

The Health Administration Act

being

Chapter H-0.0001 (effective February 26, 1979), as amended by the *Statutes of Saskatchewan*, 1980-81, c.51; 1982-83, c.29; 1986, c.25; 1993, c.55 and 57; 1994, c.P-37.1; 1995, c.10 and 19; 1997, c.H-0.001, 12 and 34; 2000, c.8 and 50; 2002, c.R-8.2; 2003, c.29; and 2014, c.E-13.1 and c.19.

Formerly

Chapter D-17 of *The Revised Statutes of Saskatchewan, 1978*.

*NOTE: The chapter number and Title of this Act were changed by S.S. 2014, c.E-13.1.

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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CHAPTER H-0.0001

An Act respecting Health Administration

Short title

- 1** This Act may be cited as *The Health Administration Act*.
2014, c.E-13.1, s.40.

Interpretation

1.1 In this Act:

- (a) “**beneficiary**” means a beneficiary within the meaning of *The Saskatchewan Medical Care Insurance Act*;
 - (b) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
 - (c) “**ministry**” means the ministry over which the minister presides.
- 2014, c.E-13.1, s.40.

2 Repealed. 2014, c.E-13.1, s.40.

3 Repealed. 2014, c.E-13.1, s.40.

4 Repealed. 2014, c.E-13.1, s.40.

5 Repealed. 1997, c.34, s.4.

Powers and duties of minister

6 Unless specifically dealt with under some other Act of the Legislature, the minister with the assistance of the ministry may, pursuant to this Act or an Act for which the minister is responsible, do such things as he or she considers advisable for promoting the health of the people of the province and for preventing injuries to the people of the province and without limiting the generality of the foregoing, the minister may:

- (a) make or cause to be made investigations and inquiries respecting the causes of disease, ill health and death of the people in the province, and the causes of injuries to such people and the steps that may be taken to reduce the causes of disease, ill health, death and such injuries;
- (b) advise other ministries on matters relating to health and safety;
- (c) develop, co-ordinate and maintain a system for the provision of comprehensive health services to beneficiaries and enter into agreements with regional health authorities, health care organizations, municipalities and any other persons for any of those purposes;

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- (d) alone or in co-operation with one or more persons or organizations, provide institutes, seminars and other educational programs for the training of health service personnel, and make agreements with regional health authorities, health care organizations, municipalities and any other persons, for any of those purposes;
- (e) convene conferences respecting health matters and make payment for expenditures incurred by persons in connection with such conferences;
- (f) consult with and obtain the views of representatives of the providers of health services and the consumers of health services in connection with the provision of health services and various matters related thereto, and enter into arrangements and agreements with organizations and associations representing the providers of health services in connection with the provision of health services and various matters relating thereto;
- (g) inquire into and determine the hospital and health facilities, services and personnel required to meet the health needs of the people of the province;
- (h) promote and assist in the development of adequate health resources, both human and material in the province;
- (i) initiate, promote, conduct and maintain surveys, scientific and administrative research programs and planning studies into any matters relating to the health needs in the province and obtain statistics for purposes of the ministry;
- (j) collect such information and statistics respecting the state of health of members of the public, health resources, facilities and services and any other matters relating to the health needs or conditions affecting the public as are considered necessary or advisable, and publish any information so collected;
- (k) recommend to the government the programs by which the health needs of the people in the province can be met including the organization, administration, staffing and financing of such programs;
- (l) disseminate information in any manner and form considered advisable for promoting the health and well-being of the people of the province, for suppressing disease and for informing the public with respect to the state of health facilities, services and personnel in the province and concerning any other matter relating to health;
- (m) take any measures that in the minister's opinion are required to provide for an adequate food supply at reasonable cost to persons residing in the Northern Saskatchewan Administration District by establishing programs to provide food transportation subsidies for certain communities in that district;
- (n) sponsor, conduct and promote research regarding:
 - (i) the prevention of alcohol and drug abuse;
 - (ii) the treatment and rehabilitation of persons who suffer from problems related to alcohol and drug abuse; and
 - (iii) any other matter related to alcohol and drug abuse;

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- (o) **Repealed.** 2014, c.E-13.1, s.40.
- (p) **Repealed.** 2014, c.E-13.1, s.40.
- (q) make grants or loans or provide subsidies:
 - (i) to assist persons to provide health services or to receive instruction or training with respect to health services;
 - (ii) for any other purpose relating to the provision of health services.

