

BILL

No. 114

An Act to amend *The Health Care Directives and Substitute Health Care Decision Makers Act*

(Assented to)

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 Care Directives and Substitute Health Care Decision Makers Amendment Act, 2013*.

S.S. 1997, c.H-0.001 amended

2 *The Health Care Directives and Substitute Health Care Decision Makers Act* is amended in the manner set forth in this Act.

Section 15 amended

3 Subsection 15(3) is amended:

(a) in clause (a) by striking out “*The Children’s Law Act*” and substituting “*The Children’s Law Act, 1997*”; and

(b) in clause (b) by striking out “Minister of Community Resources and Employment” and substituting “member of the Executive Council to whom for the time being the administration of *The Child and Family Services Act* is assigned”.

New section 17.1

4 The following section is added after section 17:

“Day-to-day treatments

17.1(1) In this section:

(a) **‘caregiver’** means a person who occupies a position designated in the regulations as a caregiver position;

(b) **‘day-to-day treatment’** means any type of treatment prescribed in the regulations as a day-to-day treatment.

(2) If a person requires a day-to-day treatment but lacks the capacity to make a health care decision with respect to the day-to-day treatment, and neither a proxy, nearest relative nor personal guardian is readily available, the person’s caregiver may make a health care decision for the person requiring the day-to-day treatment”.

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New section 18.1

5 The following section is added after section 18:

“Admission to long-term care facility

18.1(1) In this section:

- (a) **‘long-term care’** means care that, because of a person’s injury, illness or other disability, is required over a prolonged period;
 - (b) **‘long-term care facility’** means a facility designated in the regulations as a long-term care facility.
- (2) If a person requires long-term care but lacks the capacity to make a health care decision, the personal guardian, proxy, nearest relative or two treatment providers, in that order of priority, may:
- (a) apply to admit the person to a long-term care facility; and
 - (b) accept placement of the person in a long-term care facility”.

Section 21 amended

6 The following subsection is added after subsection 21(4):

“(5) An enduring power of attorney granted in accordance with *The Powers of Attorney Act, 2002* does not give the attorney the authority to make health care decisions pursuant to this Act”.

Section 25 amended

7 The following clauses are added after clause 25(d):

- “(d.1) for the purposes of section 17.1:
- (i) designating positions as caregiver positions; and
 - (ii) prescribing treatments or types of treatments as day-to-day treatments;
- “(d.2) for the purposes of section 18.1, designating facilities as long-term care facilities”.

Coming into force

8 This Act comes into force on proclamation.