

# 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.