R.S.S. 1978, c.D-17, s.6; 1982-83, c.29, s.3;
 1993, c.57, s.3; 1997, c.34, s.5; 2002, c.R-8.2,
 s.73; 2014, c.E-13.1, s.40.

Powers of minister to make certain expenditures

6.1 Subject to the regulations, the minister may:

- (a) pay part or the whole of the cost of providing health services for any persons or any class or classes of persons that may be designated by the Lieutenant Governor in Council;
- (b) make grants or loans or provide subsidies to regional health authorities, health care organizations or municipalities for the provision and operation of health services or public health services;
- (c) pay part or the whole of the cost of providing health services in any health region or part of a health region in which those services are considered by the minister to be required;
- (d) make grants or provide subsidies to any health agency, as the minister considers necessary;
- (e) make grants or provide subsidies for the purpose of stimulating and developing public health research and the conduct of surveys and studies in the field of public health.

1993, c.57, s.3; 2002, c.R-8.2, s.73.

Agreements

6.2 Subject to the approval of the Lieutenant Governor in Council, the minister may enter into agreements with the government of any other province or territory of Canada or with a regional health authority, health care organization, municipality or other person with respect to the provision of health facilities, health services or public health services, or the training of health personnel.

1993, c.57, s.3; 2002, c.R-8.2, s.73.

Agreements with respect to Northern Saskatchewan Administration District

6.3 Notwithstanding section 6.2, the minister may enter into agreements with any persons for the purpose of assisting those persons to provide health services or public health services in the Northern Saskatchewan Administration District or for the purpose of assisting those persons to employ persons to provide health services or public health services within that district.

1993, c.57, s.3.

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Health systems, technology, expertise and information

6.4(1) Subject to subsection (2), the minister may do all or any of the following:

- (a) undertake research to determine the commercial potential of health systems and health technology, expertise or information;
- (b) develop health systems and health technology or expertise;
- (c) market health systems and health technology, expertise or information to persons, other governments, international agencies or commercial or non-profit organizations;
- (d) enter into any agreements that the minister considers necessary for the purposes of exercising any power or function pursuant to this section.

(2) In exercising any power or function pursuant to this section, the minister shall not disclose any personal information within the meaning of *The Freedom of Information and Protection of Privacy Act* unless the disclosure is authorized pursuant to section 29 of that Act.

1995, c.19, s.2.

Cards

6.5(1) In this section, “**false document**” means a false document as defined in section 321 of the *Criminal Code*.

(2) The minister may, in accordance with this section, issue cards to beneficiaries for the purpose of identifying persons as beneficiaries.

(3) An applicant for a card must provide the minister with any information and evidence necessary to establish the identity and eligibility of the person on whose behalf the application is made.

(4) The minister may issue a card with respect to a person named in an application if the minister is satisfied:

- (a) that the application is complete;
- (b) that the person meets the requirements for eligibility as a beneficiary;
- (c) as to the identity of the applicant and all other persons who are named in the application;
- (d) as to the truth and sufficiency of the information provided in the application; and
- (e) that the application was submitted in good faith.

(5) If the minister is not satisfied with respect to any of the matters set out in clauses (4)(a) to (e):

- (a) the minister may do any of the following in order to obtain any necessary additional evidence:
 - (i) require the attendance at his or her office of the applicant or of any other person, and examine that person respecting any matter pertaining to the application;

