

BILL

No. 41 of 2002

An Act respecting the Health Quality Council

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(Assented to , 2002)

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 Quality Council Act*.

Interpretation

2 In this Act:

(a) “**board**” means the board of directors established pursuant to subsection 9(1);

(b) “**council**” means the Health Quality Council established pursuant to section 3;

(c) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

Council established

3(1) The Health Quality Council is established as a corporation.

(2) The council is not an agent of the Crown.

Membership

- 4(1) The council consists of not more than 12 members appointed by the Lieutenant Governor in Council.
- (2) Each member holds office at pleasure for a term not exceeding three years and until a successor is appointed.
- (3) If a member 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 board, as the case may be.
- (4) A member is eligible to be reappointed as a member.
- (5) Where the office of a person appointed pursuant to subsection (1) 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 (2).

Objects

- 5 The objects of the council are:
 - (a) to monitor existing clinical standards of health care and to research and develop new clinical standards of health care;
 - (b) to research and evaluate prescription drug prescribing practices, prescription drug utilization and existing processes for reviewing and approving prescription drugs;
 - (c) to assess the effectiveness of new and existing health technologies;
 - (d) to promote improvement in the quality of health care through training and education;
 - (e) to develop and implement training and education programs and activities to promote improvement in the quality of health care;
 - (f) to promote research and education leading to improvement in the quality of health care;
 - (g) to monitor and assess the quality of the health services available in Saskatchewan;
 - (h) to investigate, inquire into or study matters respecting health services and the quality of health care that are referred to it by the minister;
 - (i) to undertake research with respect to any of the objects described in clauses (c) to (h);
 - (j) to identify human resource issues associated with the objects described in clauses (a) to (h);
 - (k) to do any other things prescribed in the regulations;
 - (l) to make recommendations to the minister and others with respect to any of the objects described in clauses (a) to (k).

General powers

6(1) To further its objects, the council may:

- (a) enter into agreements with any government, person, agency, organization, association or institution;
 - (b) set the amount of, and charge, a fee for any service it provides;
 - (c) if authorized by the regulations, provide financial or other assistance to any person respecting any matter that the council considers relevant to its objects;
 - (d) purchase, lease or otherwise acquire any personal property;
 - (e) lease real property;
 - (f) sell, lease or otherwise dispose of any of its property;
 - (g) accept grants, donations, gifts and bequests of any property and, subject to the terms of the grant, donation, gift or bequest, sell or otherwise dispose of that property;
 - (h) accept funds appropriated by the Legislature or the Parliament of Canada;
 - (i) subject to any directions of Treasury Board, invest any of its moneys that it does not immediately require for its objects in any securities that are authorized as investments for the general revenue fund and dispose of those investments and reinvest the proceeds in similar investments;
 - (j) subject to the approval of Treasury Board, borrow moneys that the council considers necessary for its objects and secure those loans by mortgage, bill of exchange, promissory note or hypothecation of its revenues or by any other instrument required by the lender; and
 - (k) do any other thing that the council considers necessary or appropriate to fulfil its objects.
- (2) Where authorized by the regulations, the council may require a district health board or an affiliate within the meaning of *The Health Districts Act* to produce to it any information, including health information respecting an individual that may identify the individual, that the council requires to carry out its objects.

Responsible to minister

7 The council is responsible to the minister for the manner in which it carries out its objects and exercises its powers pursuant to this Act.

Head office

8 The head office of the council is to be at any location in Saskatchewan specified by the Lieutenant Governor in Council.

Board

9(1) A board of directors for the council is established.

- (2) The board shall manage the affairs and business of the council.
- (3) The board consists of those persons appointed to constitute the membership of the council pursuant to section 4.
- (4) A vacancy in the membership of the board does not impair the power of the remaining members of the board to act.

Officers

10(1) The Lieutenant Governor in Council shall designate one of the members of the board to be chairperson of the board and another to be vice-chairperson.

(2) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers of the chairperson and shall perform all the duties of the chairperson.

(3) The board may appoint other officers of the board from its members.

Committees

11 The board may, from time to time:

(a) appoint any committees that it considers necessary for the efficient conduct of the affairs and business of the council;

(b) prescribe the duties of any committee appointed pursuant to clause (a).

