The Youth Drug Detoxification and Stabilization Act

being

Chapter Y-1.1* of *The Statutes of Saskatchewan, 2005* (effective April 1, 2006) as amended by *The Statutes of Saskatchewan*, 2007, c.16; and 2013, c.27.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER Y-1.1

An Act respecting Youth Drug Detoxification and Stabilization and making a consequential amendment to another Act

PART I
Short Title and Interpretation

Short title

1 This Act may be cited as *The Youth Drug Detoxification and Stabilization Act*.

Interpretation

2(1) In this Act:

(a) **"alcohol"** means beverage alcohol as defined in *The Alcohol and Gaming Regulation Act, 1997*;

(b) **"approved applicant"** means:

(i) with respect to a youth:

(A) that youth's parent; or

(B) a person with whom that youth has a close personal relationship; or

(ii) a youth worker;

(c) **"assessed youth"** means a youth who is the subject of a warrant issued pursuant to section 7, who has been apprehended for the purposes of an examination pursuant to section 8 or who is the subject of a community order or a detoxification order;

(d) **"community order"** means an order issued pursuant to section 11 respecting an assessed youth;

(e) **"detoxification facility"** means a building or part of a building designated as a detoxification facility pursuant to section 3;

(f) **"detoxification order"** means an order issued pursuant to section 12 respecting an assessed youth;

(g) **"drug"** means:

(i) alcohol;

(ii) a substance:

(A) whose use is controlled by law; and

(B) that is used by a youth in a manner that is not intended by the manufacturer of the substance; or

(iii) a prescribed substance;

(h) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(i) **"official representative"** means an official representative appointed pursuant to section 4;

(j) **"parent"** means:

(i) the mother of a youth;

(ii) the father of a youth;

(iii) a person to whom custody of a youth has been granted by a court of competent jurisdiction or by a deed or agreement of custody; or

(iv) a person with whom a youth resides and who stands in the place of a parent to the youth;

(j.1) **"person in charge of a detoxification facility"** means a person designated pursuant to clause 3(b) as being in charge of the detoxification facility;

(k) **"physician"** means a duly qualified medical practitioner;

(l) **"police officer"** means:

(i) a member of the Royal Canadian Mounted Police; or

(ii) a member of a police service, as defined in *The Police Act, 1990*;

(m) **"prescribed"** means prescribed in the regulations;

(n) **"region"** means a region established pursuant to section 19 or the regulations;

(o) **"regional health authority"** means a regional health authority as defined in *The Regional Health Services Act*;

(p) **"youth"** means a person who is at least 12 years of age and is under 18 years of age;

(q) **"youth worker"** means a member of a class of persons appointed by the minister pursuant to section 4.

(2) If a person is required to consider the best interests of a youth for the purposes of this Act, that person shall take into account any of the factors set out in section 4 of *The Child and Family Services Act* that are relevant.

2005, c.Y-1.1, s.2; 2007, c.16, s.3.

PART II
Administrative Provisions

Detoxification facilities

3 Subject to the regulations, the minister may:

(a) designate a building or part of a building as a detoxification facility for the purposes of this Act; and

(b) designate the person or persons who are in charge of the detoxification facility.

2005, c.Y-1.1, s.3.

Official representatives and youth workers

4 The minister may appoint:

(a) one or more official representatives for each region to assist assessed youths in understanding their rights and obligations pursuant to this Act; and

(b) one or more classes of persons as youth workers to exercise the powers and perform the duties given to or imposed on youth workers by this Act.

2005, c.Y-1.1, s.4.

PART III
Application of Act and General Rights

Application of Act

5 This Act applies only to youths who are beneficiaries pursuant to *The Saskatchewan Medical Care Insurance Act*.

2005, c.Y-1.1, s.5.

Right to be informed

6 Every assessed youth:

(a) shall be informed promptly of the reasons for his or her apprehension or detention, as the case may be; and

(b) is entitled on his or her own request to receive a copy of the order pursuant to which he or she has been apprehended or is detained, as the case may be, as soon as is reasonably practicable.

2005, c.Y-1.1, s.6.

