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PART II/PARTIE II

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PART II/PARTIE II

REVISED REGULATIONS OF SASKATCHEWAN/ RÈGLEMENTS RÉVISÉS DE LA SASKATCHEWAN

TABLE OF CONTENTS/TABLE DES MATIÈRES

Revised Regulations of Saskatchewan 2023/
Règlements Révisés de la Saskatchewan 2023

CHAPTER P-30.3 REG 2

The Provincial Health Authority Act

Section 9-5

Order in Council 165/2023, dated April 20, 2023

(Filed April 21, 2023)

PART 1
Preliminary Matters

Title

1 These regulations may be cited as *The Critical Incident Regulations, 2023*.

Definitions

2 In these regulations:

"Act" means *The Provincial Health Authority Act*;

"business day" means any day other than a Saturday, Sunday or holiday;

"guideline" means the *Saskatchewan Critical Incident Reporting Guideline, 2023*, as amended from time to time, published by the ministry.

Guideline adopted

3(1) The *Saskatchewan Critical Incident Reporting Guideline, 2023*, as amended from time to time, is adopted for the purposes of these regulations.

(2) The minister shall:

(a) cause the guideline to be made available to the public in any form or manner that the minister considers appropriate; and

(b) take any steps that the minister considers appropriate to bring the guideline, and the manner or form in which it is available, to the attention of the public.

PART 2
Provincial Health Authority

Notice of critical incident – facility or service of provincial health authority

4(1) The provincial health authority shall give written notice to the minister of any critical incident that occurs:

(a) in a facility that the provincial health authority operates; or

(b) in relation to a health service that the provincial health authority provides or a program that the provincial health authority operates.

(2) The notice required by subsection (1) must be in the form set out in Appendix C of the guideline and include the following information:

(a) a summary of the facts that led to the critical incident;

(b) a summary of the health status of the individual to whom the critical incident relates:

(i) before the critical incident; and

(ii) after the critical incident;

(c) the actions that the provincial health authority has taken with respect to the critical incident;

(d) a statement as to whether the critical incident has been reported to any organization that is not part of the provincial health authority, and, if so, the name of the organization;

(e) any other information required by Appendix C of the guideline.

(3) The notice required by subsection (1) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

(4) The provincial health authority shall submit the notice required by subsection (1) to the minister:

(a) within 3 business days, or as soon as possible thereafter, after the day on which:

(i) the subject event occurred; or

(ii) the provincial health authority became aware of the event; and

(b) by any method set out in the guideline.

Investigation and report of critical incident – facility or service of provincial health authority

5(1) The provincial health authority shall:

(a) investigate each critical incident described in subsection 4(1); and

(b) prepare a written report with respect to the critical incident.

(2) The report required by subsection (1) must be in the form set out in Appendix D of the guideline and include the following information:

(a) a complete description of the circumstances and facts that led to the critical incident;

(b) a statement identifying any current practice, procedure or factor involved in the provision of the health service or the operation of the program that:

(i) contributed to the occurrence of the critical incident; and

(ii) if corrected or modified, may prevent the occurrence of a similar critical incident in the future;

(c) a description of the actions taken by the provincial health authority as a result of the investigation;

(d) any recommended actions arising from the investigation, together with the following information for each recommended action:

(i) the category of effectiveness for the recommended action;

(ii) the system level response category for the recommended action;

(iii) the title of the individual responsible for implementing the recommended action;

(iv) the target deadline for implementing the recommended action;

(v) the implementation status of the recommended action;

(e) an explanation of how the effectiveness of each recommended action will be monitored after implementation, including the duration and frequency of data collection and the title of the individual responsible for data collection;

(f) any other information required by Appendix D of the guideline.

(3) The provincial health authority may disclose to a patient or the patient's family the actions taken and intended to be taken by the provincial health authority as a result of an investigation pursuant to this section, and that disclosure does not constitute a waiver of the privilege set out in section 8-2 of the Act.

(4) The report required by subsection (1) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

(5) The provincial health authority shall:

(a) complete its report as soon as is reasonably practicable after completing its investigation; and

(b) submit its report to the minister without delay after completing the report.

