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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER P-38.1 REG 1*The Public Interest Disclosure Act*

Section 45

Order in Council 521/2011, dated August 25, 2011

(Filed August 26, 2011)

Title

1 These regulations may be cited as *The Public Interest Disclosure Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Public Interest Disclosure Act*.

Government institutions prescribed pursuant to subclause 2(1)(d)(ii)

3 For the purposes of subclause 2(1)(d)(ii) of the Act, the following are government institutions:

- (a) the bodies set out in Part I of the Appendix to *The Freedom of Information and Protection of Privacy Regulations*;
- (b) all subsidiaries of a Crown corporation that is prescribed as a government institution pursuant to clause (a).

Permanent heads pursuant to section 2(1)(f)(ii)

4 For the purposes of subclause 2(1)(f)(ii) of the Act:

- (a) the chief executive officer of a Crown corporation that is prescribed as a government institution pursuant to clause 3(a) is the permanent head of the Crown corporation;
- (b) if a subsidiary of a Crown corporation is prescribed as a government institution pursuant to clause 3(b), the chief executive officer of the parent Crown corporation is the permanent head of the subsidiary;
- (c) the chairperson of a body, other than a Crown corporation, that is prescribed as a government institution pursuant to clause 3(a) or the chairperson of the board of the body, as the case may be, is the permanent head of the government institution;
- (d) in the case of a corporation sole prescribed as a government institution pursuant to clause 3(a), the individual that constitutes the corporation sole is the permanent head of that government institution.

Additional procedure pursuant to clause 6(2)(h) of the Act

5 The procedures mentioned in subsection 6(1) of the Act must include a provision permitting the permanent head or designated officer for a government institution to refer a disclosure to the Commissioner if, in the opinion of the permanent head or designated officer, it would be inappropriate for him or her to deal with the disclosure either because of the nature of the wrongdoing or because of the persons involved in the disclosure.

Exception re subsection 7(1) of the Act

6 If, after consultation with the Commissioner, the permanent head determines that sections 5 and 6 of the Act do not apply to the government institution for which the permanent head is responsible, the permanent head shall:

- (a) refer a disclosure made by a public servant to the Commissioner; and
- (b) provide the public servant who made the disclosure mentioned in clause (a) with notice of the referral.

Notice of decision involving investigation pursuant to clause 17(2)(b)

7 For the purposes of clause 17(2)(b) of the Act, the information to be provided by the Commissioner must also include sufficient information to identify the individuals who are allegedly involved in the wrongdoing set out in the disclosure.

Confidentiality of information to be maintained

8(1) Subject to subsection (2), no person shall disclose any of the following information that comes to the person's knowledge in the course of performing his or her duties pursuant to the Act or these regulations:

- (a) the identity of the public servant making a disclosure;
- (b) the identity of all persons who provide information relating to a disclosure, a wrongdoing or a reprisal;
- (c) the identity of a person alleged to have committed a wrongdoing.

(2) A person may disclose information described in subsection (1) if:

- (a) the information is required to administer the Act or these regulations or to perform a duty or exercise a power imposed or conferred by the Act or these regulations, including managing a disclosure in accordance with procedures established pursuant to section 6 of the Act;
- (b) the person to whom the information relates consents;
- (c) the disclosure is to the Commissioner;
- (d) in the case of information mentioned in clause (1)(c), the disclosure is to:
 - (i) the permanent head of the relevant government institution; or
 - (ii) in the case of a government institution that is a Crown corporation, the Crown corporation's board of directors; or
- (e) the disclosure is made on the grounds set out in section 29 of *The Freedom of Information and Protection of Privacy Act*, and that section applies, with any necessary modification, for the purposes of this clause.

Prescribed forms

9 For the purposes of the Act:

- (a) Form A of the Appendix is prescribed as the form for disclosures; and
- (b) Form B of the Appendix is prescribed as the form for a complaint of a reprisal.

Coming into force

10 These regulations come into force on the day on which section 1 of *The Public Interest Disclosure Act* comes into force.

