

**EC2005-598**LEGISLATIVE ASSEMBLY  
(THIRD SESSION, SIXTY-SECOND GENERAL ASSEMBLY)  
PROCLAMATION TO CONVENE

Council ORDERED that the Legislative Assembly of this Province be called to meet for the Despatch of Business on Wednesday, the 16<sup>th</sup> day of November A.D. 2005 at the hour of three o'clock in the afternoon and that a proclamation be issued forthwith.

**EC2005-599**AN ACT TO AMEND THE HEALTH AND COMMUNITY SERVICES ACT  
DECLARATION RE

Under authority of section 14 of *An Act to Amend the Health and Community Services Act* Stats. P.E.I. 2005, 2nd Session, c. 38 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Health and Community Services Act" to come into force effective 8 November 2005.

**EC2005-600**HEALTH AND SOCIAL SERVICES REORGANIZATION ACT  
DECLARATION RE

Under authority of section 35 of the *Health and Social Services Reorganization Act* Stats. P.E.I. 2005, 2nd Session, c. 40 Council ordered that a Proclamation do issue proclaiming the said "Health and Social Services Reorganization Act" to come into force effective 8 November 2005.

**EC2005-601**LONG TERM CARE SUBSIDIZATION ACT  
DECLARATION RE

Under authority of section 18 of the *Long-Term Care Subsidization Act* Stats. P.E.I. 2005, 2nd Session, c. 45 Council ordered that a Proclamation do issue proclaiming the said "Long-Term Care Subsidization Act" to come into force effective 8 November 2005.

**EC2005-602****AN ACT TO AMEND THE SOCIAL ASSISTANCE ACT  
DECLARATION RE**

Under authority of section 11 of *An Act to Amend the Social Assistance Act* Stats. P.E.I. 2005, 2nd Session, c. 53 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Social Assistance Act" to come into force effective 8 November 2005.

**EC2005-603****CHILD CARE FACILITIES ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 8 of the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5, Council made the following regulations:

**1. Schedule A of the *Child Care Facilities Act* Regulations (EC475/87) is amended by the deletion of the words "HEALTH AND SOCIAL SERVICES" and the substitution of the words "SOCIAL SERVICES AND SENIORS".**

**2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

The regulations changes the name of the Department referred to in these regulations.

**EC2005-604****COMMUNITY CARE FACILITIES AND NURSING HOMES ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 13 of the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13, Council made the following regulations:

**1. Forms 1 and 2 of Schedule A of the *Community Care Facilities and Nursing Homes Act* Regulations (EC391/84) are amended by the deletion of the words "AND SOCIAL SERVICES".**

**2. Schedule B of the regulations is amended by the deletion of the words "AND SOCIAL SERVICES".**

**3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the Schedules to the regulations.

**EC2005-605****COMMUNITY CARE FACILITIES AND NURSING HOMES ACT  
NURSING HOME REGULATIONS  
AMENDMENT**

Pursuant to section 13 of the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13, Council made the following regulations:

- 1. The Schedule of the *Community Care Facilities and Nursing Homes Act* Nursing Homes Regulations (EC10/88) is amended by the deletion of the words “AND SOCIAL SERVICES” wherever they occur.**
- 2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the Schedule to the regulations.

**EC2005-606****DRUG COST ASSISTANCE ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 7 of the *Drug Cost Assistance Act* R.S.P.E.I. 1988, Cap. D-14, Council made the following regulations:

- 1. Clause 1(i) of the *Drug Cost Assistance Act* Regulations (EC511/97) is amended by the deletion of the words “Health and Social Services” and the substitution of the words “Social Services and Seniors”.**
- 2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations correct the name of the Department referred to in the regulations.

**EC2005-607****FINANCIAL ADMINISTRATION ACT  
FINANCIAL ASSISTANCE ENFORCEMENT REGULATIONS  
AMENDMENT**

Pursuant to section 79 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council made the following regulations:

- 1. The Schedule to the *Financial Administration Act*, Financial Assistance Enforcement Regulations (EC429/03) is amended**
  - (a) in the row containing the words “*Child Care Facilities Act*”, by the deletion of the words “Health and Social Services” and the substitution of the words “Social Services and Seniors”; and**
  - (b) in all other rows of the table not referred to clause (a), by the deletion of the words “and Social Services” wherever they occur.**
- 2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the Schedule to the regulations.