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- (ii) require the applicant or any other person to produce any document or evidence that, in the opinion of the minister, is necessary to enable the minister to make a determination as to the truth and sufficiency of the information provided in the application or the eligibility of the persons who are the subjects of the application or as to whether the application was submitted in good faith; or
 - (b) the minister may refuse to issue a card.
- (6) No person shall, for the purpose of procuring the issuance of a card for himself or herself or for any other person:
 - (a) make a written or an oral statement that he or she knows is false or misleading; or
 - (b) provide the minister with a false document.
- (7) No person shall:
 - (a) create, or cause to be created, a false document that purports to be a card issued pursuant to this section;
 - (b) without lawful excuse, have in his or her possession a false document that purports to be a card issued pursuant to this section; or
 - (c) knowing that a document purporting to be a card issued pursuant to this section is a false document:
 - (i) use, deal with or act on it; or
 - (ii) cause or attempt to cause any person to use, deal with or act on it.
- (8) No person shall, on his or her own behalf, use, deal with or act on a card issued pursuant to this section with respect to another person.
- (9) No person, being the lawful holder of a card issued pursuant to this section, shall knowingly part with the possession of that card with intent that it should be used for an improper purpose.
- (10) Every person who contravenes any provision of subsection (6), (7), (8) or (9) is guilty of an offence and liable on summary conviction to a fine of not more than \$50,000, to imprisonment for a term of not more than two years or to both.
- (11) If a person is convicted of an offence pursuant to subsection (10), the convicting judge may, in addition to any penalty imposed, order the minister to amend the records of the ministry or to revoke the issuance of a card to the person, as the case may require.
- (12) If the convicting judge orders the revocation of the issuance of a card pursuant to subsection (11), the convicting judge shall order the person to whom the card was issued to return the card immediately to the minister.
- (13) No person shall fail to comply with an order of the convicting judge made pursuant to subsection (12).
- (14) Every person who fails to comply with an order made pursuant to subsection (12) is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

c. H-0.0001**HEALTH ADMINISTRATION****Health services outside Saskatchewan**

6.6 Subject to the regulations, the minister may:

- (a) make payment for the provision of health services outside Saskatchewan to beneficiaries;
- (b) enter into agreements with the governments of other provinces or territories of Canada establishing a reciprocal arrangement for payment of the costs of health services provided to beneficiaries while they are in the reciprocating jurisdiction and reimbursement for the costs of health services provided to residents of the reciprocating jurisdiction while they are in Saskatchewan.

1997, c.34, s.6; 2000, c.8, s.3.

Vaccines, etc.

7 The minister may, without charge, supply to duly qualified medical practitioners and hospitals in the province drugs, medical supplies, anti-toxins, vaccines, sera and immunizing agents for general use in the province; and a patient who receives or is treated with any such drug, medical supplies, anti-toxin, vaccine, serum or immunizing agent supplied without charge by the minister shall not be charged therefor.

R.S.S. 1978, c.D-17, s.7.

Laboratories

8(1) The minister may establish and operate a laboratory for:

- (a) testing for chemical content of, or bacterial content of, samples of milk, water and other substances intended for human consumption;
- (b) providing diagnostic procedures to assist hospitals, duly qualified medical practitioners and other persons in the provision of diagnostic and treatment services to the residents of the province;
- (c) determining the concentration of substances that may constitute environmental hazards or may be injurious or dangerous to health;
- (d) testing substances pursuant to an arrangement with a department, ministry or agency of the Government of Saskatchewan or of the Government of Canada;
- (e) testing substances at the request of any person where, in the opinion of the person in charge of the laboratory, the testing of those substances:
 - (i) is required by the person requesting them;
 - (ii) is within the capabilities of the laboratory; and
 - (iii) does not seriously disrupt the routine operation of the laboratory;
- (f) providing services which are ancillary to or supportive of the diagnostic or testing services described in clauses (a) to (e).

(2) The minister may impose a charge for any service provided pursuant to subsection (1) in any amounts that, in the minister's opinion, are necessary or advisable in the administration of the affairs of the laboratory.

R.S.S. 1978, c.D-17, s.8; 1980-81, c.51, s.2;
2014, c.E-13.1, s.40.

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Medically related transportation

9 The minister may, alone or in conjunction with any other ministry or agency of government or any other person:

- (a) provide transportation services for the sick and injured or those otherwise requiring health services, and may pay for part or all of the cost of those transportation services;
- (b) provide for the transportation of drugs, materials and supplies that are required on an emergency basis, and may make any charges for the provision of that transportation that the minister considers advisable.

1993, c.57, s.3; 2014, c.E-13.1, s.40.

Programs for persons with physical disabilities

10(1) The minister may promote or provide a program of diagnostic, treatment, educational supportive and other rehabilitative and maintenance services for persons with residual physical disability due to accident, congenital defect, injury, disease or other illness, and may provide such programs either alone or in co-operation with institutions, organizations, and professional bodies, and may enter into agreements with such institutions, organizations and professional bodies for the purpose of providing a well integrated program of services for such persons and for providing services to them.