(6) If the provincial health authority cannot complete and submit its report to the minister within 60 days after the day on which the provincial health authority became aware of the subject event, the provincial health authority shall advise the minister of the delay, the reasons for the delay and the anticipated date of completion of the report, which is to be not later than 180 days after the day on which the provincial health authority became aware of the event.

(7) After receiving the provincial health authority's report, the minister may request clarification or additional information respecting any part of the report, and the provincial health authority shall provide that clarification or additional information to the minister, within the time set by the minister.

(8) If the minister directs, the provincial health authority shall make any changes to its report that the minister considers necessary, within the time set by the minister, to bring the report into compliance with these regulations and the guideline.

(9) At the times specified by the minister, the provincial health authority shall provide updates to the minister on the implementation status of each recommended action identified in the report, until the implementation of the recommended action is complete.

(10) After implementation of each recommended action and in accordance with the duration and frequency of data collection specified in the report, the provincial health authority shall provide updates to the minister on the effectiveness of the recommended action.

PART 3
Health Care Organizations

Notice of critical incident – facility or service of health care organization

6(1) In this section:

"Canadian Armed Forces number" means a unique number assigned by the Canadian Armed Forces to a member of the Canadian Armed Forces for the purposes of identifying the individual;

"health services number" means a unique number assigned to an individual who:

(a) is or was registered as a beneficiary to receive insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*; or

(b) pursuant to the legislation of another province or territory of Canada, is or was entitled to receive services similar to the insured services mentioned in clause (a).

(2) A health care organization shall give written notice to the provincial health authority of any critical incident that occurs:

(a) in a facility that the health care organization operates; or

(b) in relation to a health service that the health care organization provides or a program that the health care organization operates.

(3) The notice required by subsection (2) must include the following information:

(a) with respect to any individual to whom the critical incident relates, the following:

(i) the individual's name;

(ii) the individual's date of birth;

(iii) the individual's health services number, if applicable;

(iv) the individual's Canadian Armed Forces number, if applicable;

(b) a summary of the facts that led to the critical incident;

(c) a summary of the health status of the individual to whom the critical incident relates:

(i) before the critical incident; and

(ii) after the critical incident;

(d) the actions that the health care organization has taken with respect to the critical incident;

(e) a statement as to whether the critical incident has been reported to any organization that is not part of the health care organization or the provincial health authority, and, if so, the name of the organization.

(4) The notice required by subsection (2) must not include any information that would reasonably be expected to identify:

(a) any health care provider involved in providing health services to any individual to whom the critical incident relates or in operating a program to which the critical incident relates; or

(b) any other individual who has knowledge of the critical incident.

(5) The health care organization shall submit the notice required by subsection (2) to the provincial health authority:

(a) within 3 business days, or as soon as possible thereafter, after the day on which:

(i) the subject event occurred; or

(ii) the health care organization became aware of the event; and

(b) by any method set out in the guideline.

(6) The provincial health authority shall give written notice of the critical incident to the minister:

(a) within 3 business days after the day on which the provincial health authority receives notice pursuant to subsection (2) from the health care organization; and

(b) by any method set out in the guideline.

(7) The notice required by subsection (6) must be in the form set out in Appendix C of the guideline and include the following information:

(a) a summary of the facts that led to the critical incident;

(b) a summary of the health status of the individual to whom the critical incident relates:

(i) before the critical incident; and

(ii) after the critical incident;

(c) the actions that the health care organization and the provincial health authority have taken with respect to the critical incident;

(d) a statement as to whether the critical incident has been reported to any organization that is not part of the health care organization or the provincial health authority, and, if so, the name of the organization;

(e) any other information required by Appendix C of the guideline.

(8) The notice required by subsection (6) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

Investigation and report of critical incident – facility or service of health care organization

7(1) A health care organization, in collaboration with the provincial health authority, shall:

(a) investigate each critical incident described in subsection 6(2); and

(b) prepare a written report with respect to the critical incident.