**EC2005-608****FINANCIAL ADMINISTRATION ACT  
SPECIAL PROJECTS FUND REGULATIONS  
AMENDMENT**

Pursuant to section 14.8 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council made the following regulations:

**1. Subsections 4(1) and (6) of the *Financial Administration Act*, *Special Projects Fund Regulations* (EC639/99) are amended by the deletion of the words “and Social Services”.**

**2. Clause 6(4)(b) of the regulations is amended by the deletion of the words “Health and Social Services” and the substitution of the words “Social Services and Seniors”.**

**3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-609****FINANCIAL ADMINISTRATION ACT  
TRANSFER ORDER**

Pursuant to subsection 37.1(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council approved the transfer of \$1,665,900.00 from the Corporate Administration Section of the Department of the Provincial Treasury as follows:

<b>To</b>	<b>Amount</b>
Department of Agriculture, Fisheries and Aquaculture	\$ 227,000.00
Department of Community and Cultural Affairs	245,400.00
Department of Education	112,400.00
Department of Environment, Energy and Forestry	247,900.00
Executive Council	47,700.00
Prince Edward Island Business Development Inc.	400,500.00
Tourism PEI	385,000.00

Council noted that this transfer returns monies transferred from the various departments to Corporate Administration Section in Provincial Treasury in the Estimates of Expenditure for the fiscal year ending March 31, 2006.

For budget purposes, this transfer of funds is deemed to have come into force effective 1 April 2005.

**EC2005-610****FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, Council made the following regulations:

**1. Schedule 1 of the *Freedom of Information and Protection of Privacy Act* Regulations (EC564/02) is amended by the deletion of PART VI DEPARTMENT OF HEALTH AND SOCIAL SERVICES and the substitution of the following:**

**PART VI****DEPARTMENT OF HEALTH**

1. Community Care Facilities and Nursing Homes Board
2. Community Care Facilities Appeal Panel
3. Emergency Medical Services Board
4. Hospital Standards Committees
5. Financial Assistance Appeal Panel
6. Medical Advisory Committee
7. *Mental Health Act* Review Board
8. Nursing Homes Appeal Panel
9. Pharmacy Advisory Committee
10. Physician Resource Planning Committee
11. Professional/Technical Advisory Committee(s)
12. Provincial Health Services Advisory Council
13. Provincial Standards Committee

**PART VI.1****DEPARTMENT OF SOCIAL SERVICES AND SENIORS**

1. Child Care Facilities Appeal Panel
2. Child Care Facilities Board
3. *Child Protection Act* Advisory Committee
4. Public Housing Authorities
5. Seniors Advisory Council
6. Social Assistance Appeal Board

**2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the names of the Departments referred to in the Schedule to the regulations.

**EC2005-611**

**GRAIN ELEVATORS CORPORATION ACT  
PRINCE EDWARD ISLAND GRAIN ELEVATORS CORPORATION  
BOARD OF DIRECTORS  
APPOINTMENTS**

Pursuant to subsection 2(2) of the *Grain Elevators Corporation Act* R.S.P.E.I. 1988, Cap. G-5 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
John Bagnall Hazel Grove (reappointed)	22 October 2005 to 22 October 2008
Robert Jorgensen Springfield (reappointed)	22 October 2005 to 22 October 2008

Further, in accordance with subsection 2(3) of the said Act, Council designated Emmerson McMillan as president (vice John Griffin, term expired) for the balance of his term, and John Bagnall as vice-president (vice Gordon Carter, term expired) for the duration of his term.

**EC2005-612**

**HEALTH SERVICES PAYMENT ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 5 of the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, Council made the following regulations:

- 1. Clause 1(m.1) of the *Health Services Payment Act* Regulations (EC453/96) is amended by the deletion of the words "and Social Services".**
- 2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-613**

**HOSPITAL AND DIAGNOSTIC SERVICES INSURANCE ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 11 of the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, Council made the following regulations:

- 1. Subsection 24(2) of the *Hospital and Diagnostic Services Insurance Act* Regulations (EC539/63) is amended by the deletion of the words "Cap. P-28" and the substitution of the words "Cap. P-28.1".**
- 2. Schedule A of the regulations is amended by the deletion of the words "and Social Services".**
- 3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations correct the name of the Department referred to in the regulations and correct the citation of another Act.