(2) The Lieutenant Governor in Council may make regulations governing the provision of the services mentioned in subsection (1), or other related services, and may prescribe the charges for the provision of the services that the Lieutenant Governor in Council considers advisable.

R.S.S. 1978, c.D-17, s.10; 1993, c.57, s.3.

Alcohol and drug abuse programs

10.1 The minister may conduct and promote programs, through the facilities of the ministry or the facilities of other agencies, for:

- (a) providing treatment, rehabilitation and other services to persons with alcohol and drug problems;
- (b) disseminating information respecting the recognition, prevention and treatment of alcohol and drug problems and the resolution of other problems related to the use of alcohol and drugs; and
- (c) educating the public with respect to the use of alcohol and drugs and problems associated with their use.

1993, c.57, s.3; 2014, c.E-13.1, s.40.

Persons required to furnish information, etc.

11(1) Every designated public health officer within the meaning of *The Public Health Act, 1994*, every secretary of a board of health, every clerk, secretary or administrator of a city, town, village, municipal district or rural municipality, every secretary of a school board, school unit or conseil scolaire and every medical practitioner shall furnish the minister with any reports that the minister may require, shall collect and tabulate facts according to any instructions given them by the ministry and shall otherwise supply correct information as to all matters submitted to them.

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(2) A person who neglects or refuses to comply with subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$25.

R.S.S. 1978, c.D-17, s.11; 1993, c.55, s.174;
1997, c.12, s.7; 2014, c.19, s.37; 2014, c.E-13.1,
s.40.

Oath of secrecy

12(1) In this section, the expression “**board**”, “**commission**”, “**committee**” or “**council**” means respectively, a board, commission, committee or council appointed under this Act or any other Act for which the minister is responsible, or a board, commission, committee or council the members of which, or one or more of the members of which, are appointed by the minister or by the Lieutenant Governor in Council upon the recommendation of the minister.

(2) The minister may require any person appointed to a board, commission, committee or council to take an oath before entering upon his duties or at any time, that he will not, except as authorized by the minister, disclose any information received by him in the course of his duties as a member of the board, commission, committee or council where such information relates to or consists of:

- (a) the name of a patient, his illness, injury or other physical or psychiatric condition, and the diagnostic or treatment services he has received, is receiving or is about to receive;
- (b) the name of a physician or other person providing professional services to patients and any particulars concerning the personal affairs or details of practice of that physician or other person.

R.S.S. 1978, c.D-17, s.12; 1997, c.34, s.7.

13 Repealed. 2014, c.E-13.1, s.40.

14 Repealed. 2000, c.50, s.6.

15 Repealed. 2014, c.E-13.1, s.40.

16 Repealed. 2014, c.E-13.1, s.40.

Regulations

17 The Lieutenant Governor in Council may make regulations:

- (a) governing the provision of services pursuant to this Act;
- (b) prescribing the conditions on which payment may be made by the ministry for services for which the minister is authorized by this Act to pay;
- (c) prescribing the charges that may be levied for the provision of services pursuant to this Act;
- (d) governing the making of grants or subsidies or loans authorized by this Act;
- (e) governing the payment by the minister of any part or the whole of the cost of providing health services in any health region or part of a health region;
- (f) for the purposes of section 19, prescribing services as health services and governing the calculation of the cost of health services;
- (g) respecting the issuance of cards to beneficiaries;

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(h) respecting health services provided outside Saskatchewan for which payment may be made pursuant to this Act, including regulations:

- (i) governing the rates of payment for services;
- (ii) requiring conditions to be met or approvals to be obtained before payment is made;
- (iii) respecting the manner and form in which accounts are to be rendered;
- (iv) requiring information to be submitted to the minister and respecting the manner and form in which that information is to be submitted.

1993, c.57, s.3; 1995, c.10, s.2; 1997, c.34, s.8;
2002, c.R-8.2, s.73; 2014, c.E-13.1, s.40.