(2) For the purposes of the investigation mentioned in subsection (1), each of the health care organization and the provincial health authority:

(a) is authorized to provide the other with any information that may reasonably be required to conduct the investigation, including:

(i) personal health information as defined in *The Health Information Protection Act*; and

(ii) personal information as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*; and

(b) shall provide the other with a copy of any record, report or other document that it has prepared or has caused to be prepared in connection with the critical incident.

(3) The report required by subsection (1) must be in the form set out in Appendix D of the guideline and include the following information:

(a) a complete description of the circumstances and facts that led to the critical incident;

(b) a statement identifying any current practice, procedure or factor involved in the provision of the health service or the operation of the program that:

(i) contributed to the occurrence of the critical incident; and

(ii) if corrected or modified, may prevent the occurrence of a similar critical incident in the future;

(c) a description of the actions taken by the health care organization as a result of the investigation;

(d) any recommended actions arising from the investigation, together with the following information for each recommended action:

(i) the category of effectiveness for the recommended action;

(ii) the system level response category for the recommended action;

(iii) the title of the individual responsible for implementing the recommended action;

(iv) the target deadline for implementing the recommended action;

(v) the implementation status of the recommended action;

(e) an explanation of how the effectiveness of each recommended action will be monitored after implementation, including the duration and frequency of data collection and the title of the individual responsible for data collection;

(f) any other information required by Appendix D of the guideline.

(4) The health care organization may disclose to a patient or the patient's family the actions taken and intended to be taken by the health care organization as a result of an investigation pursuant to this section, and that disclosure does not constitute a waiver of the privilege set out in section 8-2 of the Act.

(5) The report required by subsection (1) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

(6) The health care organization shall:

(a) complete its report as soon as is reasonably practicable after completing its investigation; and

(b) submit its report to the provincial health authority without delay after completing the report.

(7) The provincial health authority shall submit the report required by subsection (1) to the minister, together with a description of the actions taken and intended to be taken by the provincial health authority as a result of the investigation.

(8) If the provincial health authority cannot complete and submit its report to the minister within 60 days after the day on which the provincial health authority became aware of the subject event, the provincial health authority shall advise the minister of the delay, the reasons for the delay and the anticipated date of completion of the report, which is to be not later than 180 days after the day on which the provincial health authority became aware of the event.

PART 4
Cancer Agency

Notice of critical incident – facility or service of cancer agency

8(1) The cancer agency shall give written notice to the minister of any critical incident that occurs:

(a) in a facility that the cancer agency operates; or

(b) in relation to a health service that the cancer agency provides or a program that the cancer agency operates.

(2) The notice required by subsection (1) must be in the form set out in Appendix C of the guideline and include the following information:

(a) a summary of the facts that led to the critical incident;

(b) a summary of the health status of the individual to whom the critical incident relates:

(i) before the critical incident; and

(ii) after the critical incident;

(c) the actions that the cancer agency has taken with respect to the critical incident;

(d) a statement as to whether the critical incident has been reported to any organization that is not part of the cancer agency, and, if so, the name of the organization;

(e) any other information required by Appendix C of the guideline.

(3) The notice required by subsection (1) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

(4) The cancer agency shall submit the notice required by subsection (1) to the minister:

(a) within 3 business days, or as soon as possible thereafter, after the day on which:

(i) the subject event occurred; or

(ii) the cancer agency became aware of the event; and

(b) by any method set out in the guideline.

Investigation and report of critical incident – facility or service of cancer agency

9(1) The cancer agency shall:

(a) investigate each critical incident described in subsection 8(1); and

(b) prepare a written report with respect to the critical incident.

(2) The report required by subsection (1) must be in the form set out in Appendix D of the guideline and include the following information:

(a) a complete description of the circumstances and facts that led to the critical incident;

(b) a statement identifying any current practice, procedure or factor involved in the provision of the health service or the operation of the program that:

(i) contributed to the occurrence of the critical incident; and

(ii) if corrected or modified, may prevent the occurrence of a similar critical incident in the future;

(c) a description of the actions taken by the cancer agency as a result of the investigation;

(d) any recommended actions arising from the investigation, together with the following information for each recommended action:

(i) the category of effectiveness for the recommended action;

(ii) the system level response category for the recommended action;

(iii) the title of the individual responsible for implementing the recommended action;

(iv) the target deadline for implementing the recommended action;

(v) the implementation status of the recommended action;

(e) an explanation of how the effectiveness of each recommended action will be monitored after implementation, including the duration and frequency of data collection and the title of the individual responsible for data collection;

(f) any other information required by Appendix D of the guideline.