**EC2005-614**

**HOUSING CORPORATION ACT  
PROVINCIAL CONTRIBUTION TO SENIORS –  
HOME REPAIR REGULATIONS  
AMENDMENT**

Pursuant to section 15 of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council made the following regulations:

**1. Subclause 2(b)(iii) of the *Housing Corporation Act, Provincial Contribution to Seniors – Home Repair Regulations (EC1135/80)* is amended by the deletion of the words “Health and Social Services” and the substitution of the words “Social Services and Seniors”.**

**2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-615**

**LONG-TERM CARE SUBSIDIZATION ACT  
REGULATIONS**

Pursuant to section 12 of the *Long-Term Care Subsidization Act* R.S.P.E.I. 1988, Cap. L-16.1, Council made the following regulations:

- 1. (1) In these regulations** Definitions
- (a) “Act” means the *Long-Term Care Subsidization Act* R.S.P.E.I. 1988, Cap. L-16.1; Act
- (b) “administrator” means the senior administrative officer of a nursing home; administrator
- (c) “agent” means an adult person who applies for, or has applied for, financial assistance on behalf of an applicant; agent
- (d) “applicant” means applicant
- (i) a person who applies for financial assistance, or
- (ii) a person who receives financial assistance;
- (e) “comfort allowance” means a comfort allowance granted by the Director under subsection 12(2) to an applicant living in a nursing home for the purchase of items relating to recreation and comfort; comfort allowance
- (f) “dependent” means a person who wholly or substantially relies on an applicant for items of basic need; dependent
- (g) “established rates” means the categories and rates of financial assistance established by the Lieutenant Governor in Council under section 5 of the Act; established rates
- (h) “estate” means the value of real and personal property of an applicant at the time of the applicant’s death, less mortgages and other secured debt and before estate expenses and disbursements, but excludes the value of the principal residence of an applicant if the applicant held ownership of the principal residence at the time of the applicant’s death; estate
- (i) “financial resources” means the financial resources of an applicant as determined under subsection 7(2); financial resources

- (j) “liquid assets” means the liquid assets listed in clause 7(2)(b); liquid assets
- (k) “nursing home” means a residential institution that is nursing home  
 (i) a manor or other facility owned and operated by the province,  
 or  
 (ii) a nursing home licensed under the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13,  
 that provides to an applicant sleeping accommodations, meals,  
 and nursing, medical or similar care and treatment based on  
 assessed needs;
- (l) “person with a disability” means a person in need who has a continuing intellectual, mental or physical impairment; person with a disability
- (m) “principal residence” means the primary dwelling of an applicant at the time of an application under these regulations, and includes the property on which the dwelling is located, to a maximum of one acre; principal residence
- (n) “single applicant” means an applicant who is unmarried, widowed, separated or divorced, and who is not living with another person as the other person’s spouse; single applicant
- (o) “spouse” means, in respect of an applicant, a person with whom the applicant has gone through a marriage or a form of a marriage and includes a person who, although not married to the applicant, lives with the applicant as if they were married; spouse
- (p) “written policies” means the written policies established under subsection 7(4) of the Act. written policies
- (2) Nursing homes are approved residential institutions for the purposes of the Act and these regulations. Approved residential institutions

#### POLICIES

2. The Director may include the established rates of financial assistance in the written policies. Established rates included in written policies

#### REVIEW

3. The Lieutenant Governor in Council may review Annual review, rates and exemptions  
 (a) the established categories and rates of financial assistance; and  
 (b) the exemptions from the calculation of financial resources to determine their adequacy in meeting the needs of an applicant.

#### APPLICATION

4. (1) An application for financial assistance shall be made on a form approved by the Minister and be Application for financial assistance  
 (a) completed by an applicant and the applicant’s spouse, except where the Director  
 (i) is satisfied that the applicant’s spouse does not reside with the applicant, or  
 (ii) determines that the signature of the applicant’s spouse cannot be obtained; and  
 (b) treated as a joint application by both spouses if the applicant resides with his or her spouse.
- (2) The Director may Agent of applicant  
 (a) accept an application for financial assistance from an agent of an applicant, where the Director is satisfied that the applicant is incapable of making the application personally by reason of infirmity, illness, minority or other cause; and  
 (b) enter into an agreement for repayment of a debt due by a recipient of financial assistance to the government with an agent of the applicant under subsection 11(4) of the Act.
- (3) An applicant and the applicant’s spouse shall provide such information and evidence in support of an application for financial assistance as may be required under the Act and these regulations to determine the applicant’s eligibility for financial assistance. Information and evidence