PART IV
Apprehension, Examination, Detoxification and Stabilization

Warrant to apprehend a youth for examination

7(1) An approved applicant may lay an information before a judge of the Provincial Court stating that the approved applicant believes on reasonable grounds that a youth:

(a) is suffering from severe drug addiction or drug abuse;

(b) is at risk of serious harm or danger to himself or herself or to another person;

(c) is in need of detainment to ensure his or her safety or the safety of another person or to facilitate the youth's detoxification and stabilization; and

(d) should be examined by a physician to determine whether or not the youth should be admitted to a detoxification facility or receive detoxification and stabilization services.

(2) An information pursuant to this section must be in the prescribed form.

(3) If on inquiry the judge of the Provincial Court of Saskatchewan is satisfied on reasonable grounds that the youth named in the information should be examined by a physician to determine whether or not the youth should be admitted to a detoxification facility or receive detoxification and stabilization services, that judge may, after making arrangements with a physician who is to conduct the examination, issue a warrant in the prescribed form to:

(a) apprehend the youth named in the warrant; and

(b) cause the youth to be taken to the physician where the youth may be detained and may be examined by that physician.

(3.1) For the purposes of having an examination of a youth named in a warrant conducted by a second physician pursuant to section 11 or 12, a police officer is deemed to have the authority to detain and transport that youth to another physician or to a detoxification facility where the youth may be examined by the second physician.

(4) No person shall falsely swear or affirm an information pursuant to this section.

(5) A warrant issued pursuant to subsection (3) is to be accompanied by written reasons for its issuance.

(6) A copy of a warrant issued pursuant to subsection (3) and the written reasons are to be provided to the physician who examines the youth.

(7) If an approved applicant laying the information so requests, the warrant may be directed to and executed by that approved applicant.

(8) If the warrant is not directed to an approved applicant pursuant to subsection (7), the warrant must be directed to and executed by a police officer.

(9) A physician shall examine the assessed youth:

(a) as soon as is reasonably practicable; and

(b) in all cases within 24 hours of the youth's apprehension.

(10) No youth is to be apprehended pursuant to a warrant issued pursuant to subsection (3) more than seven days after the date on which the warrant was issued.

2005, c.Y-1.1, s.7; 2007, c.16, s.4.

Powers of police officer in certain circumstances

8(1) A police officer may act pursuant to subsection (2) if the police officer has reasonable grounds to believe that a youth:

(a) is suffering from severe drug addiction or drug abuse;

(b) is in immediate risk of serious harm or immediate danger to himself or herself or to another person;

(c) is in need of detainment to ensure his or her safety or the safety of another person or to facilitate the youth's detoxification and stabilization; and

(d) should be examined by a physician to determine whether or not the youth should be admitted to a detoxification facility or receive detoxification and stabilization services.

(2) In the circumstances mentioned in subsection (1), the police officer may:

(a) apprehend the youth without a warrant; and

(b) convey the youth as soon as is practicable to a physician where the youth may be detained and may be examined by the physician.

(2.1) For the purposes of having an examination of a youth named in a warrant conducted by a second physician pursuant to section 11 or 12, a police officer is deemed to have the authority to detain and transport that youth to another physician or to a detoxification facility where the youth may be examined by the second physician.

(3) A physician shall examine the assessed youth:

(a) as soon as is reasonably practicable; and

(b) in all cases within 12 hours of the youth's apprehension.

2005, c.Y-1.1, s.8; 2007, c.16, s.5.

Forms of treatment and orders

9 After an examination by a physician pursuant to section 7 or 8, all or any of the following may be done:

(a) an arrangement mentioned in section 10 for detoxification and stabilization services may be made by a youth;

(b) a community order may be issued pursuant to section 11 respecting an assessed youth;

(c) a detoxification order may be issued pursuant to section 12 respecting an assessed youth.

2005, c.Y-1.1, s.9.

Voluntary arrangement

10 Nothing in this Act limits the ability of a youth to make arrangements to receive detoxification or stabilization services by any means other than pursuant to this Act.

2005, c.Y-1.1, s.10.

Community order

11(1) After conducting an examination of an assessed youth for the purposes of this Act and if there is no voluntary arrangement made by the assessed youth pusuant to section 10, two physicians may issue a community order respecting the assessed youth.

