may determine:

- (a) the amount of funding that will be provided to the regional health authority or the cancer agency for the fiscal year;
- (b) the health services that the regional health authority or the cancer agency is to provide with the funding mentioned in clause (a); and
- (c) any performance measures and targets to be achieved by the regional health authority or the cancer agency”.

Section 54 amended

23(1) Subsection 54(1) is amended by striking out “or health care organization” and substituting “, a health care organization or the cancer agency”.

(2) Subsection 54(2) is amended:

- (a) in the portion preceding clause (a) by striking out “or health care organization” and substituting “, a health care organization or the cancer agency”; and**
- (b) in clause (b) by striking out “and health care organizations” and substituting “, health care organizations and the cancer agency”.**

Section 58 amended

24(1) Subclause 58(1)(a)(i) is amended by striking out “or a health care organization” and substituting “, a health care organization or the cancer agency”.

(2) The following subsection is added after subsection 58(4):

“(4.1) The cancer agency shall, in accordance with the regulations:

- (a) give notice to the minister of the occurrence of any critical incident that arises as a result of a cancer care service provided by the cancer agency; and
- (b) investigate any critical incident mentioned in clause (a) and provide a written report to the minister with respect to that critical incident and investigation”.

Section 59 amended

25(1) Subsection 59(1) is amended by striking out “or a health care organization” and substituting “a health care organization or the cancer agency”.

(2) Subsection 59(2) is amended:

(a) in clause (a) by striking out “or health care organization” and substituting “, the health care organization or the cancer agency”;

(b) in clause (b) by striking out “or health care organization” and substituting “, the health care organization or the cancer agency”; and

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

“(d) may exercise the powers conferred on a commissioner pursuant to *The Public Inquiries Act*”.

(3) Subsection 59(3) is amended by striking out “or health care organization” and substituting “, the health care organization or the cancer agency”.

(4) Subsection 59(4) is amended by striking out “or health care organization” and substituting “, a health care organization or the cancer agency”.

(5) Subsection 59(6) is amended by striking out “or a health care organization” and substituting “, a health care organization or the cancer agency”.

Section 61 amended

26 Section 61 is amended:

(a) in the portion preceding clause (a) by striking out “and health care organization” and substituting “, every health care organization and the cancer agency”;

(b) in clause (a) by striking out “or health care organization” and substituting “, the health care organization or the cancer agency”; and

(c) in clause (b) by striking out “or the health care organization” and substituting “, the health care organization or the cancer agency”.

New section 62

27 Section 62 is repealed and the following substituted:

“Voluntary funding by municipalities

62(1) Notwithstanding anything in *The Municipalities Act*, *The Cities Act*, *The Northern Municipalities Act* or *The City of Lloydminster Act*, the council of a municipality may:

(a) enter into an agreement with a regional health authority or the cancer agency to provide funds to the regional health authority or the cancer agency; or

(b) convey any real or personal property, for any consideration that may be agreed on or by gift, to a regional health authority or the cancer agency.

(2) Any sums to be paid by a municipality pursuant to an agreement with a regional health authority or the cancer agency may be included in the general municipal levy or may be raised by a special levy”.

Section 64 amended

28 Section 64 is amended:

(a) in clause (b) by striking out “and health care organizations” and substituting “, health care organizations and the cancer agency”;

(b) in clause (g) by striking out “and health care organizations” and substituting “, health care organizations and the cancer agency”;

(c) by repealing clauses (l) and (m) and substituting the following:

“(l) for the purposes of clause 29(2)(d), respecting the charges that regional health authorities may make for health services that they provide, including:

(i) prescribing all or any of the charges that regional health authorities may impose for health services;

(ii) prescribing persons or classes of persons who are exempt from paying all or any of the charges for health services provided by regional health authorities and the conditions governing the exemption;

(iii) restricting all or any of the charges that regional health authorities may impose; and

(iv) prohibiting regional health authorities from imposing charges for all or any of the health services they provide;

“(l.1) for the purposes of clause 29(2.1)(d), respecting the charges that the cancer agency may make for health care services that it provides, including:

(i) prescribing all or any of the charges that the cancer agency may impose for health services;

(ii) prescribing persons or classes of persons who are exempt from paying all or any of the charges for health services provided by the cancer agency and the conditions governing the exemption;

(iii) restricting all or any of the charges that the cancer agency may impose; and

(iv) prohibiting the cancer agency from imposing charges for all or any of the health services it provides;

“(m) for the purpose of limiting the scope of administrative powers of regional health authorities or the cancer agency, prescribing the amounts mentioned in clauses 30(1)(a) to (f)”;

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

“(p) for the purposes of subsection 39(5), respecting the charges that health care organizations may make for health services that they provide, including:

- (i) prescribing all or any of the charges that health care organizations may impose for health services;
- (ii) prescribing persons or classes of persons who are exempt from paying all or any of the charges for health services provided by health care organizations and the conditions governing the exemption;
- (iii) restricting all or any of the charges that health care organizations may impose; and
- (iv) prohibiting health care organizations from imposing charges for all or any of the health services they provide”;

(e) in clause (t) by adding “or the cancer agency” after “regional health authority”;

(f) in clause (u) by adding “and the cancer agency” after “regional health authorities”;

(g) by repealing clause (x) and substituting the following:

“(x) for the purposes of section 61:

- (i) requiring regional health authorities, health care organizations and the cancer agency to hold policies of insurance and prescribing the extent of the insurance coverage required;
- (ii) prescribing matters in addition to those specified in clauses 61(a) and (b) against which regional health authorities, health care organizations and the cancer agency must obtain insurance coverage”; **and**

(h) in clause (z) by striking out “or health care organizations” and substituting “, health care organizations or the cancer agency”.

Coming into force

29 This Act comes into force on proclamation.