(4) A submitted application form for financial assistance and related documentation are the property of the Minister. Property of Minister

(5) A person who does not, for any reason, complete the application process as set out in these regulations, shall be deemed to be ineligible to receive financial assistance. Ineligibility

#### FINANCIAL RESOURCES

5. (1) The Director Enquiry into financial resources  
 (a) shall enquire into the financial resources and other circumstances of an applicant and the applicant's spouse to determine an applicant's eligibility for financial assistance;  
 (b) may investigate and verify the accuracy of information provided by or on behalf of an applicant; and  
 (c) shall review the applicant's financial information at least once annually.

(2) The Director shall Case audits  
 (a) conduct case audits on a random or continuing basis and shall take such action as may be necessary to monitor and evaluate the delivery of financial assistance; and  
 (b) report to the Minister on the conduct and results of such audits or other activity.

6. (1) The test for determining whether an applicant is a person in need shall include the following calculations by the Director: Cost of care and financial resources  
 (a) calculation of the costs of care based on the established rates of financial assistance; and  
 (b) calculation of the value of the financial resources of the applicant and the applicant's spouse in accordance with these regulations.

(2) Subject to the Act and these regulations, where the calculations made under subsection (1) show that the cost of care of the applicant exceeds the applicant's financial resources, the applicant is a person in need and the Director may grant financial assistance to the applicant based on the established rates of financial assistance. Cost exceeds resources

7. (1) Notwithstanding clause 1(1)(d), for the purposes of this section, "applicant" includes the applicant's spouse. Applicant includes spouse and dependents

(2) Subject to the exemptions set out in section 8, in determining the financial resources of an applicant, the Director shall include as financial resources Financial resources

- (a) the applicant's entire income, including income from
  - (i) Old Age Security, the Guaranteed Income Supplement or other payments under the *Canada Pension Plan Act* (Canada),
  - (ii) any war veteran's allowance, widower's or widow's benefits or pension under the *Veterans' Affairs Act* (Canada),
  - (iii) a disability pension from any source,
  - (iv) social security or other pensions payable by the government of another country,
  - (v) Goods and Services Tax rebates under the *Income Tax Act* (Canada),
  - (vi) a registered educational savings plan,
  - (vii) a registered retirement savings plan,
  - (viii) a registered retirement income fund,
  - (ix) rental income,
  - (x) interest income or dividend income, or income from investments, and
  - (xi) any other pension or source of income due or payable to the applicant;
- (b) the liquid assets of the applicant, including
  - (i) cash on hand,
  - (ii) cash in a bank, trust company, credit union or cooperative or other similar financial institution,
  - (iii) the realizable value of stocks, bonds, debentures, mutual funds, investment certificates, registered education savings plans, registered retirement savings plans, registered retirement income funds, and other similar investments,

- (iv) retirement allowances, severance pay, bonuses, pensions and other similar payments, and
  - (v) the cash surrender value of life insurance policies, savings receipts, liens, mortgages, bequests and settlements; and
  - (c) any other assets of the applicant that can be sold or converted into cash, including the principal residence of the applicant if the principal residence has been sold or transferred within the two years prior to the applicant's application for financial assistance, or is sold or transferred at any time thereafter.
- (3) An applicant who has assets of a type referred to in clause (2)(c)
- (a) shall make all reasonable efforts to convert the assets into cash and have the money applied towards the cost of care; or
  - (b) may enter into an agreement with the Minister assigning the proceeds of the asset when converted to cash for the purpose of applying the proceeds to the cost of care paid by the Director as financial assistance.