Remuneration and reimbursement

12(1) Subject to subsection (3), members of the board are entitled to:

(a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities.

(2) Subject to subsection (3), members of any committee appointed pursuant to section 11 are entitled to:

(a) remuneration for their services at the rates determined by the board; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities.

(3) A member of the board or a committee appointed pursuant to section 11 who is also a member of the public service of Saskatchewan is not eligible to receive remuneration, but may be reimbursed for expenses in accordance with the rates paid to members of the public service of Saskatchewan.

(4) The remuneration and reimbursement for expenses mentioned in subsections (1) to (3) are to be paid from the moneys of the council.

Meetings and quorum

13(1) The board shall meet when called by the chairperson.

(2) The board shall meet not less than two times in each fiscal year.

(3) A quorum of the board is a majority of its members.

Bylaws

14 Subject to this Act and the regulations, the board may make bylaws governing the business and affairs of the council.

Employees

15(1) Notwithstanding *The Public Service Act, 1998*, the council may:

(a) employ any employees that it considers necessary for the conduct of its operations; and

(b) determine the respective duties and powers, the conditions of employment and the remuneration of its employees.

- (2) The council may:
- (a) appoint or engage any professional, administrative, technical and clerical personnel that may be required for the purposes of this Act; and
 - (b) determine the salaries or other remuneration of the personnel appointed or engaged pursuant to clause (a).

Superannuation and other plans

16 The council may establish and support any of the following plans for the benefit of any employees of the council and the dependants of those employees:

- (a) a superannuation plan;
- (b) a group insurance plan;
- (c) any other pension or employee benefit plan.

Fiscal year

17 The fiscal year of the council is the period commencing on April 1 in one year and ending on March 31 in the following year.

Audit

18 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the accounts and financial statements of the council:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

Annual report

19(1) In each fiscal year, the board shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister:

- (a) a report to the minister on the activities of the council for the preceding fiscal year; and
 - (b) a financial statement showing the business of the council for the preceding fiscal year in any form that may be required by Treasury Board.
- (2) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report and statement submitted to the minister pursuant to this section.

Special reports

20 At any times required by the minister, the board shall prepare and submit to the minister any reports respecting the activities of the council that the minister may require.

Public accountability

21(1) The council shall regularly prepare and publish reports on the activities of the council, the research promoted or undertaken by the council and the recommendations made by the council.

- (2) The council shall hold at least one public meeting each year.

Certain evidence privileged

22(1) In this section, “**legal proceeding**” means any civil proceeding or inquiry in which evidence is or may be given and includes a proceeding for the imposition of punishment by way of fine, penalty or imprisonment to enforce an Act or regulation made pursuant to an Act.

(2) Subject to subsection (4), a witness in any legal proceeding, whether a party to it or not:

(a) is not liable to be asked any question, is not permitted to answer any question and is not permitted to make any statement, with respect to:

(i) an investigation, study or inquiry conducted by the council; or

(ii) information or evidence provided to the council for the purpose of an investigation, study or inquiry conducted by the council; and

(b) is not liable to be asked to produce, and is not permitted to produce, any report, statement, recommendation, document, data or record that:

(i) is prepared exclusively for the use of the council or is made by the council; or

(ii) is used exclusively in the course of, or arises out of, an investigation, study or inquiry conducted by the council.

(3) Subject to subsections (4) and (5), no report, statement, recommendation, document, data or record mentioned in clause (2)(b) is admissible as evidence in any legal proceeding.

(4) Subsections (2) and (3) do not apply to a report, statement, recommendation, document, data or record that is prepared for the purpose of providing care or treatment to a patient.

(5) Subsection (3) does not apply to a final report made with respect to an investigation, study or inquiry conducted by the council.

Regulations

23 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) for the purposes of clause 5(k), prescribing other objects of the council;

(c) for the purposes of clause 6(1)(c), authorizing and governing the provision of financial or other assistance to any person or organization for a purpose related to an object of the council;

(d) for the purposes of subsection 6(2), authorizing the council to require the production of information and governing the disclosure of information to the council, including:

(i) the circumstances in which the council may require the production of information;

(ii) the types of information that the council may require to be produced;

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- (e) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (f) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Coming into force

24 This Act comes into force on proclamation.

