

# *The Special-care Homes Rates Regulations, 2011*

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[Chapter R-8.2 Reg 8](#) (effective October 1, 2011) as amended by Saskatchewan Regulations [85/2012](#), [38/2013](#), [71/2016](#), [60/2017](#) and [69/2021](#).

**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 R-8.2 REG 8**  
*The Regional Health Services Act*

**Title**

- 1 These regulations may be cited as *The Special-care Homes Rates Regulations, 2011*.

**Interpretation**

- 2 In these regulations:

- (a) **“acute care management of symptoms related to palliative care”** means a specific approach to and focus on pain management and the control of other acute symptoms associated with palliative care;
- (b) **“annual net income”** means annual net income determined pursuant to section 4;
- (c) **“annual reported income”** means annual reported income determined pursuant to section 3;
- (d) **“dependant”** means, with respect to a resident:
- (i) the resident’s spouse;
  - (ii) a child of the resident or the resident’s spouse who:
    - (A) is under the age of 18 years; or
    - (B) is 18 years of age or older, is in full-time attendance at a secondary or post-secondary educational institution and is receiving significant financial support from the resident or the resident’s spouse;
  - (iii) a grandchild, niece, nephew, brother or sister of the resident or the resident’s spouse, or a person to whom the resident or the resident’s spouse stands in the place of a parent, who:
    - (A) is under the age of 18 years and is the financial responsibility of the resident or the resident’s spouse; or
    - (B) is 18 years of age or older, is in full-time attendance at a secondary or post-secondary educational institution and is the financial responsibility of the resident or the resident’s spouse; or
  - (iv) a person with respect to whom an order has been made pursuant to *The Adult Guardianship and Co-decision-making Act* appointing a personal decision-maker or property decision-maker and who is receiving significant financial support from the resident or the resident’s spouse;
- (e) **“end-stage palliative care”** means the last stage, as assessed by the regional health authority of the health region in which the care is being provided, of the palliative care process where the death of a resident is imminent;

- (f) **“Level 1 care”** means the provision of guidance or supervision in the activities of daily living to a resident who is essentially independent;
- (g) **“maximum resident charge”** means the maximum resident charge determined pursuant to section 8;
- (h) **“minimum base income”** means the minimum base income determined pursuant to section 6;
- (i) **“minimum resident charge”** means the minimum resident charge determined pursuant to section 7;
- (j) **“ministry”** means the ministry over which the minister presides;
- (k) **“palliative care”** means active, compassionate care provided to a terminally ill resident where it has been determined that treatment for cure or prolongation of life is no longer the primary object of the care being provided;
- (l) **“resident”** means a person who lives in a special-care home for the purpose of receiving care;
- (m) **“resident’s family unit”** means the resident and all dependants of the resident;
- (n) **“resident’s monthly charge”** means the monthly amount that may be charged to a resident determined pursuant to section 9;
- (o) **“resident’s monthly income”** means a resident’s monthly income determined pursuant to section 5;
- (p) **“respite care”** means temporary care provided in a special-care home to a person who normally resides in the community in order to provide relief to members of the person’s family or friends who are the primary caregivers;
- (q) **“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, where 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*, where 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 ministry;
- (r) **“special-care home”** means a facility that is designated as a special-care home in accordance with *The Facility Designation Regulations*;
- (s) **“spouse”** includes a person with whom a resident has cohabited as a spouse for a period of at least one year, but does not include a spouse who is separated from the resident pursuant to a separation agreement or a judicial separation.

**Annual reported income**

**3** If the annual reported income of a person is to be used in a year for the purposes of these regulations, the annual reported income is the income of the person for the preceding year based on:

- (a) the person's total income as reported on line 15000 of the return of income for that preceding year pursuant to the *Income Tax Act* (Canada), minus the amount, if any, of the person's deduction for the elected split-pension amount as reported on line 21000 of that return;
- (b) with the consent of the person or a person having authority to give consent on behalf of the person, information obtained directly from a department, ministry or agency of a government that provides income to the person; or
- (c) documents supplied by or on behalf of the person that are sufficient, in the opinion of a person designated by the deputy minister of the ministry for the purposes of this section, to establish the amount of the person's income for that preceding year.