(2) A community order may be issued only if the physicians are of the opinion that:

(a) the assessed youth:

(i) is suffering from severe drug addiction or drug abuse and requires detoxification and stabilization;

(ii) is likely to cause harm to himself or herself or to other persons, or to suffer substantial mental or physical deterioration, if he or she does not detoxify or stabilize; and

(iii) is either:

(A) unable to fully understand and to make an informed decision respecting his or her need to detoxify or stabilize; or

(B) unable or unwilling to take steps to begin recovery from drug addiction or drug abuse or to reduce the risk of harm to himself or herself or other persons;

(b) measures are available in the community that will sufficiently allow the assessed youth to undergo detoxification and stabilization; and

(c) it is in the best interests of the assessed youth to issue the community order.

(3) Notwithstanding subsection (1), one physician may issue a community order if:

(a) it is not reasonably practical to obtain the certificates of two physicians; and

(b) the physician is of the opinion that the circumstances mentioned in subsection (2) apply.

(4) If a community order respecting an assessed youth is issued by one physician pursuant to subsection (3), the assessed youth must be examined by another physician within 24 hours and the other physician must provide an opinion that the circumstances mentioned in subsection (2) either apply or do not apply.

(5) A community order issued by one physician pursuant to subsection (3) terminates 24 hours after it is made if another physician:

(a) fails to examine the assessed youth;

(b) fails to provide an opinion that the circumstances mentioned in subsection (2) apply; or

(c) provides an opinion that the circumstances mentioned in subsection (2) do not apply.

(6) Subject to the regulations, a community order may contain all or any of the following:

(a) provisions identifying the assessments and detoxification and stabilization services that are to be provided to the assessed youth;

(b) provisions requiring that the assessed youth must attend all meetings and undergo all assessments and detoxification and stabilization services that are part of the community order;

(c) provisions identifying the youth worker responsible for the assessed youth and the community order;

(d) provisions requiring that the assessed youth must report to a youth worker or other prescribed person or prescribed class of persons;

(e) provisions placing any restrictions respecting the assessed youth's movements and place of residence that are considered reasonably necessary for the best interests of the youth;

(f) provisions requiring the assessed youth to abstain from using or possessing a drug.

(7) A physician who issued a community order may terminate the order at any time if the physician is of the opinion that the circumstances mentioned in subsection (2) no longer apply.

(8) Unless otherwise terminated pursuant to subsection (5) or (7) or section 15 or 16, a community order terminates on the earlier of:

(a) 30 days after the date it is issued; and

(b) if a detoxification order is issued respecting that assessed youth, the date the detoxification order is issued.

(9) The following persons must be promptly notified of the termination of a community order, unless they have otherwise received notice:

(a) the assessed youth;

(b) an official representative.

(10) Notwithstanding that a community order has been made respecting an assessed youth and that the community order remains in force, two physicians may make a detoxification order respecting that assessed youth if the physicians are of the opinion that the circumstances mentioned in subsection 12(2) apply.

2005, c.Y-1.1, s.11.

Detoxification order

12(1) After conducting an examination of an assessed youth for the purposes of this Act and if there is no voluntary arrangement made by the assessed youth pursuant to section 10, two physicians may issue a detoxification order respecting the assessed youth to detain the assessed youth in a detoxification facility.

(2) A detoxification order may be issued only if the physicians are of the opinion that:

(a) the assessed youth:

(i) is suffering from severe drug addiction or drug abuse and requires detention to facilitate detoxification and stabilization;

(ii) is likely to cause harm to himself or herself or to other persons, or to suffer substantial mental or physical deterioration, if he or she is not detained in a detoxification facility; and

(iii) is either:

(A) unable to fully understand and to make an informed decision respecting his or her need to detoxify or stabilize; or

(B) unable or unwilling to take steps to begin recovery from drug addiction or drug abuse or to reduce the risk of harm to himself or herself or other persons;

(b) other measures are not available or are not adequate to sufficiently allow the assessed youth to facilitate the assessed youth's detoxification and stabilization; and

(c) it is in the best interests of the assessed youth to issue the detoxification order.

(3) Notwithstanding subsection 11(10) and subsection (1), one physician may issue a detoxification order if:

(a) it is not reasonably practical to obtain the certificates of two physicians; and

(b) the physician is of the opinion that the circumstances mentioned in subsection (2) apply.

(4) If a detoxification order respecting an assessed youth is issued by one physician pursuant to subsection (3), the assessed youth must be examined by another physician within 24 hours and the other physician must provide an opinion that the circumstances mentioned in subsection (2) either apply or do not apply.