Proceeds of  
converting assets to  
cash

#### EXEMPTIONS FROM CALCULATION

8. (1) The Director shall not include the following in the calculation of an applicant's financial resources:
- (a) real property used as the applicant's principal residence at the time of the applicant's application for financial assistance;
  - (b) the applicant's personal belongings, as determined by the Director;
  - (c) the first \$1,500 of an applicant's liquid assets where the applicant is a single person;
  - (d) the first \$3,000 of an applicant's liquid assets where the applicant has a spouse residing with him or her; or
  - (e) such other exemptions from calculation as the Minister may direct.
- (2) The financial resources of an applicant are deemed to be
- (a) one-half of the aggregate of the financial resources of the applicant and the applicant's spouse; or
  - (b) the prorated value of the financial resources of the applicant or of the applicant and the applicant's spouse, where the applicant has dependents or a spouse and dependents, if the spouse or dependents are living with the applicant.
- (3) Notwithstanding subsection (2) and subject to subsection (6), the Director may vary the amount of financial assistance payable to an applicant, if the Director is satisfied that the variation is necessary to enable the applicant's spouse or dependents to meet financial liabilities or to maintain a reasonable standard of living.
- (4) Where an applicant has purchased a prepaid funeral, the purchase price is exempt from the calculation of the applicant's financial resources.
- (5) A reasonable standard of living for the purposes of subsection (3) is based on the annual calculations for Old Age Security and Guaranteed Income Supplements calculated under the *Canada Pension Plan Act* (Canada) as indexed annually.
- (6) The financial liabilities referred to in subsection (3) are limited to the following items of expense at values not exceeding the rates established for social assistance pursuant to the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3:
- (a) food expenses;
  - (b) dental, drug and personal expenses;
  - (c) rent, mortgage or bank loan payments;
  - (d) fuel or heating expenses;
  - (e) utilities;
  - (f) taxes;
  - (g) insurance premiums;
  - (h) room and board expenses;
  - (i) transportation expenses;
  - (j) clothing expenses;
  - (k) special care expenses;

Not included in  
financial resources

Aggregate financial  
resources

Reduced aggregate  
calculation

Prepaid funeral

Reasonable  
standard of living

Exemption limits

(l) other expenses considered appropriate by a the Director.

#### GRANTING OF ASSISTANCE, REASSESSMENT

**9.** (1) The Director may grant financial assistance to an applicant at the established rates for care and room and board in a nursing home, and the financial assistance or any part of it granted to an applicant shall constitute a debt due by the applicant to the government within the meaning of section 11 of the Act.

Assistance for applicant in nursing home

(2) Where there is an improvement in the financial situation of  
(a) an applicant residing in a nursing home; or  
(b) the spouse of such applicant,

Improvement in financial situation

the Director shall reassess the eligibility of the applicant for financial assistance.

(3) If the Director determines, after a reassessment under subsection (2), that

Powers after reassessment

(a) the applicant is no longer a person in need, the Director shall discontinue the financial assistance provided to the applicant and shall bill the applicant for the assistance previously provided; or  
(b) the applicant no longer requires the same level of financial assistance, the Director shall vary the amount of financial assistance provided to the applicant and shall vary the agreement with the applicant.

**10.** The Director may refuse to grant financial assistance to an applicant where

Divestment of liquid assets

(a) the applicant has made an assignment, sale or transfer of liquid assets or real property, including the principal residence of the applicant within two years preceding the date of the applicant's application or at any time thereafter; and  
(b) the Director determines that the assignment or transfer referred to in clause (a) was made for the purpose of qualifying the applicant for financial assistance.

**11.** (1) An applicant for financial assistance or the agent of an applicant shall, before assistance is granted, enter into an agreement with the nursing home, the Director, and the Minister whereby the applicant agrees to comply with the repayment provisions and all other provisions of these regulations.

Agreement respecting assistance

(2) An applicant who is a resident of a nursing home on the date this section comes into force and who has not entered into an agreement described by subsection (1) is deemed to have entered into such an agreement.

Deemed agreement

#### COMFORT ALLOWANCE

**12.** (1) For the purposes of this section, "trust account" means a comfort allowance trust account established for residents of a nursing home by the administrator under subsection (4).

"trust account", defined

(2) The Director may grant additional financial assistance to an applicant at the established rates in the form of a comfort allowance if the applicant is a person in need and resides in a nursing home.

Comfort allowance

(3) An applicant receiving a comfort allowance may request that the administrator of the nursing home in which the applicant resides receive and hold the comfort allowance in trust on behalf of the applicant.

Administrator may hold comfort allowance in trust

(4) Subject to subsections (5), (6) and (7), an administrator who holds a comfort allowance in trust on behalf of an applicant shall deposit the money to the credit of the applicant in a comfort allowance trust account.

Trust account

(5) The administrator may use the interest accrued on money held in trust under subsection (4) for the purchase of items for recreation and comfort that benefit residents at the nursing home.