26 Aug 2016 SR 71/2016 s4; 4 Jne 2021 SR  
69/2021 s3.

**Annual net income**

**4** The annual net income of a person for a year is the annual reported income for that year less:

- (a) any deductions that are allowed by the *Income Tax Act* (Canada) in determining net income within the meaning of that Act;
- (b) the amount of any taxable capital gains in that year; and
- (c) the amount of any lump sum payments from a Registered Retirement Savings Plan received in that year.

26 Aug 2016 SR 71/2016 s4.

**Resident's monthly income**

**5(1)** Subject to subsections (2) and (3), a resident's monthly income is the amount RMI determined in accordance with the following formula:

$$\text{RMI} = 1/12 \times \frac{\text{RARI} + \text{SARI}}{\text{F}}$$

where:

- RARI is the annual reported income of the resident;
- SARI is the annual reported income of the resident's spouse; and
- F is the number of members in the resident's family unit.

(2) If a resident and the resident's spouse live in separate dwellings for reasons beyond their control, the resident or the resident's 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 the following formula:

$$\text{RMI} = 1/12 \times \text{RARI}$$

where RARI is the annual reported income of the resident.

26 Aug 2016 SR 71/2016 s4.

#### Minimum base income

6 With respect to any three-month period commencing on January 1, April 1, July 1 or October 1 in any year, the minimum base income is the amount MI calculated in accordance with the following formula:

$$\text{MI} = \text{A} + \text{B} + \text{C} - \text{E}$$

where:

A is the amount of a full monthly pension pursuant to Part I of the *Old Age Security Act* (Canada) as at the first day of the period for which MI is being calculated;

B is the amount of the maximum monthly guaranteed income supplement for a person without a spouse pursuant to Part II of the *Old Age Security Act* (Canada) as at the first day of the period for which MI is being calculated;

C is the amount of the maximum monthly benefit payable pursuant to *The Saskatchewan Income Plan Act* to a person who is a resident of a special-care home and is a single person as at the first day of the period for which MI is being calculated; and

E is \$162.57.

26 Aug 2016 SR 71/2016 s4.

#### Minimum resident charge

7 The minimum resident charge per month for each three-month period is the amount MINRC, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$\text{MINRC} = \text{EMINRC} + \frac{(\text{EMINRC} \times \text{NMBI} - \text{EMBI})}{\text{EMBI}}$$

where:

EMINRC is the minimum resident charge per month for the three-month period preceding the period for which MINRC is being calculated;

NMBI is the minimum base income for the period for which MINRC is being calculated; and

EMBI is the minimum base income for the three-month period preceding the period for which MINRC is being calculated.

26 Aug 2016 SR 71/2016 s4.

**Maximum resident charge**

8 The maximum resident charge per month:

(a) for the period commencing on July 1, 2017 and ending on September 30, 2017 is the amount MAXRC, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$\text{MAXRC} = \text{EMAXRC} + \left( \text{EMAXRC} \times \frac{\text{NMBI} - \text{EMBI}}{\text{EMBI}} \right) + \$624$$

where:

EMAXRC is the maximum resident charge per month for the three-month period preceding July 1, 2017;

NMBI is the minimum base income for the period commencing on July 1, 2017 and ending on September 30, 2017; and

EMBI is the minimum base income for the three-month period preceding July 1, 2017;

(b) for each three-month period commencing on or after October 1, 2017 is the amount MAXRC, rounded down to the nearest dollar, calculated in accordance with the following formula:

$$\text{MAXRC} = \text{EMAXRC} + \left( \text{EMAXRC} \times \frac{\text{NMBI} - \text{EMBI}}{\text{EMBI}} \right)$$

where:

EMAXRC is the maximum resident charge per month for the three-month period preceding the period for which MAXRC is being calculated;

NMBI is the minimum base income for the period for which MAXRC is being calculated; and

EMBI is the minimum base income for the three-month period preceding the period for which MAXRC is being calculated.