(5) A detoxification order issued by one physician pursuant to subsection (3) terminates 24 hours after it is made if another physician:

(a) fails to examine the assessed youth;

(b) fails to provide an opinion that the circumstances mentioned in subsection (2) apply; or

(c) provides an opinion that the circumstances mentioned in subsection (2) do not apply.

(6) A physician who issued a detoxification order may terminate the order at any time if the physician is of the opinion that the circumstances mentioned in subsection (2) no longer apply.

(7) Unless otherwise terminated pursuant to subsection (5) or (6) or section 15 or 16, a detoxification order terminates five days after the date it is issued, but the order may be renewed by any two physicians not more than twice, each time for a period not to exceed five days, if, in the opinion of the physicians, the circumstances mentioned in subsection (2) continue to apply.

(8) The person in charge of the detoxification facility where the assessed youth is detained pursuant to a detoxification order and the assessed youth's physician may provide the assessed youth with any assessments and detoxification and stabilization services that they consider appropriate or necessary for the purposes of this Act.

(9) The following persons must be promptly notified of the termination of a detoxification order, unless they have otherwise received notice:

(a) the assessed youth;

(b) an official representative;

(c) any approved applicant who, in the opinion of the physician, has an interest in the detoxification order.

2005, c.Y-1.1, s.12; 2007, c.16, s.6.

Care for detained youth

12.1 While an assessed youth is detained in a detoxification facility in accordance with this Act, the person in charge of the detoxification facility must do all of the following:

(a) continuously assess the assessed youth;

(b) develop, in collaboration with the youth if possible, a treatment plan that the assessed youth may agree to follow after the termination of the detoxification order.

2007, c.16, s.7.

PART V
Appeals

Notice of order

13(1) The physicians who issued a community order or detoxification order shall immediately cause written notice of the order be given to the following:

(a) the assessed youth;

(b) a relevant official representative;

(c) the assessed youth's parents;

(d) any approved applicant who, in the opinion of the physicians, is interested in the community order or detoxification order.

(2) The written notice required pursuant to subsection (1) must include all of the following information:

(a) the existence and function of the review panel appointed pursuant to section 14 for the region in which the community order or detoxification order applies;

(b) the name and address of the chairperson of the review panel;

(c) the right of appeal to the review panel, pursuant to section 15.

(3) On receipt of a notice pursuant to subsection (1), the official representative shall:

(a) visit the assessed youth;

(b) as soon as is reasonably practicable, advise the assessed youth about the right of appeal; and

(c) provide any assistance that the official representative considers necessary to enable the assessed youth to initiate an appeal, if the assessed youth wishes to do so.

2005, c.Y-1.1, s.13.

Appointment of review panels and duties

14(1) The minister shall appoint a review panel for each region.

(2) Each review panel must consist of three persons, at least one of whom must be a physician and one of whom must be a lawyer.

(3) A member of a review panel holds office at pleasure for a term not exceeding three years and until a successor is appointed.

(4) A member is eligible for re-appointment at the expiration of the member's term of office.

(5) The minister shall designate one of the members of each review panel to be chairperson of the review panel and another to be vice-chairperson.

(6) Subject to subsection (2), the minister may appoint an alternate member for each member of a review panel, and an alternate member has all the powers of a member when the alternate member is acting as a member.

(7) The following are not eligible to be a member or an alternate member of a review panel:

(a) an employee of the Government of Saskatchewan, of any agency of the government or of a detoxification facility;

(b) a person actively serving as a member of the medical staff of a detoxification facility;

(c) a person who by blood or marriage is closely related to or connected with a member of the medical staff mentioned in clause (b).

(8) The minister may provide any secretarial or other assistance to each review panel that the minister considers necessary.

(9) A review panel must investigate appeals submitted pursuant to this Act or the regulations.

(10) For the purpose of an investigation mentioned in subsection (9), the members of the review panel have all the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

(11) A decision of a majority of the members is the decision of the review panel.

(12) The members of each review panel and the alternate members are to receive any remuneration and reimbursement for expenses that may be determined by the minister.

2005, c.Y-1.1, s.14; 2013, c.27, s.46.

