

The Mandatory Testing and Disclosure (Bodily Substances) Regulations

being

Chapter M-2.1 Reg 1 (effective October 17, 2005) as amended
by Saskatchewan Regulations 53/2010.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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Form A Physician's Report *The Mandatory Testing
and Disclosure (Bodily Substances) Act*

CHAPTER M-2.1 REG 1

The Mandatory Testing and Disclosure (Bodily Substances) Act

Title

1 These regulations may be cited as *The Mandatory Testing and Disclosure (Bodily Substances) Regulations*.

Interpretation

2 In these regulations, “**Act**” means *The Mandatory Testing and Disclosure (Bodily Substances) Act*.

14 Oct 2005 cM-2.1 Reg 1 s2.

Prescribed communicable diseases

3 For the purposes of the Act, the following diseases are prescribed as communicable diseases:

- (a) human immunodeficiency virus infection;
- (b) hepatitis B;
- (c) hepatitis C.

14 Oct 2005 cM-2.1 Reg 1 s3.

Qualified analyst

4 For the purposes of clause 2(n) of the Act, if a person is qualified to conduct an analysis respecting blood pursuant to *The Medical Laboratory Licensing Regulations, 1995*, the person is deemed to hold the qualification to conduct that same type of analysis pursuant to the Act.

14 Oct 2005 cM-2.1 Reg 1 s4.

Qualified health professional

5 For the purposes clause 2(o) of the Act, the following are prescribed health professions:

- (a) medical laboratory technologists;
- (b) physicians;
- (c) registered nurses;
- (d) certified combined laboratory and x-ray technicians;
- (e) phlebotomists working under the direction or supervision of a member of a profession mentioned in clauses (a) to (d).

14 Oct 2005 cM-2.1 Reg 1 s5.

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Prescribed functions

5.1 For the purposes of subclause 3(1)(a)(iii) of the Act, the following are prescribed as functions respecting which an individual may apply to the court for a testing order:

- (a) policing services provided by a member of a police service as defined in *The Police Act, 1990* or by a member of the Royal Canadian Mounted Police as defined in the *Royal Canadian Mounted Police Act* (Canada);
- (b) services provided by a paramedic, emergency medical technician or emergency medical responder pursuant to *The Paramedics Act* in the course of performing his or her duties;
- (c) services provided by a firefighter to a fire department as defined in *The Fire Prevention Act, 1992*;
- (d) correctional services as defined in *The Correctional Services Act* provided by:
 - (A) an employee or volunteer of a correctional facility within the meaning of *The Correctional Services Act*; or
 - (B) a probation officer as defined in *The Correctional Services Act*;
- (e) youth justice services as defined in *The Youth Justice Administration Act* provided by a youth worker as defined in *The Youth Justice Administration Act*.

21 May 2010 SR 53/2010 s2.

Application for testing order

6 In addition to a physician's report and a statement setting out the circumstances in which the applicant came into contact with a bodily substance of the source individual, an application for a testing order must include:

- (a) the name of the source individual;
- (b) a statement of the circumstances in which the source individual was requested to provide a voluntary test but refused; and
- (c) a statement setting out the reason why the information to be obtained by the proposed testing cannot reasonably be obtained in any other manner.

14 Oct 2005 cM-2.1 Reg 1 s6.

Qualified physician

7 For the purposes of clause 4(1)(a) of the Act, a physician must be a duly qualified medical practitioner.

14 Oct 2005 cM-2.1 Reg 1 s7.

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Content of physician's report

8(1) For the purposes of subsection 4(1) of the Act, a physician's report must be in Form A and include all the information requested by that form.

(2) Form A is prescribed as the form in which physician's reports must be submitted for the purposes of the Act and these regulations.

14 Oct 2005 cM-2.1 Reg 1 s8.

Coming into force

9(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Mandatory Testing and Disclosure (Bodily Substances) Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Mandatory Testing and Disclosure (Bodily Substances) Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

14 Oct 2005 cM-2.1 Reg 1 s2.

Appendix**FORM A**

[Section 8]

**Physician's Report under The Mandatory Testing and
Disclosure (Bodily Substances) Act**

Patient Name: _____ HSN: _____

Patient Date of Birth: _____ Sex: M ☐ F ☐
MM DD YYYY**1. Circumstances of contact:**

The applicant came into contact with a bodily substance of the source individual in the following circumstances (*must include date, time, the particular bodily substance involved and what part of the applicant was exposed - use the back of this form if necessary*):

2. Assessment of risk to the applicant:

As a result of the applicant's contact with a bodily substance of the source individual, my clinical assessment of the risk of disease transmission to the applicant of a prescribed communicable disease is as follows (*please be specific regarding the prescribed communicable disease(s) in question - use the back of this form if necessary*):

3. Necessity of testing order:

In my view, a test of the bodily substances of the source individual is necessary to decrease or eliminate the risk to the health of the applicant resulting from the contact: ☐ Yes ☐ No
(*Use the back of this form to elaborate if necessary*)

4. Susceptibility of the applicant to a prescribed communicable disease:

Has baseline testing of the applicant for the prescribed communicable disease(s) in question been conducted? ☐ Yes ☐ No If no, has baseline testing been requested? ☐ Yes ☐ No

This Form Completed by:

Reporting Physician_____
Day_____
Month_____
Year

14 Oct 2005 cM-2.1 Reg 1.