

BILL

No. 55 of 2004

An Act to amend *The Regional Health Services Act*

(Assented to _____, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Regional Health Services Amendment Act, 2004*.

S.S. 2002, c.R-8.2 amended

2 *The Regional Health Services Act* is amended in the manner set forth in this Act.

Section 2 amended

3 Subsection 2(1) is amended:

(a) in the portion of clause (n) preceding subclause (i) by adding “prescribed” after “members of a”; and

(b) in clause (q) by adding “or the diagnostic registry” after “surgical registry”.

Section 12 amended

4(1) Subsection 12(1) is amended:

(a) by striking out “a surgical registry” and substituting “surgical and diagnostic registries”; and

(b) by adding “and diagnostic services” after “surgery”.

(2) Subsection 12(2) is amended:

(a) by striking out “registry” and substituting “registries”; and

(b) by adding “or diagnostic” after “surgical”.

(3) Subsection 12(4) is amended by striking out “registry” and substituting “registries”.

(4) The following subsection is added after subsection 12(4):

“(5) The minister may make available to the public, in any manner that the minister considers advisable, personal health information from the registries from which has been removed any information that might reasonably be expected to identify an individual”.

Section 16 amended

5 The following subsections are added after subsection 16(5):

“(5.1) If a member of a regional health authority dies or resigns, the person ceases to be a member on the date of death or on the day on which the resignation is received by the minister, as the case may be.

“(5.2) Where the office of a person appointed pursuant to subsection (3) becomes vacant, the Lieutenant Governor in Council may:

- (a) appoint a person for the remainder of the term of the person who vacated the office; or
- (b) appoint a person for the term mentioned in subsection (5)”.

Section 18 amended

6 Subsection 18(3) is repealed and the following substituted:

“(3) If the minister has received a notice pursuant to subsection (2) or is of the opinion that a member of a regional health authority is no longer qualified to hold office:

- (a) the minister may recommend to the Lieutenant Governor in Council that the appointment of the member be terminated; and
- (b) the Lieutenant Governor in Council, on the recommendation of the minister, shall terminate the appointment of the member”.

Section 34 amended

7(1) Subsection 34(1) is amended:

- (a) **in the portion preceding clause (a) by striking out “subsection (2)” and substituting “subsections (2) and (3)”;**
- (b) **by striking out “and” after clause (d); and**
- (c) **by adding the following after clause (d):**
 “(d.1) is not inconsistent with any guidelines or directions provided by the minister; and”.

(2) The following subsection is added after subsection 34(2):

“(3) Any amendments to an agreement mentioned in subsection (1) must not be inconsistent with the requirements set out in that subsection”.

Section 42 amended

8 Section 42 is amended:

- (a) **by renumbering it as subsection 42(1); and**
- (b) **by adding the following subsection after subsection (1):**
 “(2) Any policies or amendments to policies made pursuant to subsection (1) must not be inconsistent with any guidelines or directions provided by the minister”.

Section 43 amended

9 Clause 43(a) is repealed and the following substituted:

- “(a) respecting the appointment, reappointment and termination of appointment of persons to the practitioner staff and the suspension of persons appointed to the practitioner staff;
- “(a.1) respecting the disciplining of members of the practitioner staff;
- “(a.2) respecting the granting of privileges to members of the practitioner staff, including the amending, suspending and revoking of privileges granted”.

Section 45 amended

10 Subsection 45(1) is repealed and the following substituted:

“(1) A person who is aggrieved by a decision of a regional health authority or an affiliate made in relation to the following matters may, in accordance with the regulations, appeal the decision to a tribunal established by the regulations:

- (a) the appointment of the person to the practitioner staff or the reappointment, suspension or termination of appointment of the person;
- (b) the disciplining of the person as a member of the practitioner staff;
- (c) the granting of privileges to the person as a member of the practitioner staff, or the amending, suspending or revoking of privileges granted to the person”.

Section 55 amended

11 Subsection 55(2) is repealed and the following substituted:

“(2) Without limiting the generality of subsection (1), the report must contain:

- (a) financial information respecting any health care organizations with which the regional health authority has an agreement pursuant to section 34;
- (b) prescribed information respecting the remuneration and benefits paid to members, officers and senior employees of the regional health authority; and
- (c) any other information required by the minister”.