Appeals to review panel

15(1) A review panel appointed pursuant to section 14 for a region:

(a) in which a detoxification facility is located must serve as the review panel for assessed youths in that detoxification facility; or

(b) in which the community where a community order applies is located must serve as the review panel for an assessed youth who is the subject of that community order.

(1.1) A review panel shall provide the appellant with access to all information and documents respecting the assessed youth that are provided to the review panel or that the review panel obtains for the purpose of conducting an appeal pursuant to subsection (2).

(2) Subject to the regulations:

(a) an assessed youth, official representative or a parent of an assessed youth may apply in writing to the review panel for an appeal of any order to which the assessed youth is subject pursuant to this Act;

(b) the review panel shall:

(i) investigate the grounds for the appeal and take any steps that it considers necessary to speedily determine the appeal; and

(ii) invite the appellant and other persons considered by the review panel to be affected by the appeal to testify or produce evidence relating to the appeal;

(c) on an appeal, the appellant has the right:

(i) to have full and timely access to any information and documents that the review panel is provided with or obtains for the purpose of conducting an appeal;

(ii) to be personally present when any oral evidence is presented to the review panel;

(iii) to an opportunity at a hearing to adduce evidence and provide information about the case, both personally and through other people;

(iv) to cross-examine witnesses; and

(v) to be represented by counsel;

(d) the review panel shall decide:

(i) in the case of an appeal respecting a community order, whether or not the assessed youth should remain subject to that order or if any conditions of that order should be varied or terminated; or

(ii) in the case of an appeal respecting a detoxification order, whether or not the assessed youth should remain in detention or remain subject to that order;

(e) the chairperson of the review panel shall provide a written decision of the review panel along with the reasons for that decision and, before the end of the second business day following the day that the appeal was received, transmit the decision and reasons:

(i) to the assessed youth;

(ii) if they submitted the appeal, to the parents of the assessed youth or an official representative;

(iii) to the person in charge of the detoxification facility in which the assessed youth is detained; and

(iv) to any other prescribed persons;

(f) if the review panel does not find in favour of the appellant, the chairperson of the review panel shall include in the written report transmitted to the appellant pursuant to clause (e), a notice of the right of appeal to the Court of Queen's Bench for Saskatchewan, as provided in section 16; and

(g) the person in charge of a detoxification facility in which an assessed youth is detained shall take any action that may be required to give effect to the decision of the review panel.

2005, c.Y-1.1, s.15; 2007, c.16, s.8.

Appeal to Court of Queen's Bench

16(1) An assessed youth, or a person described in clause 15(2)(a) on behalf of an assessed youth, may appeal the decision of a review panel respecting an appeal pursuant to section 15 to a judge of the Court of Queen's Bench within seven days after the date of the decision or within any longer period that the judge may allow.

(2) An appeal pursuant to this section may be made by notice of motion, and the notice of motion is to be served on:

(a) the minister;

(b) the person in charge of a detoxification facility in which the assessed youth is detained; and

(c) any other persons that the judge of the Court of Queen's Bench may direct.

(3) The practice and procedures of the Court of Queen's Bench on an application in chambers apply, with any necessary modification, to an application pursuant to this section.

(4) An appeal pursuant to this section is to be supported by an affidavit of the appellant setting forth fully the facts in support of the appeal.

(5) In addition to the evidence adduced by the appellant, the judge of the Court of Queen's Bench may direct any further evidence to be given that the judge considers necessary.

(6) The judge of the Court of Queen's Bench may confirm or reverse the decision of the review panel and may make any order that the judge considers necessary to give effect to the judge's decision.

(7) A decision of the judge of the Court of Queen's Bench pursuant to this section may be appealed to the Court of Appeal only on a question of law or jurisdiction.

(8) The judge of the Court of Queen's Bench may make any order as to the costs of an appeal pursuant to this section that the judge considers appropriate.

2005, c.Y-1.1, s.16.

PART VI
General

Forms of orders

17(1) All warrants and orders required for the purposes of this Act must be issued in the prescribed form.

(2) A physician who issues a community order or a detoxification order must state in the order the facts on which the physician formed his or her opinion.

2005, c.Y-1.1, s.17.

Confidentiality

18(1) Subject to subsection (2), no person who exercises any power, duty or function pursuant to this Act or the regulations shall disclose information collected for the purposes of that power, duty or function except as otherwise authorized by this Act or the regulations.