7 Jly 2017 SR 60/2017 s3.

**Resident's monthly charge**

9(1) Subject to subsections (5) to (7) and sections 11 to 13, for the period commencing on January 1, 2015 and ending on June 30, 2017, the monthly amount that may be charged to a resident of a special-care home is the amount RC calculated in accordance with the following formula:

$$\text{RC} = \text{MINRC} + (50\% \times \text{RI})$$

where:

MINRC is the minimum resident charge applicable to the month; and

RI is the amount RI, rounded down to the nearest dollar, calculated in accordance with subsection (3).

(2) Subject to subsections (5) to (7) and sections 11 to 13, for the period commencing on July 1, 2017 and ending on December 31, 2017, the monthly amount that may be charged to a resident of a special-care home is the amount RC calculated in accordance with the following formula:

$$RC = \text{MINRC} + (57.5\% \times \text{RI})$$

where:

MINRC is the minimum resident charge applicable to the month; and

RI is the amount RI, rounded down to the nearest dollar, calculated in accordance with subsection (3).

(2.1) Subject to subsections (5) to (7) and sections 11 to 13, for the period commencing on January 1, 2018, the monthly amount that may be charged to a resident of a special-care home is the amount RC calculated in accordance with the following formula:

$$RC = \text{MINRC} + (57.5\% \times \text{RI})$$

where:

MINRC is the minimum resident charge applicable to the month; and

RI is the amount, rounded down to the nearest dollar, calculated in accordance with subsection (4).

(3) For the purposes of subsection (1), the amount RI is calculated in accordance with the following formula:

$$RI = \text{RMI} - (\text{MI} + \text{D})$$

where:

RMI is the resident's monthly income;

MI is the minimum base income applicable to the month; and

D is \$83.65.

(4) For the purposes of subsection (2), the amount RI is calculated in accordance with the following formula:

$$RI = \text{RMI} - (\text{MI} + \text{E})$$

where:

RMI is the resident's monthly income;

MI is the minimum base income applicable to the month; and

E is \$162.57.

(5) If a resident's monthly charge calculated pursuant to subsection (1), (2) or (2.1) is less than the minimum resident charge, the resident's monthly charge is deemed to be the minimum resident charge.

(6) If a resident's monthly charge calculated pursuant to subsection (1), (2) or (2.1) is more than the maximum resident charge, the resident's monthly charge is deemed to be the maximum resident charge.

(7) In addition to a resident's monthly charge, the operator of a special-care home may charge a resident the actual cost of medical supplies and drugs that the resident requires.

26 Aug 2016 SR 71/2016 s4 7 Jly 2017 SR  
60/2017 s4.

**Prorating resident's monthly charge**

**10** If a resident resides in a special-care home for less than a full calendar month, the resident shall pay with respect to the partial month of residence an amount PM calculated in accordance with the following formula:

$$PM = \frac{RC}{D} \times N$$

where:

RC is the resident's monthly charge;

D is the number of days in the month; and

N is the number of days in the month during which the resident resided in the special-care home and received care.

2 Sep 2011 cR-8.2 Reg 8 s10.

**Charge based on full cost of care**

**11(1)** In this section, "**full cost of care**" means the full cost of providing services to a resident for a month, as reasonably estimated by the operator of the special-care home in which the services are provided.

(2) A resident's monthly charge is the full cost of care if:

(a) the resident is receiving financial assistance from a program administered by Indigenous and Northern Affairs Canada or by a band as defined in the *Indian Act* (Canada);

(b) the resident is receiving Level 1 care;

(c) the cost of the resident's care is covered by compensation paid pursuant to *The Workers' Compensation Act, 2013*; or

(d) the resident is not a Canadian citizen or a permanent resident and is not entitled to be issued a Saskatchewan Health Services Card.

(3) **Repealed.** 4 Jne 2021 SR 69/2021 s4.

2 Sep 2011 cR-8.2 Reg 8 s11; 4 Jne 2021 SR  
69/2021 s4.

**No charge for certain residents**

**12** A resident of a special-care home who is admitted for the purpose of receiving acute care management of symptoms related to palliative care or end-stage palliative care is not required to pay a resident's monthly charge.

2 Sep 2011 cR-8.2 Reg 8 s12.

**Residents under 18**

**13(1)** In this section:

(a) **“property guardian”** means a guardian of the property of a child as constituted or appointed pursuant to section 45 of *The Children’s Law Act, 2020*;

(b) **“third party”** means a person who, pursuant to an Act, regulation or court order, is liable for the cost of care of a child or the provision of a living assistance benefit with respect to a child, but does not include a member of the child’s family or a person acting in a representative capacity on behalf of the child.

(2) Subject to subsection (3), the parent or property guardian of a resident who is under the age of 18 years is not required to pay a resident’s monthly charge.

(3) The minimum resident charge applies with respect to a resident who is under the age of 18 years if:

(a) the resident has been permanently committed to the care of the Minister of Social Services pursuant to *The Child and Family Services Act*; or

(b) a third party is liable for the cost of the resident’s care.

(4) For the purposes of this section, a resident is deemed to be under the age of 18 years for the entire calendar month in which he or she attains the age of 18 years.

2 Sep 2011 cR-8.2 Reg 8 s13; 4 Jne 2021 SR 69/2021 s5.

**14 Repealed.** 4 Jne 2021 SR 69/2021 s6.

**Provision of information**

**15(1)** A resident or the responsible person of a resident shall provide the minister with any information that the minister considers necessary for the purpose of calculating the resident’s monthly charge.

(2) If a resident or the responsible person of a resident fails to provide the minister with the information required pursuant to subsection (1), the resident will be charged the maximum resident charge.

2 Sep 2011 cR-8.2 Reg 8 s15.

**Request for recalculation**

**16(1)** A resident or the responsible person of a resident may at any time request a recalculation of the resident’s monthly charge if:

(a) the resident or the responsible person disagrees with the resident’s monthly charge;

(b) the resident has had a significant change in financial circumstances since the resident’s monthly charge was last calculated; or

(c) the difference between the annual reported income and the annual net income of the resident or the resident’s spouse is 1% or more.

- (2) A request for recalculation pursuant to subsection (1) must be made by submitting a written request to the ministry, together with documents respecting the resident's income that support the grounds for requesting the recalculation that are set out in the written request.
- (3) On receiving a request for recalculation pursuant to subsection (2), together with the required supporting documents, a person designated for the purpose by the deputy minister of the ministry:
- (a) shall review the request and the supporting documents;
  - (b) may request the resident or the responsible person to supply further supporting documents or information if, in the opinion of the deputy minister's designate:
    - (i) the documents submitted with the request for recalculation are not sufficient to make possible an accurate recalculation; or
    - (ii) there is a suspicion that the documents submitted have been falsified;
  - (c) shall, if satisfied that the information provided by or on behalf of the resident is complete and accurate, recalculate the resident's monthly charge on the basis of that information; and
  - (d) shall notify the resident or the responsible person and the operator of the special-care home in which the resident is living of the results of the recalculation.
- (4) If, on a recalculation, it is determined that the resident's monthly charge should be lower than the monthly charge that has been applied to the resident, the resident's monthly charge determined by the recalculation applies with respect to the resident, retroactive to the first day of the month in which the request for recalculation was submitted.

2 Sep 2011 cR-8.2 Reg 8 s16.

**R.R.S. c.H-13 Reg 2 repealed**

**17** *The Special-care Homes Rates Regulations* are repealed.

2 Sep 2011 cR-8.2 Reg 8 s17.

**Coming into force**

**18(1)** Subject to subsection (2), these regulations come into force on October 1, 2011.

(2) If these regulations are filed with the Registrar of Regulations after October 1, 2011, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

2 Sep 2011 cR-8.2 Reg 8 s18.

