The Hospital Standards Act

being

Chapter 265 of The Revised Statutes of Saskatchewan, 1965 (effective February 7, 1966).

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 265
An Act respecting the Inspection and Standardization of Hospitals

Short title
1 This Act may be cited as The Hospital Standards Act.
R.S.S. 1965, c.265, s.1.

Interpretation
2 In this Act:
“general hospital”
(a) “general hospital” means a hospital in which diagnostic services and medical, surgical and obstetrical treatment are provided to persons having various illnesses, disabilities, injuries or other conditions;

“institution”
(b) “institution” means an institution established and maintained for the purpose of providing diagnostic and treatment services or either of them;

“minister”
(c) “minister” means the Minister of Public Health;

“participating hospital”
(d) “participating hospital” means a hospital that is co-operating or has co-operated with another hospital or other hospitals in the establishment of a hospital council and, after a hospital council has been established, includes any other hospital that becomes entitled to participate in the affairs and undertakings of the hospital council pursuant to subsection (4) of section 15;

“patient”
(e) “patient” means a person actually admitted to a hospital, nursing home or other institution approved under this Act, for diagnosis or treatment, or for diagnosis and treatment, upon the order of a legally qualified medical practitioner.

1964, c.36, s.2; 1965, c.60, s.2; R.S.S. 1965, c.265, s.2.

Approval of institutions
3(1) The hospitals, nursing homes and other institutions in Saskatchewan that:
(a) in the case of hospitals, comply with this Act and the regulations;
(b) in the case of nursing homes and other institutions, comply with this Act, any regulations made thereunder affecting such nursing homes or other institutions and any rules, orders and regulations made under clause (ll) of subsection (1) of section 72 of The Public Health Act;

may be approved by the minister, for the purposes of The Saskatchewan Hospitalization Act.
(2) The minister shall prescribe the rates of payment to be made to approved hospitals, nursing homes and other institutions for services provided to beneficiaries under The Saskatchewan Hospitalization Act.

(3) The rate of payment fixed for any such institution may be changed by the minister and such change of rate may be made retroactive to such date as the minister may deem necessary.

(4) The minister may make an additional payment from the Saskatchewan Hospitalization Fund to any such institution to meet a portion of any deficit resulting from the operation of the institution during any period in which services were provided by it to beneficiaries under The Saskatchewan Hospitalization Act.

(5) When a return required to be made by any such institution under this Act or The Saskatchewan Hospitalization Act is not forthcoming, a proportion of the payments to be made to the institution for services provided to beneficiaries under that Act may in the discretion of the minister be withheld until the return is made, provided that amounts so withheld shall not exceed one-half of the amounts of the payments to be made.

(6) When any of the services provided under The Saskatchewan Hospitalization Act are required for the proper diagnosis or treatment of a beneficiary under that Act, and the hospital, within the meaning of that Act, in which the beneficiary is a patient is not supplying those services, but can in the opinion of the minister do so, the minister may, if he deems advisable, deduct from any sum payable to the hospital on account of that beneficiary, an amount determined by the minister to be the equivalent of the cost of supplying those services; and such deductions may be made thereafter from sums payable to the hospital, on account of other beneficiaries, until the minister is satisfied that the hospital is supplying those services when required by beneficiaries.

R.S.S. 1953, c.238, s.3; R.S.S. 1965, c.265, s.3.

Monthly return

4(1) On or before the fifteenth day of each month every hospital, nursing home and other institution approved under section 3, except any such institution that belongs to a class of institutions exempted by the minister from the application of this section, shall submit to the minister, upon a form prescribed by him, a return comprising a statement of its financial transactions and a summary of the hospital services provided by it during the preceding month.

(2) Subject to subsection (3), where in any month an institution to which this section applies fails to submit the return to the minister within the time limited by subsection (1), the minister shall cause to be deducted from the payments to be made to the institution under The Saskatchewan Hospitalization Act the sum of $10 and, in addition thereto, a sum of $5 for each day after the fifteenth day of the month during which the default continues up to a maximum of ten days.

(3) If on or before the fifteenth day of any month an institution has furnished to the minister a satisfactory reason for its failure to submit the return within the time limited, subsection (2) shall not apply with respect to that institution in that month.

1959, c.46, s.3; R.S.S. 1965, c.265, s.4.
Regulations

5 The Lieutenant Governor in Council may make regulations with respect to:

(a) the general location of hospitals to be erected, the acquisition or use of land as sites for hospitals and the creation, establishment, size, type, construction, alteration, equipment, maintenance and repair of hospitals;

(b) the classification, grades and standards of hospitals;

(c) the proportion of beds in a hospital, nursing home or other institution approved under this Act which shall be maintained and made available as public ward or minimum accommodation for the purposes of The Saskatchewan Hospitalization Act;

(d) the inspection, control, government, management, conduct, operation and use of hospitals;

(e) hospital staffs, officers, servants and employees, and their powers and duties;

(f) the admission, treatment, conduct, discipline and discharge of patients;

