

The Home Care Act

Repealed

by Chapter 12 of the *Statutes of Saskatchewan, 1997*
(effective August 2, 2002).

Formerly

Chapter H-4.01 of the *Statutes of Saskatchewan, 1986*
(effective August 1, 1986).

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-4.01

An Act respecting the Provision of Home Care Services

Short title

1 This Act may be cited as *The Home Care Act*.

Interpretation

2 In this Act:

- (a) **“agreement”** means an agreement between the minister and a district corporation made pursuant to section 6;
- (b) **“client”** means a person who receives home care services pursuant to this Act;
- (c) **“department”** means the department presided over by the minister;
- (d) **“district”** means a home care district established pursuant to section 4;
- (e) **“district corporation”** means a corporation that is registered pursuant to section 5;
- (f) **“fiscal year”** means the period commencing on April 1 in one year and ending on March 31 in the following year;
- (g) **“home care services”** means services provided to any person who, because of illness or disability, requires care and support while living in the community and, without limiting the generality of the foregoing, includes:
 - (i) assessment services and care co-ordination services;
 - (ii) nursing services;
 - (iii) home-making services;
 - (iv) meal services;
 - (v) home maintenance services;
 - (vi) any service, other than a service described in subclauses (i) to (v), that is included in an agreement made pursuant to section 6 and for which payment is made pursuant to section 10; and
 - (vii) any related services organized by a district corporation and provided by volunteers;
- (h) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

c. H-4.01**HOME CARE****Criteria for provision of services**

3(1) Home care services may be provided pursuant to this Act to any person where:

- (a) the person requires care and support while living in the community; and
- (b) the services to be provided do not unnecessarily replace the assistance usually provided by the family or community.

(2) Without limiting the generality of subsection (1), home care services may be provided for the purpose of:

- (a) determining a person's needs and developing appropriate plans for care;
- (b) improving a person's ability to function independently by teaching self-care;
- (c) delaying or preventing the functional deterioration of a person;
- (d) providing needed assistance and relief to the family and others who are providing care to a person;
- (e) assisting a disabled person to function as independently as possible;
- (f) delaying or eliminating the need for a person's admission to a special-care home or other care-giving institution;
- (g) maintaining a person in the community pending placement in a special-care home or other care-giving institution;
- (h) allowing a terminally ill person to remain at home as long as possible; and
- (i) permitting earlier discharge of a person from hospital or reducing the frequency of re-admissions.

1986, c.H-4.01, s.3.

Districts

4 The minister may establish any geographic area in Saskatchewan as a home care district.

1986, c.H-4.01, s.4.

District corporations

5(1) The minister shall cause a register of district corporations to be kept in the department.

(2) The minister may, on receipt of an application from a corporation that is incorporated or whose incorporation is continued pursuant to *The Non-profit Corporations Act*, register the corporation as a district corporation.

1986, c.H-4.01, s.5.

Agreements

6(1) The minister may enter into agreements with a district corporation for any purpose related to the management and expenditure of moneys paid pursuant to section 10 and to the provision of home care services by that district corporation.

(2) Without limiting the generality of subsection (1), an agreement made pursuant to this section may include terms and conditions respecting:

- (a) the district within which the district corporation shall provide home care services;
- (b) the selection and composition of the board of directors of the district corporation;
- (c) the membership of the district corporation, including classes of membership and voting rights;
- (d) the home care services to be provided by the district corporation;
- (e) the standards to be met in the provision of home care services;
- (f) the minimum qualifications of persons providing home care services;
- (g) the eligibility requirements for persons applying to receive home care services;
- (h) the charges to be made to clients for the provision of home care services and the management of all moneys received for those services;
- (i) the protection of the rights of clients, including the confidentiality of information provided by clients;
- (j) policies and procedures for the administration and delivery of home care services;
- (k) the relationship between a district corporation and any third party with whom it contracts to provide any aspect of home care services for which payment is made pursuant to this Act;
- (l) the establishment and maintenance of financial reserves by the district corporation and the purposes for which reserve funds may be used;
- (m) the statistical and financial records to be maintained by the district corporation; and
- (n) the statistical and financial reports to be produced by the district corporation and submitted to the department, and the times at which those reports are to be submitted.

(3) Where the minister considers it to be in the public interest, he may enter into agreements pursuant to this section with a person other than a district corporation and, where the minister enters into agreements with such a person, the provisions of this Act with respect to district corporations apply *mutatis mutandis* to that person and to those agreements.

Powers of district corporation

7 Subject to this Act and to the terms and conditions of the agreements made pursuant to section 6, a district corporation may:

- (a) spend moneys provided pursuant to this Act to plan, administer and deliver home care services in the district;
- (b) employ any persons that the district corporation considers necessary for providing home care services, and determine their powers and duties;
- (c) organize or co-ordinate volunteer services to provide home care services or other related services;
- (d) enter into agreements with other persons for the delivery of home care services;
- (e) make any expenditures that it considers necessary for conducting the business of the district corporation and its committees;
- (f) receive grants or donations from any agency or individual for any purpose related to the provision of home care services in the district;
- (g) provide for the management of payments from the minister and for the management of any other funds received by the district corporation, and generally for all matters relating to its financial affairs;
- (h) purchase land or property to provide office space for the purpose of administering home care services;
- (i) enter into an agreement with any agency of the Government of Saskatchewan, the government of any other province or the Government of Canada with respect to any matter related to home care services;
- (j) make any recommendations to the minister that it considers appropriate; and
- (k) do any other things that it considers necessary or advisable to administer and deliver home care services in the district.

1986, c.H-4.01, s.7.

Additional responsibilities

8 A district corporation that enters into an agreement with the minister pursuant to section 6 shall endeavour to:

- (a) aid, develop and enhance volunteer services within the district to provide care and support to persons living in the community, whether directly by the district corporation or in conjunction with service agencies and other groups in the community;
- (b) co-ordinate home care services provided by the district corporation with related services provided by other facilities, service agencies and organizations, such as:
 - (i) assisting clients and other persons to obtain appropriate health services, social services and housing;

(ii) developing formal or informal relationships with other facilities, agencies and organizations to create effective referral practices and improve access to services; and

(iii) participating in the organization and operation of committees or groups established for the purpose of planning and co-ordinating services in the district.

1986, c.H-4.01, s.8.

Financial accountability

9 Every district corporation shall:

(a) account for expenditures made by it in accordance with the terms and conditions of the agreement;

(b) submit an audited financial statement to the department on or before June 30 in each year showing its revenues and expenditures during the immediately preceding fiscal year.

1986, c.H-4.01, s.9.

Appropriation

10 The minister may make payments to a district corporation for the provision of home care services out of moneys appropriated by the Legislature for the purpose.

1986, c.H-4.01, s.10.

Payments may be withheld

11 Where, in the opinion of the minister, a district corporation fails to adhere to its agreement, the minister may withhold payments pursuant to this Act until he is satisfied that the district corporation is adhering to the agreement.

1986, c.H-4.01, s.11.

Regulations

12 The Lieutenant Governor in Council may make regulations:

(a) defining any term which is used in this Act but not defined in this Act;

(b) prescribing any matter or thing that he considers necessary to carry out the intent of this Act.

1986, c.H-4.01, s.12.