Interest on trust accounts for comfort allowances

(6) Where the amount of money in an applicant's trust account is equal to or greater than \$300, the Director shall credit further comfort allowance funds to the nursing home fees payable on behalf of the

Balance \$300 or more

applicant until the balance in the applicant's trust account falls below \$300.

(7) Where an applicant who resides in a nursing home dies leaving a positive balance in a trust account, the administrator shall credit that balance toward the nursing home fees payable by the applicant.

Comfort allowance  
balance after death  
of applicant

(8) The Director may require the administrator of a nursing home to provide an accounting of a resident's trust account.

Accounting of  
resident's trust  
account

13. Nothing in these regulations shall be deemed to interfere with the right of an applicant who resides in a nursing home to open and maintain bank accounts in his or her own name, and the administrator may, at the request of an applicant, act as an agent for the applicant respecting the account under a power of attorney duly executed by the applicant.

Applicant's bank  
accounts

#### RECOVERY OF DEBT

14. (1) Where an applicant who has received financial assistance under subsection 9(1)

Debt owing

- (a) no longer resides in a nursing home; or
- (b) has been determined by the Director under subsection 9(3)
  - (i) to no longer be a person in need, or
  - (ii) to no longer require the same level of financial assistance,

the Director shall determine the amount of debt due by the applicant to the government under section 11 of the Act.

(2) Where an applicant who resides in a nursing home dies, recovery of a debt due by the applicant to the government by the applicant's estate under section 11 of the Act is subject to the following exclusions from calculation:

Recovery from  
estate

- (a) the first \$2,500 of the estate; and
- (b) where the deceased applicant leaves a surviving spouse or dependents, the Minister's claim shall not exceed 50% of the applicant's estate.

15. If

Satisfaction of  
certificate

(a) a certificate has been filed with the Registrar of the Supreme Court under subsection 11(5) of the Act; and

(b) the debt due by the applicant to the government has been paid, cancelled, discharged or written off under clause 11(4)(c) of the Act, the Minister shall file a satisfaction of the certificate with the Registrar and serve it on the debtor.

#### APPEALS, MISCELLANEOUS

16. (1) Pursuant to subsection 9(1) of the Act, an applicant may appeal a decision of the Director respecting the provision of financial assistance under the Act or these regulations on any of the following grounds:

Grounds of appeal

- (a) the Director refused to accept an application for financial assistance;
- (b) the application for financial assistance was denied;
- (c) the amount of financial assistance granted was not in accordance with these regulations, the established rates of financial assistance or the written policies;
- (d) the applicant's financial assistance was reduced, suspended, cancelled or withheld.

(2) An appellant shall serve a notice of appeal on the Minister setting out the grounds of appeal within 30 days of the date of the decision being appealed.

Appeal

(3) An appellant may be represented on an appeal by counsel or a third party.

Right to be  
represented

17. Upon receipt of a notice of appeal, the Minister shall, within 30 days,

(a) convene a Panel of not more than three members to hear the appeal; and

(b) provide the panel with a copy of the notice of appeal.

Convening a Panel

18. On receipt of a copy of the notice of appeal, the Panel shall notify the Director and the Director shall provide the Panel with