(g) the class or classes of patients which may be admitted to a hospital;

(h) the classification and lengths of stay of patients and rates and charges for patients;

(i) the records, books, audits, reports and returns to be kept and made by hospitals;

(j) the care of the dead, patients with communicable diseases or tuberculosis and maternity patients;

(k) the registration of births;

(l) the equipment of laboratory, X-ray and operating rooms;

(m) all other matters affecting hospitals;

(n) the establishment, construction, maintenance and repair of nursing homes, maternity homes, health centres, homes for children, homes for aged and infirm persons and homes for physically or mentally handicapped persons, or of any of such institutions, and governing the operation thereof, the licensing and inspection thereof, the sanitary conditions of their facilities, their equipment and all other matters affecting them;

(o) the approval, operation and inspection of such classes of institutions as may be specified, the equipment to be used therein and the qualifications of the persons to be employed therein, and all other matters affecting such institutions;

(p) the definition of “nursing students in hospitals”, “student X-ray technicians in hospitals”, “student laboratory technicians in hospitals”, and such other classes of hospital employees as are not affected by an order of the Minimum Wage Board and as the Lieutenant Governor in Council deems it advisable to define;

(q) the conditions upon which classes of persons defined pursuant to clause (p) may be employed, or enrolled as students, in hospitals.
Accounts and records

6 Every hospital, nursing home and other institution shall install and maintain an accounting system in such form and manner as the minister may prescribe and shall maintain records in accordance with the regulations.

R.S.S. 1953, c.238, s.5; R.S.S. 1965, c.265, s.6.

Treasurer to give security

7(1) Every employee of a hospital who is appointed to receive and account for hospital moneys shall before entering upon his duties give security to the hospital by a bond or policy of guarantee of a corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust.

(2) Every such security now in effect or hereafter given shall be renewed yearly and may be changed when required by the hospital.

R.S.S. 1953, c.238, s.6; R.S.S. 1965, c.265, s.7.

Audit

8(1) On or before the thirty-first day of December in each year every hospital shall appoint an auditor but no one shall be appointed who is then, or was during the preceding year, a member of the hospital board, or who has or had during the preceding year, directly or indirectly, any share or interest in a contract made by the hospital or who is or was during the preceding year employed by the hospital in any capacity except that of auditor. An incorporated company or a partnership may be appointed.

(2) On or before the first day of March in each year the auditor shall prepare, on a form supplied by the minister, an abstract of the revenue, expenditures, assets and liabilities of the hospital for the financial year ending on the thirty-first day of December of the preceding year and shall make a special report respecting any expenditures made or revenues obtained contrary to law.

(3) The auditor shall forthwith mail two copies of the abstract and report to the minister and a copy to the hospital.

R.S.S. 1953, c.238, s.7; R.S.S. 1965, c.265, s.8.

Insurance

9 Every hospital shall hold policies of insurance protecting the hospital against:

(a) loss of or damage to the hospital buildings, equipment and furnishings by fire, to the extent of at least eighty per cent of the value thereof;

(b) claims founded on negligence or malpractice, to the extent of at least $5,000 in case of injury to or the death of one patient, and to the extent of at least $15,000 in case of injury to or the death of two or more patients;

(c) claims by other persons, founded on negligence, to the extent of at least $5,000 for one person for one accident and at least $10,000 for two or more persons in one accident.

R.S.S. 1953, c.238, s.8; R.S.S. 1965, c.265, s.9.
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Returns
10 Every hospital, nursing home and other institution shall make such returns as are required by the regulations.

R.S.S. 1953, c.238, s.9; R.S.S. 1965, c.265, s.10.

Inspection
11(1) The minister may appoint one or more inspectors to inspect and report; upon every hospital, nursing home and other institution approved under this Act and for such purpose such inspector or inspectors shall make all proper inquiries as to the operation, maintenance, management and affairs thereof and by examination of the registers and by such other means as may be deemed necessary satisfy himself or themselves as to the correctness of any returns made under this Act.

(2) If a medical inspector reports that any person was not a fit subject for diagnosis or treatment in a hospital, nursing home or other institution approved under this Act for all or part of the time during which he was kept in such hospital, nursing home or other institution, the minister may refuse to make any payment under The Saskatchewan Hospitalization Act in respect of such person for the time during which he is so reported as not being a fit subject for diagnosis or treatment.

R.S.S. 1953, c.238, s.10; R.S.S. 1965, c.265, s.11.

Power to borrow
12 Any hospital, nursing home or other institution may borrow such sum or sums of money as are deemed necessary for its purposes and may secure such loans to the lender or lenders by bonds, debentures, mortgages, bills of exchange, promissory notes or hypothecation of its revenues, or by any other instrument required by the lender or lenders.

R.S.S. 1953, c.238, s.11; R.S.S. 1965, c.265, s.12.

False returns
13 A person who knowingly and wilfully makes or is a party to or procures to be made directly or indirectly any false return under this Act or The Saskatchewan Hospitalization Act is guilty of an offence and liable on summary conviction to a fine not exceeding $500.