Appendix**FORM A**
[Clause 9(a)]*The Public Interest Disclosure Act*
[Subsection 10(1)]**DISCLOSURE OF WRONGDOING**

Pursuant to subsection 10(1) of the Act, if a public servant reasonably believes that he or she has information that could show that a wrongdoing has been committed or is about to be committed or that could show that a public servant has been asked to commit a wrongdoing, the public servant may make a disclosure to:

- (a) the designated officer for the government institution where the public servant is employed, or _____
- (b) the Public Interest Disclosure Commissioner

Current Date:

(Please print)

Last Name: _____**First Name:** _____**Government Institution:** _____**Contact Information****Address:** _____**City or Town:** _____**Province:** _____**Postal Code:** _____**Telephone Number:** _____**E-mail Address:** _____**Preferred Time to Contact:** Day _____ Evening _____ Weekend _____

FORM B
[Clause 9(b)]

The Public Interest Disclosure Act
[Subsection 36(1)]

COMPLAINT OF REPRISAL

Pursuant to subsection 36(1) of the Act, no person shall take or direct a reprisal against a public servant or former public servant because the public servant has, in good faith:

- (a) sought advice about making a disclosure from the designated officer or permanent head of the government institution in which he or she is employed or the Commissioner;
- (b) made a disclosure;
- (c) co-operated in an investigation pursuant to this Act; or
- (d) declined to participate in wrongdoing.

If a public servant or former public servant alleges that a reprisal has been taken or directed against him or her, the public servant or former public servant may make a written complaint to the Commissioner respecting the matter.

Current Date:

(Please print)

Last Name:

First Name:

Government Institution:

Contact Information

Address:

City or Town:

Province:

Postal Code:

Telephone Number:

E-mail Address:

Preferred Time to Contact: Day ____ Evening ____ Weekend ____

Details:

(Please provide the details of the nature of the wrongdoing, date(s), location(s), etc., attaching any supporting documentation, if possible. Use additional pages, if required)

I believe this to be true to the best of my knowledge.*

Signature

*Knowingly making a false or misleading statement is an offence under the Act.

CHAPTER R-8.2 REG 8

The Regional Health Services Act

Section 64

Order in Council 520/2011, dated August 25, 2011

(Filed August 26, 2011)

Title

1 These regulations may be cited as *The Special-care Homes Rates Regulations, 2011*.

Interpretation

- 2** In these regulations:
- (a) **“acute care management of symptoms related to palliative care”** means a specific approach to and focus on pain management and the control of other acute symptoms associated with palliative care;
 - (b) **“annual net income”** means annual net income determined pursuant to section 7;
 - (c) **“annual reported income”** means annual reported income determined pursuant to section 6;

- (d) **“dependent”** means, with respect to a resident:
- (i) the resident’s spouse;
 - (ii) a child of the resident or the resident’s spouse who:
 - (A) is under the age of 18 years; or
 - (B) is 18 years of age or older, is in full-time attendance at a secondary or post-secondary educational institution and is receiving significant financial support from the resident or the resident’s spouse;
 - (iii) a grandchild, niece, nephew, brother or sister of the resident or the resident’s spouse, or a person to whom the resident or the resident’s spouse stands in the place of a parent, who:
 - (A) is under the age of 18 years and is the financial responsibility of the resident or the resident’s spouse; or
 - (B) is 18 years of age or older, is in full-time attendance at a secondary or post-secondary educational institution and is the financial responsibility of the resident or the resident’s spouse; or
 - (iv) a person with respect to whom an order has been made pursuant to *The Adult Guardianship and Co-decision-making Act* appointing a personal decision-maker or property decision-maker and who is receiving significant financial support from the resident or the resident’s spouse;
- (e) **“end-stage palliative care”** means the last stage, as assessed by the regional health authority of the health region in which the care is being provided, of the palliative care process where the death of a resident is imminent;
- (f) **“Level 1 care”** means the provision of guidance or supervision in the activities of daily living to a resident who is essentially independent;
- (g) **“maximum resident charge”** means the maximum resident charge determined pursuant to section 9;
- (h) **“minimum base income”** means the minimum base income determined pursuant to section 8;
- (i) **“minimum resident charge”** means the minimum resident charge determined pursuant to section 4;
- (j) **“ministry”** means the ministry over which the minister presides;
- (k) **“palliative care”** means active, compassionate care provided to a terminally ill resident where it has been determined that treatment for cure or prolongation of life is no longer the primary object of the care being provided;
- (l) **“resident”** means a person who lives in a special-care home for the purpose of receiving care;