(2) Subsection (1) does not apply to:

(a) a parent of a youth with respect to information concerning that youth;

(b) a police officer; or

(c) a prescribed person or prescribed class of persons.

(3) Subject to the regulations and subsection (4), a person to whom this section applies may disclose information:

(a) for the purposes of administering this Act or the regulations;

(b) to another person exercising a power, duty or function pursuant to this Act or the regulations;

(c) for the purposes of performing any duty or exercising any power conferred or imposed on that person pursuant to this Act;

(d) for the purposes of arranging, assessing the need for, providing, continuing, or supporting the provision of an assessment, a detoxification or stabilization service or any other medically necessary service or treatment;

(e) for the purposes of monitoring compliance with a community order or detoxification order;

(f) if the person believes, on reasonable grounds, that the disclosure will avoid or minimize a danger to the health or safety of the assessed youth;

(g) if the disclosure is permitted pursuant to any Act or regulation;

(h) to comply with a subpoena, warrant or court order issued by a court, person or body that has authority to compel the production of information;

(i) with the consent of the assessed youth to whom the information relates;

(j) to the official representative of the assessed youth or the assessed youth's legal counsel; or

(k) in the prescribed circumstances.

(4) A person to whom this section applies shall disclose only the information that is reasonably necessary for the purposes for which it is being disclosed.

(5) *The Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Act* do not apply to information or records prepared, maintained or disclosed for the purposes of this Act.

2005, c.Y-1.1, s.18.

Right to access court documents

18.1 Where an information is laid before a judge of the Provincial Court of Saskatchewan pursuant to section 7 with respect to a youth, the youth, an official representative on behalf of the youth and a parent of the youth are entitled, on request, to have access to:

(a) the information; and

(b) any other documents filed with the judge for the purposes of obtaining a warrant pursuant to that section.

2007, c.16, s.9.

Regions

19 Subject to the regulations, the minister may establish regions for the purposes of this Act and designate the areas of Saskatchewan, detoxification facilities or both that are to be within each region.

2005, c.Y-1.1, s.19.

Immunity

20 No action or proceeding lies or shall be commenced against the minister, the department, an employee or agent of the department, a physician, a police officer or any other person appointed or engaged to administer all or any of the provisions of this Act or the regulations for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

2005, c.Y-1.1, s.20.

PART VI.1
Personal Health Information

Interpretation of this Part

20.1(1) In this Part and in section 21:

(a) **"applicant"** means an assessed youth who makes a written request for access to personal health information about himself or herself that is in the custody or control of a trustee;

(b) **"assessed youth"** includes a former assessed youth;

(c) **"commissioner"** means the commissioner as defined in *The Health Information Protection Act*;

(d) **"personal health information"** means personal health information as defined in *The Health Information Protection Act*;

(e) **"trustee"** means a trustee as defined in *The Health Information Protection Act* who has custody or control of personal health information obtained for the purposes of this Act;

(f) **"written request for access"** means a request made pursuant to section 20.3.

(2) The definitions in *The Health Information Protection Act* apply, with any necessary modification, to this Part.

(3) The rights provided by this Part to access personal health information are in addition to, and not in derogation of, the rights of an assessed youth to access information and documents provided by the other Parts of this Act.

(4) This Part applies only to personal health information in the custody or control of a trustee that is collected for the purposes of this Act.

2007, c.16, s.10.

Right to access

20.11 In accordance with this Part, an assessed youth has the right to request access to personal health information about himself or herself that is contained in a record in the custody or control of a trustee.

2007, c.16, s.10.

Oral request for access

20.2 Nothing in this Act precludes:

(a) an assessed youth from making an oral request for access to personal health information about himself or herself that is contained in a record in the custody or control of a trustee; or

(b) a trustee from responding to an oral request.

2007, c.16, s.10.

Right to review or appeal

20.21(1) An assessed youth has the right:

(a) to apply to the commissioner to request a review of an action taken or a decision made by a trustee with respect to the assessed youth's personal health information; and

(b) to appeal to the Court of Queen's Bench a decision made by a trustee with respect to the trustee's compliance or non-compliance with a recommendation by the commissioner.

(2) Part VI of *The Health Information Protection Act* applies, with any necessary modification, to an application or appeal made pursuant to this section.

2007, c.16, s.10.