(3) The cancer agency may disclose to a patient or the patient's family the actions taken and intended to be taken by the cancer agency as a result of an investigation pursuant to this section, and that disclosure does not constitute a waiver of the privilege set out in section 8-2 of the Act.

(4) The report required by subsection (1) must not include any information that would reasonably be expected to identify:

(a) any individual to whom the critical incident relates;

(b) any health care provider involved in providing health services to any individual described in clause (a) or in operating a program to which the critical incident relates; or

(c) any other individual who has knowledge of the critical incident.

(5) The cancer agency shall:

(a) complete its report as soon as is reasonably practicable after completing its investigation; and

(b) submit its report to the minister without delay after completing the report.

(6) If the cancer agency cannot complete and submit its report to the minister within 60 days after the day on which the cancer agency became aware of the subject event, the cancer agency shall advise the minister of the delay, the reasons for the delay and the anticipated date of completion of the report, which is to be not later than 180 days after the day on which the cancer agency became aware of the event.

(7) After receiving the cancer agency's report, the minister may request clarification or additional information respecting any part of the report, and the cancer agency shall provide that clarification or additional information to the minister, within the time set by the minister.

(8) If the minister directs, the cancer agency shall make any changes to its report that the minister considers necessary, within the time set by the minister, to bring the report into compliance with these regulations and the guideline.

(9) At the times specified by the minister, the cancer agency shall provide updates to the minister on the implementation status of each recommended action identified in the report, until the implementation of the recommended action is complete.

(10) After implementation of each recommended action and in accordance with the duration and frequency of data collection specified in the report, the cancer agency shall provide updates to the minister on the effectiveness of the recommended action.

PART 5
Repeal and Coming into Force

RRS c R-8.2 Reg 10 repealed

10 *The Critical Incident Regulations, 2016* are repealed.

Coming into force

11 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 26/2023

The Public Health Act, 1994

Section 46

Order in Council 166/2023, dated April 20, 2023

(Filed April 21, 2023)

Title

1 These regulations may be cited as *The Food Safety Amendment Regulations, 2023.*

RRS c P-37.1 Reg 12 amended

2 *The Food Safety Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Subclause 2(1)(j)(ii) is repealed and the following substituted:

"(ii) a registered establishment within the meaning of the *Safe Food for Canadians Act* (Canada)**".**

Part II, new heading

4 The heading for Part II is repealed and the following substituted:

"PART II
Construction Approval and Licensing of Food Facilities".

Section 4 amended

5 Subsection 4(1) is amended by striking out "public eating establishment, a milk plant or a slaughter plant**" and substituting "**food facility**".**

Section 5 amended

6(1) Subsection 5(1) is repealed and the following substituted:

"(1) Subject to subsections (2) and (5), no person shall operate a food facility unless the person holds a valid licence for that food facility**".**

(2) Subsection 5(2) is amended:

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

"(i.1) a processing facility that is exempted in writing by a local authority pursuant to subsection (3.1)**"; and**

(b) in clause (j) by striking out "as defined in**" and substituting "**within the meaning of**".**

(3) The following subsection is added after subsection 5(3):

"(3.1) A local authority may exempt a processing facility or class of processing facilities from the application of subsection (1) if the local authority is of the opinion that:

(a) licensing of the processing facility or class of processing facilities is not necessary because of:

(i) the limited quantities of food or drink being prepared, processed, packaged or sold;

(ii) the types of food or drink being prepared, processed, packaged or sold; or

(iii) the manner in which food or drink is being prepared, processed, packaged or sold; or

(b) it is in the public interest to do so**".**

(4) Subsection 5(4) is amended by adding "or (3.1)**" after "**subsection (3)**".**

(5) The following subsection is added after subsection 5(4):

