



PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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CHAPTER H-1.2

HEALTH AND COMMUNITY SERVICES REORGANIZATION ACT

- 1. In this Act** Definitions
- (a) “community hospital” means a community hospital as defined in the *Community Hospital Authorities Act* R.S.P.E.I. 1988, Cap. C-13.1; community hospital
- (b) “community hospital authority” means a community hospital authority as defined in the *Community Hospital Authorities Act*; community hospital authority
- (c) “facility” means any institution, residence or building, other than a hospital, under the administration of a health authority, to which persons are admitted or in which they receive treatment; facility
- (d) “health authority” means health authority
- (i) a regional authority, and
- (ii) the Provincial Health Services Authority;
- (e) “Minister” means the Minister of Health; Minister
- (f) “Provincial Health Services Authority” means the Provincial Health Services Authority as defined in the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1; Provincial Health Services Authority
- (g) “regional authority” means a regional authority as defined in the *Health and Community Services Act*. 2005,c.39,s.1. regional health authority
- 2. This Act and any regulations made hereunder apply notwithstanding the provisions of any other enactment, and in the event of an inconsistency between a provision of this Act or the regulations and a provision of any other enactment, the provision of this Act or the regulations shall prevail. 2005,c.39,s.2.** Conflict

HEALTH AUTHORITIES – DISSOLUTION AND TRANSFERS

- 3. On the date this Act comes into force, the health authorities are dissolved. 2005,c.39,s.3.** Dissolution
- 4. On the date this Act comes into force,** Transfers of property
- (a) the assets of the health authorities, including the hospitals operated by the health authorities are transferred to, and assumed by, the Government without compensation;

- (b) the liabilities of the health authorities are transferred to and assumed by the Government;
- (c) the contracts and agreements entered into by the health authorities are assumed by the Government;
- (d) any legal proceeding or right of action by or against a health authority may be brought or continued by or against the Government;
- (e) a reference in any will or other document effecting a bequest or donation to a health authority, hospital or facility,
 - (i) in the case of a bequest or donation to a health authority, shall be construed as referring to a hospital or facility that was operated by the health authority, rather than to the Government or to a community hospital authority, and
 - (ii) in the case of a bequest or donation to a hospital or facility, shall be construed as referring to the hospital or facility itself, rather than to the Government or to a community hospital authority, and
 is to be made to such foundation, fund or account as may exist or be established for this purpose;
- (f) the bylaws or written management policies of a health authority that operated a hospital or facility shall, continue to apply to the hospital or facility until replacement bylaws or policies are made;
- (g) the Minister of Health assumes responsibility for the management and administration of the hospitals and facilities operated by the Provincial Health Services Authority; and
- (h) the community hospital authorities assume responsibility for the management and administration of the community hospitals for which they are each responsible under the *Community Hospital Authorities Act*. 2005,c.39,s.4.

Public Works

5. For greater certainty, a hospital, manor, facility or other building or institution transferred to the Government under section 4 is not a public work and is not subject to the *Public Works Act* R.S.P.E.I. 1988, Cap. P-34. 2005,c.39,s.5.

Regulations

6. The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary for carrying out the purposes and provisions of this Act. 2005,c.39,s.6.

CONSEQUENTIAL AMENDMENTS

7. (1) The *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1 is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) by the addition of the following after clause (m):

(m.1) “Department” means the Department of Social Services and Seniors; Department

(b) by the repeal of clause (w).

(3) Clause 4(3)(b) of the Act is amended by the deletion of the words “regional authorities or other”;

(4) Subsection 5(2) of the Act is amended by the repeal of clause (d) and the substitution of the following:

(d) to operate and deliver child welfare services under this Act by employees of the Department;

(5) Section 6 of the Act is repealed.

8. (1) The *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9 is amended as provided by this section.

(2) Clause 3(2.1)(c) of the Act is amended by the deletion of the word “Hospital”.

9. (1) The *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 is amended as provided by this section.

(2) Section 1 of the Act is amended

(a) in subclause (d)(viii), by the deletion of the words “a regional authority” and the substitution of the words “the Department”;

(b) by the addition of the following after clause (d):

(d.1) “Department” means the Department of Health; Department

(c) in subclause (j)(viii), by the deletion of the words “a regional authority” and the substitution of the words “the Department”; and

(d) by the repeal of clause (m).

(3) Clause 4(1)(c) of the Act is repealed and the following substituted:

(c) two shall be appointed by the Minister from among the employees of the Department;

10. (1) The *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 is amended as provided by this section.

(2) Section 1 of the Act is amended

- (a) by the repeal of clause (p.1); and**
- (b) by the repeal of clause (r).**

(3) Schedule C to the Act is repealed and the Schedule C as set out in the Schedule to this Act is substituted.

11. (1) The *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2 is amended as provided by this section.

(2) Section 1 of the Act is amended

- (a) by the addition of the following after clause (d):**

community hospital (d.01) “community hospital” means a community hospital as defined in the *Community Hospital Authorities Act* R.S.P.E.I. 1988, Cap. C-13.1;

community hospital authority (d.02) “community hospital authority” means a community hospital authority as defined in the *Community Hospital Authorities Act*;

- (b) in clause (d.1), by the deletion of the words “for a region” and the substitution of the words “for the province”;**

- (c) by the repeal of clause (e.01);**

- (d) by the addition of the following before clause (e.1):**

hospital (e.02) “hospital” means a provincial hospital or a community hospital;

- (e) by the repeal of clauses (f.2), (j.1) and (j.2); and**

- (f) in clause (j.3), by the deletion of the words “in each region” and the substitution of the words “in the province”.**

(3) Subsection 2.1(4) of the Act is amended by the deletion of the words “Where a health authority submits to planning committee a request for a change” and the substitution of the words “Where a community hospital authority, in support of a proposed business plan, submits to the Planning Committee a request for a change”.

(4) Section 2.2 of the Act is amended

- (a) in clause (1)(c), by the deletion of the words “regional authorities” and the substitution of the words “community hospital authorities”;**

(b) in subsection (2),

(i) in clause (c), by the deletion of the words “each region” and the substitution of the words “the province”,

(ii) in clause (d), by the deletion of the words “health authorities” and the substitution of the words “community hospital authorities”; and

(c) in subsection (3),

(i) in clause (b), by the deletion of the word “regional” and the substitution of the word “community”; and

(ii) in clause (d), by the deletion of the words “health authorities” and the substitution of the words “community hospital authorities”.

(5) Subsection 17(2) of the Act is amended

(a) by the deletion of the word “or” after clause (g); and

(b) by the addition of the following after clause (g):

(g.1) to community hospital administrators for the purpose of carrying out a statutory duty; or

(6) The Act is amended by the addition of the following after section 23.1:

23.2 The members of the Planning Committee, on the date this section comes into force, shall continue to act until their replacements are appointed. Transitional

12. (1) The *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12 is amended as provided by this section.

(2) Section 15.1 of the Act is amended

(a) by the deletion of the words “, an agency of the Crown, or a health authority, as defined in the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1” and the substitution of the words “or an agency of the Crown,”; and

(b) by the deletion of the word “welfare” wherever it occurs and the substitution of the word “social”.

13. (1) The *Labour Act* R.S.P.E.I. 1988, Cap. L-1 is amended as provided by this section.

(2) Section 41 of the Act is amended

(a) in subsection (5), by the deletion of the words “nor any person employed by a health authority, as defined in the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1” and the substitution of the words “nor any person transferred to the Department of Health and Social Services pursuant to subsection 4(3) of the *Health Authorities’ Employees Act* R.S.P.E.I. 1988, Cap. H-1.4”; and

(b) in subsection (9), by the deletion of the words “, and in the event that such arbitration relates to persons required for the maintenance of hospital services, the report is also binding upon the Hospital and Health Services Commission of Prince Edward Island”.

14. (1) The *Pay Equity Act* R.S.P.E.I. 1988, Cap. P-2 is amended as provided by this section.

(2) Clause 1(b) of the Act is repealed and the following substituted:

civil service

(b) “civil service” means an employee of the Government or an agency of the Crown, including the Crown corporations set out in Schedules B and C to the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, but does not include an employee of a school board established pursuant to the *School Act* R.S.P.E.I. 1988, Cap. S-2.1;

(3) Subsection 16.1(1) of the Act is repealed and the following substituted:

Pay equity
continued

16.1 (1) The process commenced under this Act for the achievement of pay equity for employees of hospitals approved under the *Hospitals Act* R.S.P.E.I. 1988, Cap. H-10 shall continue.

15. (1) Clause 3(1)(f.1) of the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5 is repealed.

Repeal of HCSA

16. The *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1 is repealed. 2005,c.39,s.16.

Repeal

17. Not proclaimed. 2005,c.39,s.17.

SCHEDULE

SCHEDULE C

Western School Board
Eastern School District
La Commission Scolaire de langue française
Queens Health Region
East Prince Health Region
West Prince Health Region
Kings Health Region
Provincial Health Services Authority
Alberton Community Hospital Authority
O'Leary Community Hospital Authority
Tyne Valley Community Hospital Authority
Souris Community Hospital Authority
Montague Community Hospital Authority