Written request for access

20.3(1) An assessed youth may, in accordance with the regulations, make a written request for access to personal health information about himself or herself that is contained in a record in the custody or control of a trustee.

(2) A written request for access must:

(a) be made to the trustee that the applicant believes has custody or control of the record containing the personal health information; and

(b) contain sufficient detail to enable the trustee to identify the personal health information requested.

(3) An applicant must prove his or her identity to the satisfaction of the trustee.

(4) The right to make an application for review pursuant to section 20.21 applies only to written requests for access.

2007, c.16, s.10.

Duty to assist

20.4(1) Subject to sections 20.5 to 20.7, a trustee shall respond to a written request for access openly, accurately and completely.

(2) On the request of an applicant, a trustee shall:

(a) provide an explanation of any term, code or abbreviation used in the personal health information; or

(b) if the trustee is unable to provide an explanation in accordance with clause (a), refer the applicant to a trustee that is able to provide an explanation.

2007, c.16, s.10.

Response to written request

20.5(1) Within 30 days after receiving a written request for access, a trustee must respond to the request in one of the following ways:

(a) by making the personal health information available for examination and providing a copy, if requested, to the applicant;

(b) by informing the applicant that the information does not exist or cannot be found;

(c) by refusing the written request for access, in whole or in part, and informing the applicant:

(i) of the refusal and the reasons for the refusal; and

(ii) of the applicant's right to request a review of the refusal pursuant to section 20.21;

(d) by transferring the written request for access to another trustee if the personal health information is in the custody or control of the other trustee.

(2) A trustee that transfers a written request for access pursuant to clause (1)(d) must notify the applicant of the transfer as soon as is reasonably possible, and the trustee to whom the written request for access is transferred must respond to it within 30 days after the date of transfer.

(3) The failure of a trustee to respond to a written request for access within the period mentioned in subsection (1) or (2) is deemed to be a decision to refuse to provide access to the personal health information, unless the written request for access is transferred to another trustee pursuant to clause (1)(d).

2007, c.16, s.10.

Extension of time

20.6(1) A trustee may extend the period set out in subsection 20.5(1) for a reasonable period not exceeding 30 days if:

(a) the request is for access to a large number of records or necessitates a search through a large number of records or there is a large number of requests, and completing the work within the original period would unreasonably interfere with the operations of the trustee; or

(b) consultations that are necessary to comply with the request cannot reasonably be completed within the original period.

(2) A trustee that extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the request is made.

2007, c.16, s.10.

Refusing access

20.7(1) Subject to subsection (2), a trustee may refuse to grant an applicant access to his or her personal health information if:

(a) in the opinion of the trustee, knowledge of the information could reasonably be expected to endanger the mental or physical health or the safety of the applicant or another person;

(b) disclosure of the information would reveal personal health information about another person who has not expressly consented to the disclosure;

(c) disclosure of the information could reasonably be expected to identify a third party, other than another trustee, who supplied the information in confidence under circumstances in which confidentiality was reasonably expected;

(d) subject to subsection (3), the information was collected and is used solely:

(i) for the purpose of peer review by health professionals, including joint professional review committees within the meaning of *The Saskatchewan Medical Care Insurance Act*;

(ii) for the purpose of review by a standards or quality of care committee established to study or evaluate practices in a trustee; or

(iii) for the purposes of a body with statutory responsibility for the discipline of health professionals or for the quality or standards of professional services provided by health professionals;

(e) the information was collected principally in anticipation of, or for use in, a civil, criminal or quasi-judicial proceeding; or

(f) disclosure of the information could interfere with a lawful investigation or be injurious to the enforcement of an Act or regulation.

(2) If a record contains information to which an applicant is refused access, the trustee shall grant access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

(3) If access to personal health information is refused pursuant to clause (1)(d), a trustee must refer the applicant to the trustees from which the personal health information was collected.

2007, c.16, s.10.

Right to request amendment

20.8(1) An assessed youth who is given access to a record that contains personal health information with respect to himself or herself is entitled:

(a) to request amendment of the personal health information contained in the record if the person believes that there is an error or omission in it; or

(b) if an amendment is requested but not made, to require that a notation to that effect be made in the record.

(2) A request for amendment must be in writing.

