

CONFIDENTIAL: Not for release
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of the 11th Legislative Assembly.

CONFIDENTIEL : Ne pas rendre
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de la 11^e Assemblée législative.

EIGHTH SESSION,
ELEVENTH LEGISLATIVE ASSEMBLY
OF THE NORTHWEST TERRITORIES

HUITIÈME SESSION,
ONZIÈME ASSEMBLÉE LÉGISLATIVE
DES TERRITOIRES DU NORD-OUEST

PROPOSED BILL

AVANT-PROJET DE LOI

AN ACT TO AMEND THE TERRITORIAL
HOSPITAL INSURANCE SERVICES ACT

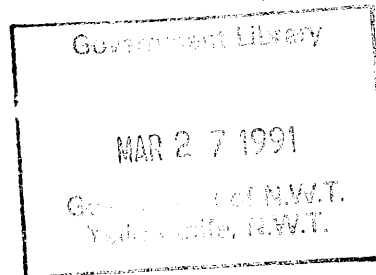
LOI MODIFIANT LA LOI SUR LES SERVICES
D'ASSURANCE-HOSPITALISATION DES
TERRITOIRES DU NORD-OUEST

Statement of Purpose

Exposé des motifs

The purpose of this proposed Bill is to dissolve the Territorial Hospital Insurance Services Board and to transfer its powers to the Minister; to increase the number of consecutive terms of office that a member of a Board of Management may hold; and to make a consequential amendment to the *Financial Administration Act*.

L'avant-projet de loi vise à dissoudre la Régie territoriale des services d'assurance-hospitalisation et à transférer ses pouvoirs au ministre; à augmenter le nombre de mandats qu'un membre du conseil d'administration peut reconduire; à modifier corrélativement la *Financial Administration Act* (Loi sur la gestion des finances publiques).



Important: This Bill is being tabled for information purposes only.

N.B. : Ce projet de loi n'est déposé qu'à titre de renseignements.

PROPOSED BILL

AN ACT TO AMEND THE TERRITORIAL
HOSPITAL INSURANCE SERVICES ACT

The Commissioner of the Northwest Territories,
by and with the advice and consent of the Legislative
Assembly, enacts as follows:

1. The *Territorial Hospital Insurance Services Act*
is amended by this Act.

2. Paragraph 2(b) is repealed.

3. Section 5 is amended by striking out "Board"
wherever it appears and substituting "Minister".

4. The heading "Territorial Hospital Insurance
Services Board" preceding section 6 and section 6
are repealed.

5. The heading "Staff" preceding section 7 and
section 7 are repealed.

6. The heading "Powers of Board" preceding
section 8 is repealed and the heading "Powers of
Minister" is substituted.

7. Section 8 is amended

(a) in the words preceding paragraph (a),
by striking out "Board" and substituting
"Minister"; and

(b) in paragraph (k), by striking out "it" and
substituting "the Minister".

8. Section 9 is amended by striking out "Board" in
the words preceding paragraph (a) and substituting
"Minister".

9. The heading "Report to Commissioner"
preceding section 10 and section 10 are repealed.

10. The heading "Liability of Board" preceding
section 11 and section 11 are repealed.

11. Subsection 11.3(3) is amended by striking out
"two" and substituting "three".

AVANT-PROJET DE LOI

LOI MODIFIANT LA LOI SUR LES SERVICES
D'ASSURANCE-HOSPITALISATION DES
TERRITOIRES DU NORD-OUEST

Le commissaire des Territoires du Nord-Ouest,
sur l'avis et avec le consentement de l'Assemblée
législative, édicte :

1. La présente loi modifie la version anglaise de la
Territorial Hospital Insurance Services Act (Loi sur
les services d'assurance-hospitalisation des
Territoires du Nord-Ouest).

2. L'alinéa 2b) est abrogé.

3. L'article 5 est modifié par suppression du mot
«Board» partout où il figure et par substitution de
«Minister».

4. L'intertitre qui précède l'article 6, ainsi que
l'article 6 sont abrogés.

5. L'intertitre qui précède l'article 7, ainsi que
l'article 7 sont abrogés.

6. L'intertitre qui précède l'article 8 est abrogé et
remplacé par ce qui suit :

«Powers of Minister».

7. L'article 8 est modifié :

a) par suppression de «Board» au passage
qui précède l'alinéa a) et par
substitution de «Minister»;

b) par suppression de «it» à l'alinéa k) et
par substitution de «the Minister».

8. Le passage de l'article 9 qui précède l'alinéa a)
est modifié par suppression de «Board» et par
substitution de «Minister».

9. L'intertitre qui précède l'article 10, ainsi que
l'article 10 sont abrogés.

10. L'intertitre qui précède l'article 11, ainsi que
l'article 11 sont abrogés.

11. Le paragraphe 11.3(3) est modifié par
suppression de «two» et par substitution de «three».



EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 2

Paragraph 2(b) now reads:

- (b) "Board" means the Territorial Hospital Insurance Services "Board" Board established by this ¹⁹⁷⁵ Ordinance;

Clause 3

Section 5 now reads:

Article 2

Texte actuel de l'alinéa 2b) :

Article 3

Texte actuel de l'article 5 :

Payments in respect of insured services

5. Subject to the Financial Administration Act, there may be paid, from moneys appropriated for the purpose,

- (a) to a hospital in the Territories with which the Board has entered into an agreement under paragraph 8(d), such amounts as are specified by the agreement in respect of the cost of insured services provided by that hospital to insured persons;
- (b) to any other hospital in the Territories, such amounts in respect of the cost of insured services provided by that hospital to insured persons as are determined by the Board in accordance with the regulations;
- (c) to any hospital outside the Territories, such amounts in respect of the cost of insured services provided by that hospital to insured persons outside the Territories as are determined by the Board in accordance with the regulations; and
- (d) to an insured person, such amounts in respect of the cost of insured services provided by a hospital outside the Territories to that person as are determined by the Board in accordance with the regulations. 1959(2nd),c.3,s.5; 1973(1st),c.14,s.1: 1974(3rd),c.1,s.10; 1987(c),c.16,s.180.

EXPLANATORY NOTES

NOTES EXPLICATIVES

Clause 4

The heading preceding section 6 and section 6 now read:

Article 4

Texte actuel de l'intertitre qui précède l'article 6 et de l'article 6 :

TERRITORIAL HOSPITAL INSURANCE SERVICES BOARD

6.(1) There shall be a corporation, to be called the Territorial Hospital Insurance Services Board, consisting of not less than five members to be appointed by the Commissioner. Board established

(2) The Commissioner may designate one of the members to be Chairman of the Board. Chairman

(3) The Chairman is the chief executive officer of the Board and has supervision over and direction of the staff of the Board. Duties of Chairman

(4) The Board may authorize one or more of its members to act as Chairman for the time being in the event that the Chairman is absent or unable to act or the office is vacant. Acting Chairman

(5) Each member of the Board may be paid such salary or other remuneration as is fixed by the Commissioner. Salary

(6) Each member of the Board may be paid reasonable travelling and other expenses incurred by him in the performance of his duties while away from his ordinary place of residence. Travelling and other expenses

(7) The Board may make such rules for the conduct of its business as it deems advisable. 1959(2nd),c.3,s.6. Rules of Board

Clause 5

The heading preceding section 7 and section 7 now read :

Article 5

Texte actuel de l'intertitre qui précède l'article 7 et de l'article 7 :

STAFF

7. The officers and employees necessary for the proper conduct of the business of the Board shall be appointed under the provisions of the *Public Service Ordinance*. 1959(2nd);c.3,s.5; 1973(1st),c.14,s.2. Officers and employees of Board

Clause 6

The heading preceding section 8 now reads:

Article 6

Texte actuel de l'intertitre qui précède l'article 8 :

POWERS OF BOARD

EXPLANATORY NOTES

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Clause 7

Section 8 now reads:

Article 7

Texte actuel de l'article 8 :