New section 58

12 Section 58 is repealed and the following substituted:**“Critical incidents**

58(1) In this section:

- (a) **‘critical incident’** means an incident that:
 - (i) arises as a result of the provision of a health service by a regional health authority or a health care organization; and
 - (ii) is listed or described as a critical incident in the *Saskatchewan Critical Incident Reporting Guideline, 2004* published by the department, as amended from time to time, or any subsequent edition of the *Saskatchewan Critical Incident Reporting Guideline*;
- (b) **‘legal proceeding’** means any civil proceeding or inquiry in which evidence is or may be given, and includes a proceeding for the imposition of punishment by way of fine, penalty or imprisonment to enforce an Act or regulation made pursuant to an Act, but does not include any prescribed proceeding;
- (c) **‘regional health authority’**, with respect to a critical incident that arises as a result of a health service provided by a health care organization, means the regional health authority of the health region in which the health service was provided.

- (2) A regional health authority shall, in accordance with the regulations:
 - (a) give notice to the minister of the occurrence of any critical incident that arises as a result of a health service provided by the regional health authority; and
 - (b) investigate any critical incident mentioned in clause (a) and provide a written report to the minister with respect to that critical incident and investigation.
- (3) A health care organization shall, in accordance with the regulations:
 - (a) give notice to the regional health authority of the occurrence of any critical incident that arises as a result of a health service provided by the health care organization; and
 - (b) investigate any critical incident mentioned in clause (a) and provide a written report to the regional health authority with respect to that critical incident and investigation.
- (4) A regional health authority shall:
 - (a) give notice to the minister of any critical incident with respect to which the regional health authority receives notice from a health care organization; and
 - (b) provide the minister with a copy of any report with respect to a critical incident received by the regional health authority from a health care organization.
- (5) Subject to subsection (7), a witness in a legal proceeding, whether a party to it or not:
 - (a) is not liable to be asked any question, is not permitted to answer any question and is not permitted to make any statement, with respect to an investigation of a critical incident; and
 - (b) is not liable to be asked to produce, and is not permitted to produce:
 - (i) any notice or report mentioned in this section; or
 - (ii) any information in a notice or report mentioned in this section or any documentation used to prepare a notice or report mentioned in this section.
- (6) Subject to subsections (7) and (8), a notice or report mentioned in this section is not admissible as evidence in any legal proceeding.
- (7) The privileges described in subsections (5) and (6) do not apply:
 - (a) to information in a notice or report that discloses the facts of a critical incident unless the facts relating to that incident are also fully recorded in a record other than the notice or report and are available to the patient; or

(b) to information that is prepared for the purpose of providing care or treatment to a patient, unless that information is also fully recorded in a record other than the notice or report and is available to the patient.

(8) Nothing in this section affects any privilege that may exist pursuant to section 35.1 of *The Saskatchewan Evidence Act* with respect to:

- (a) a notice or report mentioned in this section;
- (b) any information provided in a notice or report mentioned in this section; or
- (c) any documentation used to prepare a notice or report mentioned in this section”.

Section 64 amended

13 Section 64 is amended:

(a) by adding the following clause after clause (e):

“(e.1) for the purposes of clause 2(1)(n), prescribing the health professions whose members may become members of practitioner staff”;

(b) in clause (h) by striking out “registry” and substituting “registries”:

- (i) in subclause (i);**
- (ii) in subclause (ii);**
- (iii) in subclause (iii);**
- (iv) in subclause (iv); and**
- (v) in subclause (v);**

(c) in clause (u) by striking out “subclause 55(2)(b)(ii)” and substituting “clause 55(2)(b)”;

(d) by repealing clause (w) and substituting the following:

“(w) for the purposes of section 58:

- (i) prescribing proceedings that are excluded from the definition of legal proceeding in clause (1)(b);
- (ii) governing the reporting of critical incidents, including:
 - (A) prescribing the time within which any notice or report required by that section must be provided; and
 - (B) prescribing the information that must be included in any notice or report required by that section”;

(e) by adding the following clause after clause (z):

“(z.1) with respect to any matter governed by this Act:

- (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;

(ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i);

(iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i)”; **and**

(f) by adding the following clause after clause (bb):

“(bb.1) respecting the charges to be made for air ambulance services provided by the minister”.

Coming into force

14(1) Subject to subsections (2) to (4), this Act comes into force on assent.

(2) If section 34 of *The Regional Health Services Act* is not in force on the day on which this Act receives assent, section 7 of this Act comes into force on the day on which section 34 of *The Regional Health Services Act* comes into force.

(3) If section 45 of *The Regional Health Services Act* is not in force on the day on which this Act receives assent, section 10 of this Act comes into force on the day on which section 45 of *The Regional Health Services Act* comes into force.

(4) Section 12 and clause 13(d) of this Act come into force on proclamation.