(3) Within 30 days after a request for amendment is received, the trustee shall advise the individual in writing that:

(a) the amendment has been made; or

(b) a notation pursuant to clause (1)(b) has been made.

(4) Subject to subsection (6), if a trustee makes an amendment or adds a notation pursuant to clause (1)(b), the trustee must, if practicable, give notice of the amendment or notation to any other trustee or person to whom the personal health information has been disclosed by the trustee within the period of one year immediately before the amendment was requested.

(5) A trustee that receives a notice pursuant to subsection (4) must make the amendment or add the notation to any record in the custody or control of the trustee that contains personal health information respecting the assessed youth who requested the amendment.

(6) A trustee is not required to notify other trustees if an amendment or a notation cannot reasonably be expected to have an impact on the ongoing provision of services to the assessed youth pursuant to this Act.

(7) An amendment required to be made pursuant to this section must not destroy or obliterate existing information in the record being amended, other than registration information.

2007, c.16, s.10.

Exercise of rights by other persons

20.9 Any right or power conferred on an applicant by this Part may be exercised:

(a) by an applicant who is less than 18 years of age in situations where, in the opinion of the trustee, the applicant understands the nature of the right or power and the consequences of exercising the right or power;

(b) if the applicant is less than 18 years of age, by the applicant's parent in situations where, in the opinion of the trustee, the exercise of the right or power would not constitute an unreasonable invasion of the privacy of the applicant;

(c) by any person, including an official representative, designated in writing by the applicant for the purpose of exercising the rights and powers pursuant to this Part; or

(d) by any prescribed person.

2007, c.16, s.10.

PART VII
Regulations

Regulations

21 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) prescribing substances as drugs for the purposes of clause 2(1)(g);

(c) respecting detoxification facilities, including:

(i) prescribing services that may be provided at detoxification facilities;

(ii) respecting the operation of detoxification facilities;

(iii) respecting the qualifications and standards that a person must meet in order to be designated as the operator of a detoxification facility and to retain that designation; and

(iv) respecting the physical and operating standards that must be met by detoxification facilities;

(d) prescribing forms for the purposes of this Act;

(e) respecting the assessment, detoxification and stabilization services that may, in a community order or a detoxification order, be required to be provided;

(f) prescribing any amounts to be paid for the provision of detoxification and stabilization services and requiring the payment of those amounts on behalf of youths to whom those services are provided;

(g) respecting how an official representative is to carry out the official representative's duties imposed pursuant to this Act with respect to an assessed youth;

(h) creating rights of appeal to a review panel in addition to those specified in section 15, defining the powers of review panels with respect to appeals and prescribing persons or classes of persons to whom notice must be given pursuant to subclause 15(2)(e)(iv);

(i) conferring on review panels any ancillary powers that are considered advisable for carrying out their functions pursuant to this Act and the regulations, including authorizing a review panel to exclude witnesses, the public or both from its hearings and proceedings;

(j) regulating the practice and procedure before review panels for the purposes of this Act;

(k) respecting regions and the areas of Saskatchewan, detoxification facilities or both to be included within a region;

(l) for the purposes of section 18:

(i) prescribing persons or classes of persons to whom that section does not apply;

(ii) prescribing circumstances pursuant to which information shall not be disclosed; and

(iii) prescribing additional circumstances pursuant to which information may be disclosed;

(l.1) prescribing and governing administrative, technical and physical safeguards for the protection of information and documents collected for the purposes of this Act;

(l.2) prescribing and governing standards for the retention and destruction of information and documents collected for the purposes of this Act and governing retention and destruction policies;

(l.3) respecting any matters or things required for the purposes of Part VI.1 including:

(i) for the purposes of section 20.3, governing the making of written requests for access;

(ii) governing the making of requests for amendments to personal health information and the amending of personal health information by trustees;

(iii) for the purposes of section 20.9, prescribing persons or classes of persons who may exercise rights or powers conferred on an applicant by Part VI.1;

(m) prescribing any other matter or thing that is required or authorized to be prescribed in the regulations pursuant to this Act;

(n) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2005, c.Y-1.1, s.21; 2007, c.16, s.11.

PART VIII
Consequential Amendment

22 **Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

PART IX
Coming into Force

Coming into force

23 This Act comes into force on proclamation.

2005, c.Y-1.1, s.23.

REGINA, SASKATCHEWAN
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