- (m) **“resident’s family unit”** means the resident and all dependants of the resident;
- (n) **“resident’s monthly charge”** means the monthly amount that may be charged to a resident determined pursuant to section 3;
- (o) **“resident’s monthly income”** means a resident’s monthly income determined pursuant to section 5;
- (p) **“respite care”** means temporary care provided in a special-care home to a person who normally resides in the community in order to provide relief to members of the person’s family or friends who are the primary caregivers;
- (q) **“responsible person”** means, with respect to a resident:
- (i) a property decision-maker or personal decision-maker appointed pursuant to *The Adult Guardianship and Co-decision-making Act*;
 - (ii) the Public Guardian and Trustee, where the Public Guardian and Trustee has been appointed to act on behalf of the resident in a capacity that is consistent with the powers conferred on a responsible person by these regulations;
 - (iii) a proxy or nearest relative as defined in *The Health Care Directives and Substitute Health Care Decision Makers Act*, where the resident lacks capacity;
 - (iv) a person granted a power of attorney by the resident; or
 - (v) a person nominated in writing by the resident on a form supplied by the ministry;
- (r) **“special-care home”** means a facility that is designated as a special-care home in accordance with *The Facility Designation Regulations*;
- (s) **“spouse”** includes a person with whom a resident has cohabited as a spouse for a period of at least one year, but does not include a spouse who is separated from the resident pursuant to a separation agreement or a judicial separation.

Resident’s monthly charge

3(1) Subject to subsections (2) to (4) and sections 11 to 13, the monthly amount that may be charged to a resident of a special-care home is the amount RC calculated in accordance with the following formula:

$$RC = \text{MINRC} + (50\% \times \text{RI})$$

where:

MINRC is the minimum resident charge applicable to the month; and

RI is the amount RI, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$RI = \text{RMI} - \text{MI}$$

where:

RMI is the resident’s monthly income; and

MI is the minimum base income applicable to the month.

(2) If a resident's monthly charge calculated pursuant to subsection (1) is less than the minimum resident charge, the resident's monthly charge is deemed to be the minimum resident charge.

(3) If a resident's monthly charge calculated pursuant to subsection (1) is more than the maximum resident charge, the resident's monthly charge is deemed to be the maximum resident charge.

(4) In addition to a resident's monthly charge, the operator of a special-care home may charge a resident the actual cost of medical supplies and drugs that the resident requires.

Minimum resident charge

4 The minimum resident charge per month for each three-month period is the amount MINRC, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$\text{MINRC} = \text{EMINRC} + \left(\text{EMINRC} \times \frac{\text{NMBI} - \text{EMBI}}{\text{EMBI}} \right)$$

where:

EMINRC is the minimum resident charge per month for the three-month period preceding the period for which MINRC is being calculated;

NMBI is the minimum base income for the period for which MINRC is being calculated; and

EMBI is the minimum base income for the three-month period preceding the period for which MINRC is being calculated.

Resident's monthly income

5(1) Subject to subsections (2) and (3), a resident's monthly income is the amount RMI determined in accordance with the following formula:

$$\text{RMI} = \frac{1}{12} \times \frac{\text{RARI} + \text{SARI}}{\text{F}}$$

where:

RARI is the annual reported income of the resident;

SARI is the annual reported income of the resident's spouse; and

F is the number of members in the resident's family unit.