R.S.S. 1953, c.238, s.12; R.S.S. 1965, c.265, s.13.

Limitation of actions
14 No action shall be brought against any person, partnership or corporation owning or operating a hospital, nursing home or other institution or the board of governors or board of management of any such institution, or any officer or employee thereof acting within the scope of his employment, for the recovery of damages, after the expiration of three months from the date on which the damages are sustained unless, upon application to a judge of the Court of Queen's Bench made not later than one year from such date, and after seven days' notice to the person, partnership, corporation, board, officer or employee as the case may require, the judge allows the claim to be made.

R.S.S. 1953, c.238, s.13; R.S.S. 1965, c.265, s.14.
Establishment of hospital council

15(1) Any two or more hospitals may co-operate with each other in the establishment of a hospital council consisting of representatives of each participating hospital, appointed by the hospital. Subject to any regulations made under section 18, the number of representatives of each participating hospital and the term of office of the appointed representatives shall be such as may be agreed upon by the participating hospitals.

(2) The name of the hospital council shall be “The _______________ Hospital Council”, the blank being filled in with the name assigned to the council by the minister.

(3) Upon the publication in The Saskatchewan Gazette of a notice setting forth the names of the persons appointed as the hospital council and the name of the council, the council shall be a body corporate.

(4) Where two or more hospitals have co-operated in the establishment of a hospital council and the notice mentioned in subsection (3) has been published in the Gazette and any other hospital thereafter signifies a desire to participate in the affairs and undertakings of the hospital council the minister may, with the approval of the hospital council, name representatives of that other hospital on the hospital council and shall cause to be published in the Gazette a notice setting forth the names of such representatives, and upon the publication of the notice that hospital shall be entitled to participate in the affairs and undertakings of the hospital council to the same extent as the hospitals that co-operated in its establishment.

Powers of hospital council

16 A hospital council may:

(a) employ consultants and other technical personnel for improving the services of the participating hospitals;

(b) procure equipment, materials and supplies for the use of the participating hospitals;

(c) provide appropriate training for such classes of persons employed in the participating hospitals as it deems advisable;

(d) make rules and regulations governing the convening and conduct of meetings, the appointment and duties of officers of the council, the appointment and duties of an executive committee and other committees and, subject to any regulations made under section 18, all other matters incidental to the proper carrying on of the business of the council;

(e) acquire, hold and dispose of real and personal property for its corporate purposes;

(f) enter into agreements with each participating hospital where necessary to the carrying out of any of the objects of the council and receive money to assist in the financing of anything undertaken by the council in the exercise of its powers under this section;
(g) do such other things as it deems necessary for its corporate purposes and for improving the services, and the efficiency of the operation, of the participating hospitals.

1956, c.48, s.3; 1959, c.46, s.4; R.S.S. 1965, c.265, s.16.

Financial assistance by hospital

17 A participating hospital may pay to the hospital council such sums as may be necessary to cover the hospital’s share of the cost of anything undertaken by the council in the exercise of its powers under section 16.

1956, c.48, s.3; R.S.S. 1965, c.265, s.17.

Regulations governing hospital councils

18 The Lieutenant Governor in Council may make regulations governing the establishment, constitution, conduct of the business, and dissolution of hospital councils.

1956, c.48, s.3; R.S.S. 1965, c.265, s.18.

Appointment of auditor by hospital council and duties of auditor and secretary

19(1) On or before the thirty-first day of December in each year every hospital council shall appoint an auditor but no one shall be appointed who is then, or was during the preceding year, a member of the board of one of the participating hospitals, or who has or had during the preceding year, directly or indirectly, any share or interest in a contract made by the hospital council or one of the participating hospitals or who is or was during the preceding year employed by the hospital council or one of the participating hospitals in any capacity except that of auditor. An incorporated company or a partnership may be appointed.

(2) On or before the first day of March in each year the auditor shall prepare an abstract of the revenue, expenditures, assets and liabilities of the hospital council for the financial year ending on the thirty-first day of December of the preceding year and shall make a special report respecting any expenditures made or revenues obtained contrary to law.

(3) The auditor shall forthwith mail one copy of the abstract and report to the minister and one copy to the secretary of the hospital council, and the secretary shall forthwith after receiving such copy deliver or mail one copy thereof to each participating hospital.

1956, c.48, s.3; R.S.S. 1965, c.265, s.19.

Bylaws, rules and regulations of general hospital open to public inspection

20(1) Where a bylaw, rule or regulation of a general hospital has been approved by the minister and a copy thereof is in the possession of the Department of Public Health, the copy shall be open to public inspection during office hours.

(2) A copy of any such bylaw, rule or regulation, certified by an officer of the Department of Public Health to be a true copy, may be furnished by that department to any person, upon payment of the fee prescribed by the Lieutenant Governor in Council.

1964, c.36, s.4; R.S.S. 1965, c.265, s.20.