18 Repealed. 1997, c.H-0.001, s.26.

Liability of certain third parties and insurers

19(1) In this section:

- (a) **Repealed.** 1997, c.34, s.9.
- (b) **“health services”** means:
 - (i) insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*;
 - (ii) inpatient services or outpatient services provided in a hospital or any other health facility;
 - (iii) services provided pursuant to section 10 that a physical therapist is authorized to provide; or
 - (iv) any other services prescribed in the regulations.

(2) Where, as a result of the negligence or other wrongful act of any other person, a beneficiary suffers personal injuries for which the beneficiary receives health services, the beneficiary has the same right to recover the cost of those services from the person guilty of the negligence or other wrongful act as the beneficiary would have had if he or she had been required to pay for the health services.

(3) On the provision of health services to a beneficiary mentioned in subsection (2), the minister shall be subrogated to all rights of recovery of the beneficiary from any person with respect to the cost of those health services and may bring an action in the name of the beneficiary to enforce those rights.

(4) Nothing in subsection (2) or (3) restricts the right of the beneficiary to recover any sum with respect to the personal injuries in addition to the cost of health services received by the beneficiary.

(5) Where a beneficiary brings an action to recover any sum with respect to the personal injuries mentioned in subsection (4), the beneficiary shall, on behalf of the minister, include in his or her claim a claim for the cost of health services received by the beneficiary.

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- (6) Except with the written consent of the minister, no action mentioned in subsection (5) shall be settled without provision being made for payment in full of the cost of health services received by the beneficiary.
- (7) The cost of health services received by a beneficiary shall be determined in accordance with the following:
- (a) where the health service is an insured service within the meaning of *The Saskatchewan Medical Care Insurance Act*, the cost of the health service is equal to the amount to be paid for that type of service as set out in the regulations made pursuant to that Act;
 - (b) subject to clause (c), where the health service is an inpatient service or an outpatient service provided to the beneficiary in a hospital or other health facility, the cost of the health service is to be calculated on the basis of the daily rate for that type of service set by the ministry for the purpose of charging other provinces or territories of Canada for the provision of that service to residents of those provinces or territories while they are in Saskatchewan;
 - (c) where the health service is provided outside a hospital by a physical therapist who is under contract to, or is an employee of, the ministry or a regional health authority or an affiliate, as defined in *The Regional Health Services Act*, the cost of the health service is to be calculated on the basis of the rate for that type of service set by the ministry; or
 - (d) where the health service is a service that is prescribed in the regulations, the cost of the health service is to be calculated in the manner set out in the regulations.
- (8) On recovering all or any part of the cost of health services received by the beneficiary, the beneficiary shall immediately pay the amount recovered to the minister.
- (9) The minister may bear the proportion of the taxable costs payable by a beneficiary conducting an action mentioned in this section that bears the same ratio to the total of those costs as the amount claimed on behalf of the minister bears to the total amount claimed, but the portion of the taxable costs borne by the minister shall not exceed 50% of the amount claimed on the minister's behalf.
- (10) An insurer who is liable to indemnify the person guilty of the negligence or other wrongful act mentioned in subsection (2) shall pay to the minister the lesser of:
- (a) the amount for which the insurer is liable; and
 - (b) the cost of the health services received by the beneficiary.
- (11) A payment to the minister pursuant to subsection (10) shall, to the extent of the amount paid, discharge the liability of the insurer to the person guilty of the negligence or other wrongful act mentioned in subsection (2).

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(12) Notwithstanding anything in *The Automobile Accident Insurance Act*, where a beneficiary mentioned in subsection (2) receives benefits pursuant to Part VIII of that Act, the insurer within the meaning of that Act shall pay to the minister the cost of health services received by the beneficiary determined in accordance with subsection (7), unless the minister agrees otherwise.

1995, c.10, s.2; 2002, c.R-8.2, s.73; 2014,
c.E-13.1, s.40.

Accounting for moneys received by minister

20 Notwithstanding *The Financial Administration Act, 1993* or any other Act, the following moneys received by the minister shall be accounted for as a reduction of expenditures incurred for the purpose of the Act pursuant to which the expenditures were incurred, in the same fiscal year as the related expense:

- (a) moneys received pursuant to section 19;
- (b) moneys received as a reimbursement for the costs of health services provided pursuant to:
 - (i) an agreement mentioned in clause 6.6(b); or
 - (ii) *The Saskatchewan Medical Care Insurance Act*.

2000, c.8, s.4.