"(5) Notwithstanding any other provision of these regulations, a person who, on the day before *The Food Safety Amendment Regulations, 2023* came into force, was operating a processing facility pursuant to these regulations must obtain a licence for the processing facility pursuant to these regulations not later than April 1, 2024 in order to continue operating the processing facility**".**

Section 8 amended

7 Section 8 is amended by striking out the portion preceding clause (a) and substituting the following:

"Subject to section 11, a licence for a food facility is valid:**".**

New section 10

8 Section 10 is repealed and the following substituted:

"Licence to be displayed

10 The operator of a food facility shall ensure that a valid licence for the food facility is displayed in a conspicuous place in the food facility where it may easily be seen by customers of the food facility**".**

Section 11 amended

9 Clause 11(b) is amended by striking out "public eating establishment, a milk plant or a slaughter plant**" and substituting "**food facility**".**

Section 13 amended

10 Clause 13(b) is amended:

(a) by striking out "and**" after subclause (iii);**

(b) by adding "and**" after subclause (iv); and**

(c) by adding the following subclause after subclause (iv):

"(v) is equipped with hand wash stations adequate in number and location to facilitate the sanitary operation of the food facility**".**

New section 15

11 Section 15 is repealed and the following substituted:

"Prohibited uses of food areas

15 An operator of a food facility must ensure that rooms in the food facility that are used for storing, preparing, processing or consuming food intended to be offered for sale to or for use by the public are not used for any of the following purposes:

(a) for sleeping quarters or living quarters;

(b) for storing unused or unnecessary equipment or utensils;

(c) for any other purpose incompatible with food safety**”.**

Section 22 amended

12(1) Subsection 22(1) is amended by striking out the portion preceding clause (a) and substituting the following:

“Subject to subsection (2), unless exempted in writing by the local authority, an operator of a food facility must ensure that foods that are intended to be offered for sale to or for use by the public, and ingredients that will be used in the preparation or processing of foods that are intended to be offered for sale to or for use by the public, are:**”.**

(2) The following subsection is added after subsection 22(1):

“(1.1) The operator of a food facility may sell fresh, whole fruits and vegetables to the public that the operator receives from the primary producer of the fruits and vegetables, and subsection (1) does not apply with respect to that sale**”.**

(3) The following subsections are added after subsection 22(3):

“(4) If an operator of a food facility is processing a wildlife carcass into meat and meat products that it intends to offer for sale to the public, and if the operator has obtained an exemption in writing from the local authority with respect to the inspection of the meat and meat products, the operator must ensure that:

(a) the wildlife carcass is clean, safe for human consumption and will not contaminate the operator’s equipment, facilities and other food;

(b) while the wildlife carcass is being stored and processed, the carcass does not come into direct contact with any other food in the food facility;

(c) the wildlife carcass is not processed in the same room of the food facility at the same time as other food;

(d) after the wildlife carcass is processed, all equipment and surfaces used in the food facility in processing the carcass are cleaned and sanitized before being used in processing other food; and

(e) the meat and meat products derived from the wildlife carcass are clearly identified to staff and patrons of the food facility as being uninspected.

“(5) For 2 years after the foods to which subsection (4) applies are offered for sale to the public, the operator of the food facility that processed the wildlife carcass must:

(a) maintain a record of:

(i) the date on which the operator received the wildlife carcass;

(ii) the species of wildlife received; and

(iii) the name and address of the person from whom the operator received the wildlife carcass; and

(b) make the record available to the local authority on request**”.**

Section 24 amended

13 Subsection 24(1) is repealed and the following substituted:

"(1) If an operator of a processing facility, a milk plant or a slaughter plant has reason to believe that a lot of food or water processed in the processing facility, milk plant or slaughter plant may be unsafe for human consumption, the operator must immediately investigate the matter.

"(1.1) If an investigation undertaken pursuant to subsection (1) establishes that the food or water presents a health hazard, the operator must immediately:

(a) notify the local authority and the Canadian Food Inspection Agency; and

(b) take whatever other action is necessary to mitigate the health hazard, including recalling the lot of food or water if it has been distributed to the public, to a food processor or to a retail or wholesale establishment**".**

Coming into force

14 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

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