(2) If a resident and the resident's spouse live in separate dwellings for reasons beyond their control, the resident or the resident's responsible person may apply to the minister for a designation of involuntary separation.

(3) If a designation of involuntary separation is granted, the resident's monthly income is the amount RMI determined in accordance with the following formula:

$$\text{RMI} = \frac{1}{12} \times \text{RARI}$$

where RARI is the annual reported income of the resident.

Annual reported income

6 If the annual reported income of a person is to be used in a year for the purposes of these regulations, the annual reported income is the income of the person for the preceding year based on:

- (a) the person's total income as reported on line 150 of the return of income for that preceding year pursuant to the *Income Tax Act* (Canada), minus the amount, if any, of the person's deduction for the elected split-pension amount as reported on line 210 of that return;
- (b) with the consent of the person or a person having authority to give consent on behalf of the person, information obtained directly from a department, ministry or agency of a government that provides income to the person; or
- (c) documents supplied by or on behalf of the person that are sufficient, in the opinion of a person designated by the deputy minister of the ministry for the purposes of this section, to establish the amount of the person's income for that preceding year.

Annual net income

7 The annual net income of a person for a year is the annual reported income for that year less:

- (a) any deductions that are allowed by the *Income Tax Act* (Canada) in determining net income within the meaning of that Act;
- (b) the amount of any taxable capital gains in that year; and
- (c) the amount of any lump sum payments from a Registered Retirement Savings Plan received in that year.

Minimum base income

8 With respect to any three-month period commencing on January 1, April 1, July 1 or October 1 in any year, the minimum base income is the amount MBI calculated in accordance with the following formula:

$$\text{MBI} = A + B + C - \$58.65$$

where:

A is the amount of a full monthly pension pursuant to Part I of the *Old Age Security Act* (Canada) as at the first day of the period for which MBI is being calculated;

B is the amount of the maximum monthly guaranteed income supplement for a person without a spouse pursuant to Part II of the *Old Age Security Act* (Canada) as at the first day of the period for which MBI is being calculated; and

C is the amount of the maximum monthly benefit payable pursuant to *The Saskatchewan Income Plan Act* to a person who is a resident of a special-care home and is a single person as at the first day of the period for which MBI is being calculated.

Maximum resident charge

9 The maximum resident charge per month for each three-month period is the amount MAXRC, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$\text{MAXRC} = \text{EMAXRC} + \left(\text{EMAXRC} \times \frac{\text{NMBI} - \text{EMBI}}{\text{EMBI}} \right)$$

where:

EMAXRC is the maximum resident charge per month for the three-month period preceding the period for which MAXRC is being calculated;

NMBI is the minimum base income for the period for which MAXRC is being calculated; and

EMBI is the minimum base income for the three-month period preceding the period for which MAXRC is being calculated.

Prorating resident's monthly charge

10 If a resident resides in a special-care home for less than a full calendar month, the resident shall pay with respect to the partial month of residence an amount PM calculated in accordance with the following formula:

$$\text{PM} = \frac{\text{RC}}{\text{D}} \times \text{N}$$

where:

RC is the resident's monthly charge;

D is the number of days in the month; and

N is the number of days in the month during which the resident resided in the special-care home and received care.

Charge based on full cost of care

11(1) In this section, "**full cost of care**" means the full cost of providing services to a resident for a month, as reasonably estimated by the operator of the special-care home in which the services are provided.

(2) A resident's monthly charge is the full cost of care if:

(a) the resident is receiving financial assistance from a program administered by the Department of Indian Affairs and Northern Development (Canada) or by a band as defined in the *Indian Act* (Canada);

(b) the resident is receiving Level 1 care; or

(c) the cost of the resident's care is covered by compensation paid pursuant to *The Workers' Compensation Act, 1979*.

(3) Notwithstanding section 14, if an individual admitted to respite care is not a Canadian citizen or a permanent resident and is not entitled to be issued a Saskatchewan Health Services Card, the resident's monthly charge is the full cost of care.