Panel provides  
documentation

- (a) a copy of the appellant's written application for financial assistance made under the Act;
- (b) the particulars of the financial resources of the appellant as calculated by the Director; and
- (c) other documents and records pertaining to the matter under appeal.
- 19.** (1) The Panel shall commence a hearing of the appeal within 15 clear days after receipt of the notice of appeal. Appeal hearing within 15 clear days
- (2) The chairperson of the Panel, if one has been so designated, shall provide the appellant and the Director at least three clear days' notice of the date, time and place of the hearing. 3 clear days' notice of the hearing
- (3) Notice of the hearing shall be sent by registered mail to the appellant at the address shown on the notice of appeal. Service of notice
- (4) Subject to subsection (1), the Panel may reschedule the hearing after giving the parties reasonable notice of the new time and place of the hearing. Re-scheduling the hearing of the appeal
- (5) An appellant may withdraw an appeal at any time before the date set for the hearing of the appeal by notifying the Panel either verbally or in writing of the appellant's decision to withdraw. Withdrawal of appeal
- 20.** (1) Where an appeal is made against a decision to reduce, suspend or cancel financial assistance, the amount of financial assistance previously granted shall continue to be paid until the Panel renders its decision. Continued assistance pending appeal
- (2) Where an appeal is made against a refusal by the Director to grant financial assistance, no financial assistance shall be paid to the appellant unless the Panel grants the appeal. No assistance where appeal against refusal
- 21.** (1) The appellant may request that the hearing of the appeal be held in private or be open to the public. Open or closed hearing
- (2) Where the appellant or the person acting on behalf of the appellant does not attend the hearing, the Panel shall dismiss the appeal. Failure of appellant to attend
- 22.** (1) The Panel shall decide only the matters that fall within the Act and these regulations and that are raised as the grounds of appeal. Panel decides matters before it
- (2) At the conclusion of the hearing of the appeal, the Panel shall
- (a) dismiss the appeal; or
- (b) allow the appeal and vary the decision made by the Director. Conclusion of hearing
- (3) The Panel shall provide a copy of the decision to the parties on the appeal within 15 clear days from the conclusion of the hearing of the appeal. Written decision within 15 days
- (4) Subject to subsection (5), the decision of the Panel is final and binding on the parties. Decision final
- (5) Within 10 clear days of receipt of the written decision, the Director or the appellant may, on the basis of new evidence only, request that the Panel review its decision on the appeal. Review of appeal on new evidence
- (6) The decision of the Panel on a review under subsection (5) is final and binding on the parties. Decision final
- (7) The effective date of the decision of the Panel under subsection (2) or subsection (6) shall be retroactive to the date of the Director's decision on the appeal. Effective date of decision
- 23.** (1) Where an appeal is allowed by the Panel, the Panel may award costs to the appellant in an amount sufficient to cover the appellant's reasonable expenses, excluding legal fees, resulting from the appeal. Costs
- (2) Where an appeal is dismissed by the Panel, the Panel may determine that the financial assistance granted under subsection 20(1) is an overpayment within the meaning of the Act. Overpayment
- 24.** These regulations come into force on November 8, 2005. Commencement

### EXPLANATORY NOTES

**SECTION 1** is the definition section.

**SECTION 2** authorizes the Director to include rates of financial assistance in written policies.

**SECTION 3** authorizes the Lieutenant Governor in Council to review categories and rates of financial assistance and exemptions from the calculation of financial resources to determine the needs of an applicant.

**SECTION 4** outlines the requirements for an application for financial assistance; provides that a submitted application form is the property of the Minister and outlines that a person who does not complete the application process is deemed ineligible to receive financial assistance.

**SECTION 5** authorizes the Director to make enquiries regarding the financial resources and other circumstances of an applicant and authorizes the Director to conduct case audits and report to the Minister on the conduct and results of such audits and other activity.

**SECTION 6** outlines the test for determining whether an applicant for financial assistance is a person in need.

**SECTION 7** outlines what the Director shall include as financial resources of an applicant.

**SECTION 8** outlines exemptions from the calculation of an applicant's financial resources and outlines resources that are deemed to be financial resources of an applicant. The section authorizes the Director to vary the amount of financial assistance payable to an applicant and outlines the limits to the financial liabilities of an applicant.

**SECTION 9** authorizes the Director to grant financial assistance to an applicant at the established rates for care and room and board in a nursing home and provides that any part of financial assistance granted to an applicant is a debt due by the applicant to the government. The section also authorizes the Director to reassess the eligibility of an applicant where the financial situation of an applicant improves.

**SECTION 10** outlines the circumstances in which the Director may refuse to grant financial assistance.

**SECTION 11** requires an applicant for financial assistance to enter into an agreement with a nursing home, the Director and the Minister before assistance is granted to the applicant and deems an applicant who has not entered into such an agreement to have entered into such an agreement on the date this section comes into force.

**SECTION 12** authorizes the Director to provide additional assistance to an applicant in the form of a comfort allowance and authorizes an administrator of a nursing home in which an applicant resides to receive and hold the comfort allowance in trust on behalf of the applicant.

**SECTION 13** clarifies that an applicant who resides in a nursing home may open and maintain bank accounts in his or her own name and authorizes an administrator of a nursing home, on the request of an applicant, to act as an agent for the applicant respecting the account under a power of attorney.

**SECTION 14** outlines the circumstances in which the Director determines the amount of debt due by the applicant to the government and outlines exclusions from calculation of the debt.

**SECTION 15** outlines the circumstances in which a satisfaction certificate may be filed with the Registrar and served on the debtor.

