



The Saskatchewan Gazette

PUBLISHED WEEKLY BY AUTHORITY OF THE QUEEN'S PRINTER/PUBLIÉE CHAQUE SEMAINE SOUS L'AUTORITÉ DE L'IMPRIMEUR DE LA REINE

PART II/PARTIE II

Volume 108

REGINA, FRIDAY, JUNE 8, 2012/REGINA, VENDREDI, 8 JUIN 2012

No. 23/n° 23

PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER S-8 REG 10*The Saskatchewan Assistance Act*

Section 14

Order in Council 333/2012, dated May 31, 2012

(Filed June 1, 2012)

**PART I
Preliminary Matters****Title****1** These regulations may be cited as *The Personal Care Home Benefit Regulations*.**Interpretation****2** In these regulations:

- (a) **“Act”** means *The Saskatchewan Assistance Act*;
- (b) **“adjusted annual net income”** means annual net income adjusted pursuant to section 7;
- (c) **“allowance”** means the allowance authorized to be paid pursuant to Part III of the *Old Age Security Act (Canada)*;
- (d) **“applicant”** means a resident who applies for a PCH benefit or on whose behalf an application for a PCH benefit is made;
- (e) **“benefit year”** means a period commencing on July 1 in one year and ending on June 30 in the following year;
- (f) **“eligible resident”** means a resident whose application for a PCH benefit has been approved pursuant to section 8;
- (g) **“financial institution”** means:
 - (i) a bank to which the *Bank Act (Canada)* applies;
 - (ii) a credit union incorporated or continued pursuant to *The Credit Union Act, 1998*; or
 - (iii) a corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997*;
- (h) **“income tax return”** means a return of income as defined in section 122.6 of the *Income Tax Act (Canada)*;
- (i) **“PCH benefit”** means the monthly benefit paid pursuant to Part IV;

- (j) **“pension”** means the monthly pension paid pursuant to Part I of the *Old Age Security Act* (Canada);
- (k) **“personal care home”** means a personal care home for which a licence is issued pursuant to *The Personal Care Homes Act*;
- (l) **“preceding taxation year”** means:
- (i) with respect to an applicant or the spouse of an applicant, if any, the taxation year that ended immediately preceding the beginning of the benefit year in which the applicant applies for a PCH benefit; and
 - (ii) with respect to an eligible resident or the spouse of an eligible resident, if any, the taxation year that ended immediately preceding the beginning of the benefit year for which a PCH benefit is being calculated;
- (m) **“program”** means the Personal Care Home Benefit Program established pursuant to subsection 3(1);
- (n) **“resident”** means a person who has been admitted to a personal care home as a resident as defined in *The Personal Care Homes Regulations, 1996*;
- (o) **“resident’s monthly income”** means a resident’s monthly income determined pursuant to section 6;
- (p) **“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, if 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*, if 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 minister;
- (q) **“spouse”** means:
- (i) the legal spouse of a resident; or
 - (ii) if the resident does not have a legal spouse or if the resident was living separate and apart from his or her legal spouse at the time the resident was admitted to a personal care home, another person who:
 - (A) has cohabited with the resident as spouses continuously for a period of not less than one year before the resident’s admission to the personal care home; or
 - (B) represents himself or herself as the spouse of the resident;

(r) “**supplement**” means the monthly Guaranteed Income Supplement paid pursuant to Part II of the *Old Age Security Act* (Canada) and includes any additional amount added to the amount of the supplement pursuant to section 12.1 of the *Old Age Security Act* (Canada);

(s) “**taxation year**” means the calendar year.

Program established and designated

3(1) The Personal Care Home Benefit Program is established.

(2) The program is designated as an income-tested program for the purposes of clause 2(c.01) of the Act.

PART II
Application, Eligibility and Approval

DIVISION 1
Application

Application

4(1) In this section, “**social insurance number**” means a social insurance number assigned to an individual pursuant to the authority of any Act of the Parliament of Canada.

(2) An applicant may apply for a PCH benefit at any time during the benefit year in any manner acceptable to the minister.

(3) An applicant must provide to the minister:

(a) subject to subsections (5) and (6), the social insurance number of the applicant and the applicant’s spouse, if any;

(b) the name and licence number of the personal care home in which the applicant resides;

(c) subject to subsection (7), a copy of the income tax return of the applicant and the applicant’s spouse, if any, that was filed pursuant to the *Income Tax Act* (Canada) for the preceding taxation year;

(d) if available, a copy of the notice of assessment for the preceding taxation year that verifies the amount of net income, as reported to the Canada Revenue Agency, on line 236 of the income tax return for the applicant and the applicant’s spouse, if any;

(e) the consent of the applicant and the applicant’s spouse, if any, to the use of the social insurance numbers mentioned in clause (a) for the purpose of determining the eligibility of the applicant to receive a PCH benefit or to continue receiving the PCH benefit and the amount of the PCH benefit to which the applicant may be entitled;

- (f) the consent of the applicant and the applicant's spouse, if any, to the disclosure to the minister of personal information with respect to the applicant and the applicant's spouse, if any, in the records of ministries and agencies and other bodies for the purpose of determining the eligibility of the applicant to receive a PCH benefit or to continue receiving the PCH benefit and the amount of the PCH benefit to which the applicant may be entitled;
 - (g) a declaration that the applicant is aware of the obligation to report any changes in circumstances that affect the eligibility of the applicant to receive a PCH benefit or to continue receiving the PCH benefit and the amount of the PCH benefit to which the applicant may be entitled;
 - (h) the information to be provided by the applicant or the applicant's financial institution to make possible the direct deposit of the applicant's PCH benefit in an account of the applicant with that financial institution;
 - (i) any other information that the minister considers necessary to establish the eligibility of the applicant to receive a PCH benefit or to continue receiving the PCH benefit and the amount of the PCH benefit to which the applicant may be entitled.
- (4) The minister may permit a responsible person to apply for a PCH benefit on behalf of an applicant and to provide the information and consents required by subsection (3) on behalf of the applicant.
- (5) For the purposes of an application for a PCH benefit, if the applicant or the applicant's spouse, if any, has applied for a social insurance number but has not yet received it, the minister may accept evidence of that application as supplied by the applicant or the responsible person.
- (6) If an applicant or an applicant's spouse, if any, has never been assigned a social insurance number, the applicant or the responsible person may provide any other evidence that is acceptable to the minister to establish the eligibility of the applicant to receive a PCH benefit or to continue receiving the PCH benefit and the amount of the PCH benefit to which the applicant may be entitled.
- (7) If an applicant or the applicant's spouse, if any, did not file an income tax return for the preceding taxation year, the applicant or the responsible person may provide a statement of the income of the applicant and the applicant's spouse, if any, on a form supplied by the minister together with any evidence sufficient to verify, to the satisfaction of the minister, the income as stated on the form.
- (8) The minister may require an applicant or the applicant's spouse, if any, to verify, by affidavit or otherwise, any information, documentation or material submitted to the minister by the applicant at the time or at any time after the application is submitted.
- (9) On receipt of an application pursuant to this section, the minister shall:
- (a) consider the application; and
 - (b) determine in accordance with Division 2 whether the applicant is eligible to receive a PCH benefit.

DIVISION 2
Eligibility

Determination of eligibility

5 An applicant is eligible to receive a PCH benefit only if the application made by or on behalf of the applicant complies with section 4 and the applicant satisfies the minister that the applicant:

- (a) is a person who makes his or her home and is ordinarily resident in Saskatchewan and is not a tourist, transient or visitor to Saskatchewan;
- (b) is 65 years of age or older;
- (c) is receiving a pension pursuant to the *Old Age Security Act (Canada)*;
- (d) is a resident of a personal care home;
- (e) has monthly income, determined in accordance with section 6, of less than \$1,800; and
- (f) has applied for any benefits provided in Saskatchewan by the Government of Canada, the Government of Saskatchewan or any other government, or any agency of that government, for which the applicant may be eligible and is receiving any of those benefits for which the applicant is eligible.

Determining resident's monthly income

6(1) A resident's monthly income is the amount RMI, rounded down to the nearest dollar, determined in accordance with whichever of the following formulas is applicable:

- (a) for a resident who does not have a spouse:

$$\text{RMI} = \left(\frac{1}{12} \times \text{ANI} \right) + \text{OAS} + \text{SIP}$$

where:

ANI is the adjusted annual net income of the resident for a benefit year determined pursuant to section 7;

OAS is the total monthly amount received by the resident pursuant to the *Old Age Security Act (Canada)*, whether as a pension, supplement or allowance, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received;

SIP is the total monthly amount received by the resident as benefits pursuant to *The Saskatchewan Income Plan Act*, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received;

- (b) subject to subsections (2) and (3), for a resident who has a spouse:

$$\text{RMI} = \left[\frac{1}{12} \times \frac{(\text{ANIr} + \text{ANIs})}{2} \right] + \frac{\text{OASr} + \text{SIPr} + \text{OASs} + \text{SIPs}}{2}$$

where:

ANIr is the adjusted annual net income of the resident for a benefit year determined pursuant to section 7;

ANIs is the adjusted annual net income of the resident's spouse for a benefit year determined pursuant to section 7;

OASr is the total monthly amount received by the resident pursuant to the *Old Age Security Act (Canada)*, whether as a pension, supplement or allowance, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received;

SIPr is the total monthly amount received by the resident as benefits pursuant to *The Saskatchewan Income Plan Act*, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received;

OASs is the total monthly amount received by the resident's spouse pursuant to the *Old Age Security Act (Canada)*, whether as a pension, supplement or allowance, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received;

SIPs is the total monthly amount received by the resident's spouse as benefits pursuant to *The Saskatchewan Income Plan Act*, as of the later of:

- (i) the first day of the benefit year for which the PCH benefit is being calculated; and
- (ii) the day on which the resident's application is received.

(2) If a resident and the resident's spouse live in separate dwellings for reasons beyond their control, the resident or the 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 clause (1)(a).

Adjusted annual net income

7(1) For the purposes of determining a resident's monthly income pursuant to section 6, the adjusted annual net income of a person for a benefit year is the amount ANI determined in accordance with the following formula:

$$\text{ANI} = \text{NI} - \text{OAS} - \text{SIP} - \text{PCH} - \text{E}$$

where:

NI is:

- (a) subject to clause (b), the amount of the person's net income as reported on line 236 of the person's income tax return for the preceding taxation year; or
- (b) in the case of a person who has not filed an income tax return for the preceding taxation year, the amount that is determined by the minister using the same information that would have been used by the person to report net income on line 236 of an income tax return for the preceding taxation year;

OAS is the total of all amounts received by the person in the preceding taxation year pursuant to the *Old Age Security Act* (Canada), whether as a pension, supplement or allowance;

SIP is the total of all amounts received by the person in the preceding taxation year as benefits pursuant to *The Saskatchewan Income Plan Act*;

PCH is the total of all amounts received by a person in the preceding taxation year as PCH benefits pursuant to these regulations; and

E is the lesser of:

- (a) \$3,500; and
- (b) the person's income from office, employment or self-employment for the preceding taxation year less the following deductions:
 - (i) the amount of employee's contributions made by the person during the preceding taxation year pursuant to the *Canada Pension Plan* or the *Quebec Pension Plan*;
 - (ii) the amount of employee's premiums paid by the person during the preceding taxation year pursuant to the *Employment Insurance Act* (Canada).

(2) Notwithstanding any other provision of these regulations, the minister may, in a particular case, exclude from a determination pursuant to subsection (1), any amount of income that, in the minister's opinion, should not be included.

DIVISION 3
Approval or Denial

Determination of eligibility

8(1) After considering an applicant's eligibility pursuant to Division 2, the minister may:

- (a) approve the applicant as an eligible resident if the minister is satisfied that the applicant meets the eligibility criteria mentioned in that Division; or
- (b) deny the application.

(2) For the purposes of making a decision pursuant to this section, the minister may require an applicant or responsible person to confirm the information provided in the application by:

- (a) completing a form supplied by the minister;
- (b) reviewing the information as set out in the form mentioned in clause (a) with a representative of the ministry;
- (c) correcting any errors in the information provided to the minister; and
- (d) making a statutory declaration respecting the correctness of the information.

(3) The minister shall notify an applicant in writing of the minister's decision as soon as possible after making the decision and, if requested to do so by an applicant whose application has been denied or the responsible person, provide the applicant with written reasons for the decision.

(4) If the minister denies an application, the minister shall inform the applicant of the applicant's right to request a reconsideration and to appeal pursuant to Part VI.

Application not required for future benefit years

9(1) Subject to subsections (2), (3) and (4), after an initial determination of eligibility pursuant to section 8, an eligible resident does not need to make a further application for future benefit years as long as:

- (a) before the commencement of the benefit year, the eligible resident or the responsible person provides the minister with the information mentioned in clauses 4(3)(c) and (d); and
- (b) the written consents to disclosure provided by the eligible resident and the eligible resident's spouse, if any, pursuant to clauses 4(3)(e) and (f) remain valid.

(2) If an eligible resident or the responsible person fails to complete the requirement of clause (1)(a), the payment of the PCH benefit may be suspended.

(3) An eligible resident's entitlement to receive the PCH benefit will be reinstated from the first day of the benefit year, if within 60 days after the commencement of the benefit year, or any later date that the minister may allow due to special circumstances, an eligible resident meets the requirement of clause (1)(a) and otherwise remains eligible for the PCH benefit.

(4) If an eligible resident or the responsible person fails to meet the requirement of clause (1)(a) within the 60-day period mentioned in subsection (3) or any longer period allowed by the minister, the eligible resident's entitlement to receive the PCH benefit terminates and the eligible resident must submit a new application pursuant to section 4.

PART III
PCH Benefit

Temporary benefits

10(1) Notwithstanding any other provision of these regulations, the minister may provide a temporary benefit to an applicant for a period not to exceed 60 days after the date the application was received by the minister if:

- (a) the applicant's eligibility cannot be determined immediately on receipt of the application; and
- (b) the minister is satisfied that the applicant requires the benefit to meet immediate needs until eligibility is determined.

(2) The amount of a temporary benefit provided pursuant to subsection (1) is the amount that the minister is satisfied that the applicant would otherwise be entitled to as a PCH benefit pursuant to this Part if the applicant's application were approved by the minister.

(3) If a temporary benefit is provided to an applicant for a period pursuant to subsection (1), the amount of the temporary benefit is deemed to be a portion of the resident's PCH benefit for that period for the purposes of these regulations.

PCH benefit to be provided

11 The minister may provide a PCH benefit to an eligible resident in the amount set out in this Part.

Date benefit commences

12 An eligible resident is entitled to receive a PCH benefit commencing on the later of:

- (a) the day on which the eligible resident's application is received by the minister; and
- (b) the day on which the applicant meets the eligibility criteria set out in Part II.

Amount of PCH benefit

13(1) Subject to subsection (2), the amount of a PCH benefit to which an eligible resident is entitled for a month is the amount PCH, if it is positive, calculated in accordance with the following formula:

$$\text{PCH} = \$1,800 - \text{RMI}$$

where RMI is the eligible resident's monthly income calculated in accordance with section 6.

(2) If a PCH benefit is applied for after the start of a month, the eligible resident's PCH benefit for the first month must be prorated based on the number of days in the month for which the eligible resident is eligible to receive the PCH benefit.

(3) After the initial calculation of the amount of a PCH benefit, the amount is recalculated at the commencement of each benefit year to take into account any changes in an eligible resident's monthly income.

Minimum benefit

14 If the amount of a PCH benefit of an eligible resident calculated pursuant to section 13 is greater than zero but less than \$10 per month, the amount of the PCH benefit is deemed to be \$10 per month.

PART IV
Payment of PCH Benefit

Frequency of payment

15 A PCH benefit is to be paid monthly.

Manner of payment

16(1) Subject to subsection (2), a PCH benefit may be paid to an eligible resident by direct deposit to an account of the eligible resident in a financial institution.

(2) The minister may approve payment directly to the eligible resident by cheque or in any other manner approved by the minister:

- (a) if the eligible resident is unable to obtain an account with a financial institution; or
- (b) in other exceptional circumstances if the minister considers it appropriate to do so.

(3) The minister shall provide a written statement of PCH benefits to an eligible resident or the responsible person on request.

Lost, stolen or forged cheques

17(1) An eligible resident or the responsible person may apply to the minister for a cheque to replace a cheque payable to the eligible resident:

- (a) that the eligible resident or the responsible person alleges has been lost or stolen; or
- (b) on which the eligible resident or the responsible person alleges that the eligible resident's signature has been forged.

(2) An eligible resident or the responsible person who applies for a replacement cheque pursuant to subsection (1) shall make a statutory declaration in support of the application, setting out all relevant facts requested by the minister relating to the loss or theft of the cheque or the forgery of the eligible resident's signature.

(3) Nothing in this section is to be interpreted as requiring the minister to provide a replacement cheque to an eligible resident or the responsible person who applies for it, and no replacement cheque is to be provided to the eligible resident or the responsible person unless the minister is satisfied that it is appropriate to do so.

PART V
Report of Changes and Review

Report of changes

18(1) An eligible resident or the responsible person shall report immediately to the minister any changes in:

- (a) the eligible resident's spousal relationship status;
- (b) the adjusted annual net income of the eligible resident or the eligible resident's spouse;

- (c) the place of residence or the mailing address of the eligible resident;
- (d) the type or location of the eligible resident's accommodation; and
- (e) the eligible resident's status for receiving any benefits pursuant to the *Old Age Security Act* (Canada).

(2) If an eligible resident or the responsible person reports a change in the eligible resident's spousal relationship status that involves the addition of a spouse or a change of spouse, the eligible resident or the responsible person must provide confirmation of information respecting the spouse and the spouse's consent in accordance with section 4.

Reviewing eligibility criteria

19(1) The minister shall review whether an eligible resident continues to meet the eligibility criteria set out in Part II and the amount of any PCH benefit:

- (a) at any time that the minister is satisfied a significant change in the eligible resident's circumstances has occurred; and
- (b) before the commencement of each benefit year.

(2) For the purposes of determining whether an eligible resident continues to meet the eligibility criteria set out in Part II, that Part applies, with any necessary modification, to the determination.

(3) A record of each review carried out pursuant to this section must be noted in the eligible resident's file.

Changes in benefit amounts

20(1) In this section, "**change in the eligible resident's circumstances**" means a change in:

- (a) the eligible resident's spousal relationship status; or
- (b) the adjusted annual net income of the eligible resident or the eligible resident's spouse.

(2) If the minister is satisfied that there is a change in the eligible resident's circumstances, the minister shall vary the amount of the PCH benefit provided to an eligible resident pursuant to Part III in accordance with the change in the eligible resident's circumstances:

- (a) as of the day on which the minister is advised of the change in the eligible resident's circumstances; or
- (b) if the minister is satisfied that special circumstances so warrant, as of the day on which the eligible resident's circumstances changed.

Alienation or transfer of benefits

21 A PCH benefit is not subject to alienation or transfer by an eligible resident, to attachment or seizure in satisfaction of any claim nor to any judgment enforcement measure pursuant to *The Enforcement of Money Judgments Act*.

Suspension or termination of benefits

22 Notwithstanding any other provision of these regulations, the minister may suspend or terminate the provision of a PCH benefit to an eligible resident if:

- (a) changes in circumstances affect the eligibility of the person to receive a PCH benefit or, after a review pursuant to section 19, the minister is satisfied that the eligible resident no longer meets the eligibility criteria set out in Part II;
- (b) the eligible resident relocates outside Saskatchewan; or
- (c) the eligible resident, the spouse of the eligible resident, if any, or the responsible person refuses or neglects:
 - (i) to comply with any provision of these regulations;
 - (ii) to furnish any information that is required by the minister; or
 - (iii) to co-operate as is reasonably required by the minister.

Review with eligible resident before taking certain actions

23 Before varying, suspending, terminating or reinstating a PCH benefit, the minister shall:

- (a) either:
 - (i) whenever reasonably possible, review the eligible resident's circumstances with the eligible resident or the responsible person; or
 - (ii) in lieu of a review pursuant to subclause (i) and with the eligible resident's or the responsible person's knowledge, make any inquiry and obtain any information that the minister is satisfied is necessary; and
- (b) notify the eligible resident of the minister's decision in writing and inform the eligible resident of the eligible resident's right to request a reconsideration and to appeal pursuant to Part VI.

PART VI**Reconsideration and Appeals****Interpretation of Part**

24 In this Part:

- (a) **“adjudicator”** means the adjudicator appointed pursuant to section 26;
- (b) **“appellant”** means a person who appeals a decision of the minister to the adjudicator pursuant to section 28;
- (c) **“eligible resident”** includes a former eligible resident.

Request to minister to reconsider

25(1) Within 30 days after the date of a decision with respect to any of the following matters, a resident or responsible person may request the minister to reconsider the decision:

- (a) a determination of eligibility;

- (b) a variation, suspension or termination of entitlement to receive a PCH benefit;
- (c) the assessment of an overpayment;
- (d) a decision respecting the amount of a PCH benefit.

(2) A resident or responsible person must provide any written documentation in support of the request when submitting a request pursuant to subsection (1).

(3) On receipt of a request pursuant to subsection (1), the minister shall reconsider the decision that is the subject of the request within 20 days after receiving the request and provide the resident with a written decision as soon as is reasonably possible.

Adjudicator

26(1) The minister shall appoint an adjudicator for the purpose of considering and determining appeals pursuant to section 28.

(2) The minister shall provide the adjudicator with any clerical and other support that is needed for carrying out the duties of the adjudicator pursuant to these regulations.

Grounds for appeal

27(1) Appeals may only be made with respect to decisions with respect to the following matters:

- (a) a determination of eligibility;
- (b) a variation, suspension or termination of entitlement to receive a PCH benefit;
- (c) the assessment of an overpayment;
- (d) a decision respecting the amount of a PCH benefit.

(2) For the purposes of clause (1)(d) and subsection 28(1), payment of a PCH benefit is deemed to be a decision with respect to the amount of a PCH benefit, and the date of payment is deemed to be the date of the decision.

Appeal to adjudicator

28(1) An appellant or responsible person may appeal a decision of the minister pursuant to subsection 25(3) to the adjudicator by filing a notice of appeal, together with any written submissions and materials in support of the appeal, with the minister within 30 days after the date of the decision.

(2) The minister shall:

- (a) promptly transmit to the adjudicator any notice of appeal filed pursuant to subsection (1), together with any written submissions and materials filed in support of the appeal;
- (b) within seven days after a notice of appeal is filed pursuant to subsection (1), file any written submissions and materials in support of the decision that is the subject of the appeal with the adjudicator; and
- (c) as soon as is practicable, provide the appellant or the responsible person with a copy of the submissions and materials mentioned in clause (b).

- (3) An appeal pursuant to this section is to be based on the written submissions of the appellant or the responsible person and the minister.
- (4) The adjudicator shall review the decision and the submissions of the parties and may require the parties to provide further information.
- (5) The adjudicator shall make a decision within 20 days after the day on which the notice of appeal is transmitted to the adjudicator and provide the parties with a copy of the decision, together with written reasons for the decision.
- (6) The decision of an adjudicator is final and there is no further right of appeal.

PART VII Other

Further information

29(1) For the purpose of monitoring compliance with these regulations, the minister may at any time require an eligible resident, the spouse of an eligible resident, if any, or the responsible person:

- (a) to submit to the minister any further information or material the minister may reasonably require; and
 - (b) to verify, by affidavit or otherwise, any information or material submitted to the minister pursuant to clause (a).
- (2) No eligible resident, spouse of an eligible resident, if any, or responsible person who receives a request from the minister pursuant to subsection (1) shall fail to comply with that request within the period specified by the minister.

Overpayments

30(1) Overpayments must be deducted from the next regular PCH benefit payment.

- (2) Subject to subsection (3), if the amount of an overpayment exceeds the amount of the PCH benefit payable in the next regular payment, the remainder of the overpayment will be recovered by deduction from succeeding regular PCH benefit payments until the entire amount of the overpayment is recovered.
- (3) If, in the opinion of the minister, exceptional circumstances exist, the minister may reduce the rate at which overpayments are recovered from an eligible resident.

PART VIII Coming into Force

Coming into force

31(1) Subject to subsection (2), these regulations come into force on July 1, 2012.

- (2) If these regulations are filed with the Registrar of Regulations after July 1, 2012, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 42/2012*The Saskatchewan Income Plan Act*

Section 11

Order in Council 334/2012, dated May 31, 2012

(Filed June 1, 2012)

Title

1 These regulations may be cited as *The Seniors Income Plan Amendment Regulations, 2012*.

R.R.S. c.S-25.1 Reg 3 amended

2 *The Seniors Income Plan Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **Clause 2(g) is repealed and the following substituted:**

“(g) ‘resident of a facility’ means:

(i) a person who resides in a facility designated as a special-care home pursuant to *The Facility Designation Regulations*; or

(ii) a patient who:

(A) is in a facility designated as a hospital or health centre pursuant to *The Facility Designation Regulations* or is in a hospital operated by the Athabasca Health Authority; and

(B) by reason of receiving long-term care, is being assessed a resident charge”.

Section 3 amended

4 **Subsection 3(2) is repealed.**

Section 4 amended

5 **Subsection 4(1) is amended:**

(a) in clause (a) in the portion preceding subclause (i) by striking out “\$190” and substituting “\$240”; and

(b) in clause (b) by striking out “\$155” and substituting “\$205”.

Section 5 amended

6 **Subsection 5(2) is repealed and the following substituted:**

“(2) Subject to section 6, if a person receives less than the maximum supplement, the minister shall:

(a) reduce the maximum benefit payable pursuant to subsection 4(1) to the person:

(i) by \$1.264 for every \$1 reduction made to the person’s supplement in accordance with Table 1 in the case of a single person;

(ii) by \$1.324 for every \$1 reduction made to the person’s supplement in accordance with Table 2 in the case of a person whose spouse or common-law partner is a pensioner;

(iii) by \$3.788 for every \$1 reduction made to the person's supplement in accordance with Table 3 in the case of a person whose spouse or common-law partner is not a pensioner or is not in receipt of an allowance;

(iv) in the case of a person whose spouse or common-law partner is in receipt of an allowance that is less than the maximum allowance:

(A) by \$1.264 for every \$3 reduction made to the allowance of the spouse or common-law partner in accordance with Table 4; and

(B) by \$1.264 for every reduction of less than \$3 made to the allowance of the spouse or common-law partner in accordance with Table 4;

(b) reduce the maximum benefit payable pursuant to subsection 4(2) to the person:

(i) by \$1 for every \$1 reduction made to the person's supplement in accordance with Table 1 in the case of a single person;

(ii) by \$1 for every \$1 reduction made to the person's supplement in accordance with Table 2 in the case of a person whose spouse or common-law partner is a pensioner;

(iii) by \$3 for every \$1 reduction made to the person's supplement in accordance with Table 3 in the case of a person whose spouse or common-law partner is not a pensioner or is not in receipt of an allowance;

(iv) in the case of a person whose spouse or common-law partner is in receipt of an allowance that is less than the maximum allowance by \$1 for every \$3 reduction made to the allowance of the spouse or common-law partner in accordance with Table 4".

New section 6

7 Section 6 is repealed and the following substituted:

"Minimum payment

6(1) If a beneficiary is a resident of a facility and the amount of the benefit that the beneficiary would be entitled for a month as determined in accordance with these regulations is greater than zero but less than \$5 per month, the minimum payment to that beneficiary is \$5 per month.

(2) If a beneficiary is not a resident of a facility and the amount of the benefit that the beneficiary would be entitled for a month as determined in accordance with these regulations is greater than zero but less than \$10 per month, the minimum payment to that beneficiary is \$10 per month".

Coming into force

8(1) Subject to subsection (2), these regulations come into force on July 1, 2012.

(2) If these regulations are filed with the Registrar of Regulations after July 1, 2012, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from July 1, 2012.