No charge for certain residents

12 A resident of a special-care home who is admitted for the purpose of receiving acute care management of symptoms related to palliative care or end-stage palliative care is not required to pay a resident's monthly charge.

Residents under 18

13(1) In this section:

(a) **“property guardian”** means a guardian of the property of a child as constituted or appointed pursuant to section 30 of *The Children's Law Act, 1997*;

(b) **“third party”** means a person who, pursuant to an Act, regulation or court order, is liable for the cost of care of a child or the provision of a living assistance benefit with respect to a child, but does not include a member of the child's family or a person acting in a representative capacity on behalf of the child.

(2) Subject to subsection (3), the parent or property guardian of a resident who is under the age of 18 years is not required to pay a resident's monthly charge.

(3) The minimum resident charge applies with respect to a resident who is under the age of 18 years if:

(a) the resident has been permanently committed to the care of the Minister of Social Services pursuant to *The Child and Family Services Act*; or

(b) a third party is liable for the cost of the resident's care.

(4) For the purposes of this section, a resident is deemed to be under the age of 18 years for the entire calendar month in which he or she attains the age of 18 years.

Charge for respite care

14(1) If a resident receives respite care in a special-care home for less than a full calendar month, the resident shall pay with respect to the partial month of respite care an amount PM calculated in accordance with the following formula:

$$PM = \frac{MINRC \times N}{D}$$

where:

MINRC is the minimum resident charge applicable to the month;

D is the number of days in the month; and

N is the number of days in the month during which the resident resided in the special-care home and received respite care.

(2) If a resident receives respite care in a special-care home for a full calendar month, the resident shall pay the minimum resident charge for that month.

(3) If a resident receives respite care in a special-care home for more than 60 consecutive days, the resident shall pay the resident's monthly charge determined in accordance with the other provisions of these regulations with respect to each day of residence after the sixtieth day.

Provision of information

15(1) A resident or the responsible person of a resident shall provide the minister with any information that the minister considers necessary for the purpose of calculating the resident's monthly charge.

(2) If a resident or the responsible person of a resident fails to provide the minister with the information required pursuant to subsection (1), the resident will be charged the maximum resident charge.

Request for recalculation

16(1) A resident or the responsible person of a resident may at any time request a recalculation of the resident's monthly charge if:

- (a) the resident or the responsible person disagrees with the resident's monthly charge;
- (b) the resident has had a significant change in financial circumstances since the resident's monthly charge was last calculated; or
- (c) the difference between the annual reported income and the annual net income of the resident or the resident's spouse is 1% or more.

(2) A request for recalculation pursuant to subsection (1) must be made by submitting a written request to the ministry, together with documents respecting the resident's income that support the grounds for requesting the recalculation that are set out in the written request.

(3) On receiving a request for recalculation pursuant to subsection (2), together with the required supporting documents, a person designated for the purpose by the deputy minister of the ministry:

- (a) shall review the request and the supporting documents;
- (b) may request the resident or the responsible person to supply further supporting documents or information if, in the opinion of the deputy minister's designate:
 - (i) the documents submitted with the request for recalculation are not sufficient to make possible an accurate recalculation; or
 - (ii) there is a suspicion that the documents submitted have been falsified;
- (c) shall, if satisfied that the information provided by or on behalf of the resident is complete and accurate, recalculate the resident's monthly charge on the basis of that information; and
- (d) shall notify the resident or the responsible person and the operator of the special-care home in which the resident is living of the results of the recalculation.

(4) If, on a recalculation, it is determined that the resident's monthly charge should be lower than the monthly charge that has been applied to the resident, the resident's monthly charge determined by the recalculation applies with respect to the resident, retroactive to the first day of the month in which the request for recalculation was submitted.

R.R.S. c.H-13 Reg 2 repealed

17 *The Special-care Homes Rates Regulations* are repealed.

Coming into force

18(1) Subject to subsection (2), these regulations come into force on October 1, 2011.

(2) If these regulations are filed with the Registrar of Regulations after October 1, 2011, these regulations come into force on the day on which they are filed with the Registrar of Regulations.