**SECTION 16** outlines the circumstances in which an applicant may appeal a decision of the Director respecting the provision of financial assistance.

**SECTION 17** authorizes the Minister to convene an appeal Panel.

**SECTION 18** requires the Panel to notify the Director of the appeal and outlines the documents the Director is required to provide to the Panel.

**SECTION 19** requires a hearing of an appeal to be held by the Panel within 15 clear days after the Panel receives the notice of appeal and requires the chairperson of the Panel to provide the appellant and the Director at least three clear days' notice of the date, time and place of the hearing of the appeal.

**SECTION 20** outlines that where an appeal is made against a decision to reduce, suspend or cancel financial assistance, the amount of financial assistance previously granted shall continue until the appeal Panel renders its decision but where an appeal is made against a refusal to provide financial assistance, no financial assistance shall be paid unless the appeal is granted.

**SECTION 21** provides that an appeal may be private or be open to the public and outlines that where the appellant does not appear at the hearing, the appeal shall be dismissed.

**SECTION 22** outlines the procedure at the conclusion of an appeal, and provides that the decision of the Panel is final and binding on the parties. If new evidence is produced, the Panel may review its decision on the appeal and this decision is final and binding.

**SECTION 23** authorizes the Panel to award costs where an appeal is allowed, and where an appeal is dismissed, the Panel may determine that the financial assistance granted is an overpayment within the meaning of the Act.

**SECTION 24** provides for the commencement of these regulations.

#### **EC2005-616**

### **PHARMACY ACT AUTHORIZATION REGULATIONS AMENDMENT**

Made by the Prince Edward Island Pharmacy Board pursuant to section 8 of the *Pharmacy Act* R.S.P.E.I. 1988, Cap. P-6, after consultation with the Council of the Pharmaceutical Association, and approved by the Lieutenant Governor in Council.

**1. Section 14 of the *Pharmacy Act Authorization Regulations (EC575/92)* is amended by the deletion of the words "AND SOCIAL SERVICES".**

**2. These regulations come into force on November 8, 2005.**

#### **EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-617**

**PROVINCIAL EMBLEMS AND HONOURS ACT  
ORDER OF PRINCE EDWARD ISLAND ADVISORY COUNCIL  
APPOINTMENTS**

Pursuant to clause 6(2)(d) of the *Provincial Emblems and Honours Act* R.S.P.E.I. 1988, Cap. P-26.1 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
Nils Ling Charlottetown (vice Simon Compton, term expired)	1 November 2005 to 8 July 2007
Gerald Meek Summerside (vice Sharon Wedge, term expired)	1 November 2005 to 8 July 2007
Darlene Peters Souris (vice Robert Rose, term expired)	1 November 2005 to 8 July 2007

**EC2005-618**

**PUBLIC HEALTH ACT  
CHILD RESISTANT PACKAGES REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. Sections 1, 2, 3 and 4 of the *Public Health Act* Child Resistant Packages Regulations (EC29/75) are amended by the deletion of the words “and Social Services”.**

**2. These regulation come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-619**

**PUBLIC HEALTH ACT  
EATING ESTABLISHMENTS AND LICENSED PREMISES  
REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. Clause 1(k) of the *Public Health Act* Eating Establishments and Licensed Premises Regulations (EC16/79) is amended by the deletion of the words “and Social Services”.**

**2. These regulations come into force on November 8, 2005.**



**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-620**

**PUBLIC HEALTH ACT  
NOTIFIABLE AND COMMUNICABLE DISEASES  
REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. Clause 1(e) and subsection 12(1) of the *Public Health Act* Notifiable and Communicable Diseases Regulations (EC330/85) are amended by the deletion of the words “and Social Services”.**

**2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-621**

**PUBLIC HEALTH ACT  
RADIATION SAFETY REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. Clauses 1(b) and (e) of the *Public Health Act* Radiation Safety Regulations (EC547/84) are amended by the deletion of the words “and Social Services”.**

**2. Schedule I of the regulations is amended**

**(a) by the deletion of the words “AND SOCIAL SERVICES” wherever they occur; and**

**(b) by the deletion of the words “& SOCIAL SERVICES” wherever they may occur.**

**3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations and the Schedule to the regulations.

**EC2005-622**

**PUBLIC HEALTH ACT  
RENTAL ACCOMMODATION REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. