

**CONSOLIDATION OF HOSPITAL INSURANCE AND HEALTH
AND SOCIAL SERVICES ADMINISTRATION ACT**
R.S.N.W.T. 1988,c.T-3

(Current to: 2019-12-23)

AS AMENDED BY TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.126(Supp.)
S.N.W.T. 1995,c.11
S.N.W.T. 1997,c.11
 In force July 1, 1997: SI-005-97
S.N.W.T. 1997,c.12
 In force July 1, 1998: SI-009-98
S.N.W.T. 1998,c.24

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2013,c.20,s.18
 s.18 in force May 16, 2013
S.Nu. 2018,c.8,s.11(2)(b)
 s.11(2)(b) in force October 17, 2018

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://nunavutlegislation.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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HOSPITAL INSURANCE AND HEALTH AND SOCIAL SERVICES ADMINISTRATION ACT

INTERPRETATION

Definitions

1. In this Act,

"federal Act" means the *Canada Health Act*; (*loi fédérale*)

"health facility" means any hospital, health centre or other health program or service owned or funded by the Government of Nunavut; (*établissement de santé*)

"hospital insurance plan" means the plan established by this Act and the regulations for providing insured services to insured persons; (*régime d'assurance-hospitalisation*)

"insured person" means a person who is eligible for and entitled to insured services; (*assuré*)

"insured services" means the in-patient and out-patient services to which insured persons are entitled under this Act and the regulations but does not include services a person is eligible for and entitled to under an Act of Canada, a province or territory specified in the regulations or any other statute or law specified in the regulations; (*services assurés*)

"resident" means a person legally entitled to remain in Canada who makes his or her home and is ordinarily present in Nunavut but does not include a tourist, transient or visitor to Nunavut; (*résident*)

"social services facility" means any social services institution, family violence service, alcohol and other drug treatment service, mental health service, suicide prevention service, aged and handicapped service, child protection service, adoption service, adult or young offender service, wellness service or other social services program or service owned or funded by the Government of Nunavut. (*établissement de services sociaux*)

R.S.N.W.T. 1988,c.126(Supp.),s.2; S.N.W.T. 1997,c.12,s.2,3;
S.Nu. 2013,c.20,s.18(2),(5); S.Nu. 2018,c.8,s.11(2)(b).

INSURED SERVICES

Eligibility and entitlement

2. Subject to this Act and the regulations, every resident is eligible for and entitled to insured services.

3. Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.3.

4. Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.3.

POWERS OF MINISTER

Powers of Minister

- 5.** Subject to this Act and the regulations, the Minister may
- (a) develop and administer the hospital insurance plan;
 - (b) determine eligibility for and entitlement to insured services;
 - (c) determine the amounts that may be paid under paragraphs 25(b) to (d) in respect of the cost of insured services provided to insured persons;
 - (d) enter into agreements on behalf of the Government of Nunavut with hospitals in or outside Nunavut, or with the Government of Canada or the government of a province or territory or an appropriate agency of such a government, for the provision of insured services to insured persons;
 - (e) license, supervise and inspect health facilities and social services facilities in Nunavut and ensure that adequate standards are maintained for the facilities;
 - (f) authorize the establishment of health facilities and social services facilities in Nunavut, approve any change in the facilities, and develop and maintain a co-ordinated system of health facilities and social services facilities and training schools throughout Nunavut;
 - (g) conduct surveys and research programs and obtain statistics for those purposes;
 - (h) appoint inspectors to inspect health facilities and social services facilities in Nunavut to ensure that adequate standards are maintained for the facilities;
 - (i) appoint inspectors and auditors to examine and obtain information from the records, reports and accounts of health facilities and social services facilities;
 - (j) establish forms and records necessary to carry out the purposes and provisions of this Act; and
 - (k) perform other functions and duties that may be assigned to the Minister by the regulations. R.S.N.W.T. 1988,c.126(Supp.),s.5; S.N.W.T. 1997,c.12,s.4; S.Nu. 2013,c.20,s.18(5).

Consent of Minister

- 6.** No hospital in Nunavut that has received capital construction grants from the Government of Nunavut shall, without the consent of the Minister,
- (a) construct new buildings or make substantial alterations or additions to its existing buildings;
 - (b) sell, assign, transfer or mortgage land owned by the hospital; or
 - (c) assign insurance money receivable or use insurance money received in respect of loss or damage to the hospital.
R.S.N.W.T. 1988,c.126(Supp.),s.6; S.Nu. 2013,c.20,s.18(5).

7. **Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.7.**
8. **Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.7.**
9. **Repealed, S.N.W.T. 1997,c.12,s.5.**
10. **Repealed, S.Nu. 2013,c.20,s.18(4).**
11. **Repealed, S.Nu. 2013,c.20,s.18(4).**
12. **Repealed, S.Nu. 2013,c.20,s.18(4).**
13. **Repealed, S.Nu. 2013,c.20,s.18(4).**
14. **Repealed, S.Nu. 2013,c.20,s.18(4).**
- 14.1. **Repealed, S.Nu. 2013,c.20,s.18(4).**
15. **Repealed, S.Nu. 2013,c.20,s.18(4).**
16. **Repealed, S.Nu. 2013,c.20,s.18(4).**

PUBLIC ADMINISTRATOR

Public Administrator

- 17.** (1) The Minister may appoint a person as Public Administrator to manage the affairs of one or more health facilities or social services facilities if the Minister is of the opinion that
- (a) the continuing provision of care or services to clients is for any reason being jeopardized;
 - (b) the members of the governing body of the facility or facilities have resigned and they are not being immediately replaced;
 - (c) the safety of clients is jeopardized by a failure to comply with reasonable standards for the provision of care or services;
 - (d) the governing body of the facility or facilities has failed to assume responsibility for the provision of facilities or services;
 - (e) the facility or facilities appear to be in financial difficulty;
 - (f) serious problems exist in relation to the governing body and the management of the facility or facilities; or
 - (g) in the circumstances, it is in the public interest that a Public Administrator be appointed to manage the affairs of the facility or facilities.

Powers, duties and responsibilities

- (2) Subject to subsection (3), where a Public Administrator is appointed,
- (a) the powers, duties and responsibilities of the governing body of the health facility or facilities or social services facility or facilities in respect of which the Public Administrator is appointed devolve on the Public Administrator; and
 - (b) the Public Administrator may exercise and perform all the powers, duties and responsibilities of a governing body with respect to the operation and finance of the health facility or facilities or social services facility or facilities.

Terms and conditions

(3) The Minister may set terms and conditions governing the powers, duties and responsibilities of a Public Administrator.

Termination of appointment

(4) The Minister may terminate the appointment of a Public Administrator and may specify the conditions under which the operation of the health facility or facilities or social services facility or facilities shall be carried on after the termination.

Remuneration

(5) A Public Administrator shall receive the remuneration for his or her services that the Minister may fix, and the remuneration may be paid from the funds of the health facility or facilities or social services facility or facilities in respect of which the Public Administrator was appointed.

Validity of previous actions

(5.1) Any action taken or not taken by a Public Administrator in managing the affairs of a social services facility prior to the coming into force of this subsection is deemed to have been authorized under this Act.

Liability

(6) No Public Administrator is personally liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith by the Public Administrator pursuant to or in the exercise of the powers conferred by this Act or by the Minister. S.N.W.T. 1997,c.12,s.9.

Contract management

18. Nothing in this Act precludes the Minister approving a contract with a private organization, agency or firm, to provide management services for or to manage a health facility or a social services facility. S.N.W.T. 1997,c.12,s.10.

THIRD PARTY LIABILITY

Subrogation

19. (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.
- R.S.N.W.T. 1988,c.126(Supp.),s.10.

Power of insured person to sue for insured services

20. (1) Despite section 19, an insured person who, as a result of a wrongful act or omission of another person, suffers an injury for which the insured person has received insured services may recover the amount of the cost of providing those services to the insured person from the person guilty of the wrongful act or omission in the same manner as though the insured person had been required to pay for those services.

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

Payment to Minister

(3) Where in an action to recover damages for personal injuries a resident recovers an amount in respect of insured services received by the resident, the resident shall without delay pay the amount recovered to the Minister.
R.S.N.W.T. 1988,c.126(Supp.),s.11; S.Nu. 2013,c.20,s.18(5).

Joining of action commenced by Minister

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

- (a) at any time before the trial of the action, and
- (b) on conditions as to costs or otherwise that to the court seem just,

join in that action any other claims that the insured may have arising out of the same occurrence. R.S.N.W.T. 1988,c.126(Supp.),s.12.

Defence to action

22. (1) It is not a defence to an action brought by the Minister that the claim has been adjudicated on unless the claim subrogated included a claim for the amount paid for insured services.

Idem

(2) It is not 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 Minister for the recovery of the cost of those services has been adjudicated on.
R.S.N.W.T. 1988,c.126(Supp.),s.13.

Release or settlement

23. No release or settlement of a claim or judgment based on an action to recover damages for personal injuries where the injured person has received insured services is binding on the Minister unless the Minister or a person designated by the Minister has approved the release or settlement in writing. R.S.N.W.T. 1988,c.126(Supp.),s.14.

GENERAL

Agreements

24. (1) The Commissioner may enter into an agreement with the Minister of National Health and Welfare under the federal Act to provide for the payment by Canada to Nunavut of contributions in respect of the cost of insured services incurred by Nunavut pursuant to this Act and the regulations.

Amendment to agreement

(2) An agreement under this Act may by mutual consent of the parties to the agreement be amended or terminated in the manner provided by the federal Act.
S.Nu. 2013,c.20,s.18(5).

Payments in respect of insured services

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

- (a) to a hospital in Nunavut with which the Minister has entered into an agreement under paragraph 5(d), the amounts that 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 Nunavut, the amounts in respect of the cost of insured services provided by that hospital to insured persons that are determined by the Minister in accordance with the regulations;
- (c) to any hospital outside Nunavut, the amounts in respect of the cost of insured services provided by that hospital to insured persons outside Nunavut that are determined by the Minister in accordance with the regulations; and
- (d) to an insured person, the amounts in respect of the cost of insured services provided by a hospital outside Nunavut to that person that are determined by the Minister in accordance with the regulations.
R.S.N.W.T. 1988,c.126(Supp.),s.15; S.Nu. 2013,c.20,s.18(5).

OFFENCES AND PUNISHMENT

Unqualified persons

26. (1) No person shall knowingly obtain or receive insured services to which he or she is not entitled under this Act or the regulations.

Aiding and abetting

(2) No person shall knowingly aid or abet another person to obtain or receive insured services to which he or she is not entitled under this Act or the regulations.

Obstruction of inspector

(3) No person shall obstruct or hinder an inspector or auditor in carrying out his or her duties or functions under this Act or the regulations.

Offence and punishment

(4) Every person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding three months or to both.

Limitation period

27. A prosecution for an offence under this Act may not be commenced more than two years after the time when the offence was committed. S.Nu. 2013,c.20,s.18(5).

REGULATIONS

Regulations

28. (1) The Commissioner, on the recommendation of the Minister, may make regulations

- (a) establishing a hospital insurance plan for the providing of insured services to insured persons by hospitals on uniform terms and conditions;
- (b) defining "hospitals" for the purposes of this Act and the regulations;
- (c) prescribing the in-patient and out-patient services that insured persons are eligible for and entitled to as insured services;
- (d) specifying, for the purpose of the definition of "insured services" in section 1, the statutes or laws referred to in that definition;
- (e) prescribing the terms and conditions on which a person is eligible for and entitled to insured services;
- (f) respecting the operation of health facilities and social services facilities, including the licensing, classifying, supervision and inspection of the facilities and the maintenance of adequate standards for the facilities;
- (g) **repealed, S.Nu. 2013,c.20,s.18(4).**
- (h) **repealed, R.S.N.W.T. 1988,c.126(Supp.),s.16.**

- (i) respecting the admission, treatment, conduct, discipline and discharge of clients of health facilities and of social services facilities;
- (j) approving hospitals for the purposes of the hospital insurance plan;
- (k) determining the cost of providing services in health facilities and social services facilities;
- (l) establishing the fees that health facilities and social services facilities may charge to clients;
- (m) specifying the records and accounts to be kept by health facilities and social services facilities and the returns and reports to be made by them to the Minister;
- (n) prescribing the terms and conditions on which payments may be made to hospitals for the provision of insured services to insured persons, and the method of making the payments;
- (o) prescribing the terms and conditions on which payment may be made in respect of the cost of insured services provided to insured persons outside Nunavut, and the amount of the payments;
- (p) prohibiting, restricting or regulating the making or renewing of contracts
 - (i) to provide a resident with, or to reimburse or indemnify a resident for, the cost of insured services, or
 - (ii) to provide a resident with any benefit related directly or indirectly to hospitalization or to the length of time a resident is in hospital;
- (q) regulating insurance contracts that provide for the payment of hospital insurance benefits supplementary to those provided pursuant to this Act and the regulations;
- (r) respecting the powers of inspectors and auditors appointed by the Minister to inspect health facilities and social services facilities and the records, reports and accounts of the facilities;
- (s) providing for the appointment of any advisory or other committees, agencies or persons that are necessary or advisable for the effective operation of the hospital insurance plan; and
- (t) for the administration of this Act and for carrying into effect the purposes and provisions of any agreement entered into under subsection 24(1). S.N.W.T. 1997,c.12,s.11; S.Nu. 2013,c.20,s.18(4),(5).

(2) Repealed, R.S.N.W.T. 1988,c.126(Supp.),s.16.