8. Subject to this ~~Ordinance~~ and the regulations, the Board has ^{Powers} ~~power~~

- (a) to develop and administer the hospital insurance plan;
 - (b) to determine eligibility for and entitlement to insured services;
 - (c) to determine the amounts that may be paid pursuant to paragraphs 5(b) to (d) in respect of the cost of insured services provided to insured persons;
 - (d) to enter into agreements on behalf of the Territories with hospitals in or outside the Territories, or with the Government of Canada or any province or an appropriate agency thereof, for the provision of insured services to insured persons;
 - (e) to license, supervise and inspect hospitals in the Territories, and ensure that adequate standards are maintained therein;
 - (f) to authorize the establishment of hospitals in the Territories or any change in such hospitals, and develop and maintain a co-ordinated system of hospitals, training schools and related health facilities throughout the Territories;
 - (g) to conduct surveys and research programmes and obtain statistics for such purposes;
 - (h) to appoint inspectors to inspect hospitals in the Territories to ensure that adequate standards are maintained therein;
 - (i) to appoint inspectors and auditors to examine and obtain information from hospital records, reports and accounts;
 - (j) to prescribe forms and records necessary to carry out the purposes and provisions of this ~~Ordinance~~; and
 - (k) to perform such other functions and discharge such other duties as may be assigned to it by the regulations.
- 1959(2nd),c.8,s.8. [REDACTED]

EXPLANATORY NOTES

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Clause 8

Section 9 now reads:

Article 8

Texte actuel de l'article 9 :

Consent of Board required

9. No hospital in the Territories that has received capital construction grants from the Government of the Territories shall, without the consent of the Board,

- (a) construct new buildings or make substantial alterations or additions to its existing buildings;
- (b) sell, assign, transfer or mortgage any land owned by the hospital; or
- (c) assign any insurance money receivable or use any insurance money received in respect of loss or damage to the hospital. 1967(1st),c.29,s.1.

Clause 9

The heading preceding section 10 and section 10 now read:

Article 9

Texte actuel de l'intertitre qui précède l'article 10 et de l'article 10 :

REPORT TO COMMISSIONER

Annual report

10. The Board shall prepare an annual report and submit it to the Minister in accordance with Part IX of the Financial Administration Act. 1959(2nd),c.3,s.7; 1967(1st),c.16,s.1.

Clause 10

The heading preceding section 11 and section 11 now read:

Article 10

Texte actuel de l'intertitre qui précède l'article 11 et de l'article 11 :

LIABILITY OF BOARD

Board not liable for acts, etc., of hospital or staff

11. The Board is not liable for any act or omission of any hospital official, any person on the medical staff or nursing staff of a hospital or any employee or agent of a hospital. 1959(2nd),c.3,s.10.

EXPLANATORY NOTES

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Clause 11

Subsection 11.3(3) now reads:

Article 11

Texte actuel du paragraphe 11.3(3) :

*Re-appointment

(3) The Minister may, at the expiration of the term of office of a member of a Board of Management, re-appoint that member, but no person shall hold office for more than two consecutive terms.

12. Section 11.6 is amended
- (a) in subsection (2), by striking out "Territorial Hospital Insurance Services Board" and substituting "Minister"; and
 - (b) by repealing subsection (3).

13. Section 12 is amended
- (a) in the words preceding paragraph (a), by adding ", upon the recommendation of the Minister," after "Commissioner";
 - (b) in paragraph (f.1), by striking out "and Boards of Management may advise the Commissioner upon his making of such regulations";
 - (c) by repealing paragraph (f.2);
 - (d) in paragraph (k), by striking out "Board" and substituting "Minister";
 - (e) in paragraph (p), by striking out "Board" and substituting "Minister"; and
 - (f) in paragraph (q), by striking out "the Board considers" and substituting "are".

14. Section 13 is repealed and the following is substituted:

Subrogation "13. (1) Where insured services have been provided to an insured person in respect of an injury resulting from a wrongful act or omission of another, the Minister is subrogated to the rights of the insured person against any other person for the recovery of the cost of the insured services provided.

Enforcement (2) The Minister may enforce the rights subrogated under subsection (1) by

- (a) bringing an action in the name of the Minister or in the name of the insured person; and
- (b) effecting a settlement at such time and for such amount as the Minister considers appropriate."

15. Section 14 is amended

- (a) by repealing subsection 14(2) and substituting the following:

Actions to include claim for Minister "(2) Every insured person described in subsection (1) who commences an action for the recovery of damages for personal injuries shall

12. L'article 11.6 est modifié :
- a) par suppression des mots «Territorial Hospital Insurance Services Board» au paragraphe (2) et par substitution de «Minister»;
 - b) par abrogation du paragraphe (3).

13. L'article 12 est modifié :
- a) par insertion, après le mot «Commissioner» figurant au passage qui précède l'alinéa a), des mots «, upon the recommendation of the Minister,»;
 - b) par suppression des mots «and Boards of Management may advise the Commissioner upon his making of such regulations» à l'alinéa f.1);
 - c) par abrogation de l'alinéa f.2);
 - d) par suppression de «Board» à l'alinéa k) et par substitution de «Minister»;
 - e) par suppression de «Board» à l'alinéa p) et par substitution de «Minister»;
 - f) par suppression des mots «the Board considers» à l'alinéa q) et par substitution de «are».

14. L'article 13 est abrogé et remplacé par ce qui suit :

Subrogation «13. (1) Where insured services have been provided to an insured person in respect of an injury resulting from a wrongful act or omission of another, the Minister is subrogated to the rights of the insured person against any other person for the recovery of the cost of the insured services provided.

Enforcement (2) The Minister may enforce the rights subrogated under subsection (1) by

- (a) bringing an action in the name of the Minister or in the name of the insured person; and
- (b) effecting a settlement at such time and for such amount as the Minister considers appropriate.».

15. L'article 14 est modifié :

- a) par abrogation du paragraphe (2) qui est remplacé par ce qui suit :

Actions to include claim for Minister «(2) Every insured person described in subsection (1) who commences an action for the recovery of damages for personal injuries shall

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Clause 12

Subsections 11.6(2) and (3) now read:

Article 12

Texte actuel des paragraphes 11.6(2) et (3) :

(2) The Territorial Hospital Insurance Services Board shall determine the fiscal year of every Board of Management. Fiscal year

(3) Every Board of Management shall prepare an annual report and submit it to the Minister in accordance with Part IX of the Financial Administration Act. Annual report
1976(2nd), c. 7, s. 1; 1985(3), c. 7, s. 24;
1986(1), c. 24, s. 8; 1987(1), c. 16, s. 483, 134.

Clause 13

Paragraphs 12(a), (f.1), (f.2), (p) and (q) now read:

Article 13

Texte actuel des l'alinéas 12a), f.1), f.2), p) et q) :

Regulations

12. The Commissioner may make regulations

(a) establishing a hospital insurance plan for the furnishing to insured persons by hospitals of insured services upon uniform terms and conditions;

(f.1) respecting the powers, duties and functions of Boards of Management and Boards of Management may advise the Commissioner upon his making of such Regulations.

(f.2) respecting the relationship of Boards of Management to the Board and to employees referred to in section 11.5.1,

EXPLANATORY NOTES

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(k) specifying the records and accounts to be kept by hospitals and the returns and reports to be made by them to the Board;

(p) respecting the powers of inspectors and auditors appointed by the Board to inspect hospitals and the records, reports and accounts thereof;

(q) providing for the appointment of such advisory or other committees, agencies or persons as the Board considers necessary or advisable for the effective operation of the hospital insurance plan; and

Clause 14
Section 13 now reads:

Article 14
Texte actuel de l'article 13 :

THIRD PARTY LIABILITY

Board
subrogated

13. Upon the provision of insured services to an insured person in respect of an injury resulting from a wrongful act or omission of another person, the Board shall be subrogated to all rights of the injured person for the purpose of recovering the cost of such insured services, and may bring an action either in its own name or in the name of the insured person for the recovery of the amount thereof and effect a settlement of such claim. 1959(2nd),c.3,s.12.

Clause 15
Subsections 14(2) and (3) now read:

Article 15
Texte actuel des paragraphes 14(2) et (3) :

Actions to
include claim for
Board

(2) Every insured person described in subsection (1) who commences an action for the recovery of damages for personal injuries shall include therein a claim on behalf of the Board for the cost of any insured services provided to him.

Payment to
Board

(3) Where in an action to recover damages for personal injuries a resident recovers an amount in respect of insured services received by him he shall forthwith pay the amount so recovered to the Board. 1959(2nd),c.3,s.13.

include a claim on behalf of the Minister for the cost of any insured services provided to the insured person."; and

(b) in subsection 14(3), by striking out "Board" and substituting "Minister".

16. Section 15 is amended

(a) by striking out "Board has commenced action" and substituting "Minister has commenced an action"; and

(b) by striking out "him" and substituting "the insured person".

17. Section 16 is amended by striking out "Board" wherever it occurs and substituting "Minister".

18. Section 17 is amended

(a) by striking out "Board" wherever it occurs and substituting "Minister"; and

(b) by striking out "it" and substituting "the Minister".

TRANSITIONAL

Board ceasing to hold office

19. (1) The Chairman and other members of the Territorial Hospital Insurance Services Board, previously appointed under the *Territorial Hospital Insurance Services Act*, cease to hold office on the coming into force of this Act.

Minister deemed to have acted

(2) Every decision, appointment, agreement, licence, action or other thing made, given or done by the Territorial Hospital Insurance Services Board before the coming into force of this Act, shall be deemed to have been made, given or done by the Minister.

CONSEQUENTIAL AMENDMENT

Financial Administration Act

20. The *Financial Administration Act* is amended by repealing item 9 of Schedule A.

include a claim on behalf of the Minister for the cost of any insured services provided to the insured person.»;

b) par suppression de «Board» au paragraphe (3) et par substitution de «Minister».

16. L'article 15 est modifié :

a) par suppression des mots «Board has commenced action» et par substitution des mots «Minister has commenced an action»;

b) par suppression de «him» et par substitution des mots «the insured person».

17. L'article 16 est modifié par suppression de «Board» et par substitution de «Minister».

18. L'article 17 est modifié :

a) par suppression de «Board» et par substitution de «Minister»;

b) par suppression de «it» et par substitution de «the Minister».

DISPOSITIONS TRANSITOIRES

19. (1) Le président et les autres membres de la Régie territoriale des services d'assurance-hospitalisation, préalablement nommés en application de la *Territorial Hospital Insurance Services Act* (Loi sur les services d'assurance-hospitalisation des Territoires du Nord-Ouest), cessent d'exercer leurs fonctions dès l'entrée en vigueur de la présente loi.

Cessation du mandat de la Régie 30

(2) Les décisions, nominations, accords, agrégations, actions et autres actes, accomplis ou prononcés par la Régie territoriale des services d'assurance-hospitalisation avant l'entrée en vigueur de la présente loi, sont réputés avoir été accomplis ou prononcés par le ministre.

Ministre réputé avoir agi 40

MODIFICATION CORRÉLATIVE

20. L'article 9 de l'annexe A de la version anglaise de la *Financial Administration Act* (Loi sur la gestion des finances publiques) est abrogé par la présente loi.

Financial Administration Act (Loi sur la gestion des finances publiques) 50

EXPLANATORY NOTES

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Clause 16

Section 15 now reads:

Joining of action
commenced by
Board

15. Where the Board has commenced action in the name of an insured person for the recovery of the cost of insured services provided to him, the insured person may

- (a) at any time prior to the trial of the action, and
- (b) upon such conditions as to costs or otherwise as to the court seem just,

join in that action such other claims as he may have arising out of the same occurrence. 1959(2nd),c.3,s.14.

Article 16

Texte actuel de l'article 15 :

Clause 17

Section 16 now reads:

16. It shall not be a defence to an action brought by the Board that the claim has been adjudicated upon unless the claim subrogated included a claim for the amount paid for insured services and it shall not be a defence to an action to recover damages for personal injuries brought by a person who has received insured services that an action taken by the Board for the recovery of the cost of those services has been adjudicated upon. 1959(2nd),c.3,s.15.

No defence that
Board's claim
adjudicated

Article 17

Texte actuel de l'article 16 :

Clause 18

Section 17 now reads:

17. No release or settlement of a claim or judgment based upon an action to recover damages for personal injuries where the injured person has received insured services shall be binding upon the Board unless the Board or person designated by it has approved the release or settlement in writing. 1959(2nd),c.3,s.16.

Release or
settlement

Article 18

Texte actuel de l'article 17 :

EXPLANATORY NOTES

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Clause 20

Item 9 of schedule A in the *Financial Administration Act* now reads:

Article 20

Texte de l'article 9 de l'annexe A de la *Financial Administration Act* (Loi sur la gestion des finances publiques) :

9. The Territorial Hospital Insurance Services Board, established under the Territorial Hospital Insurance Services Act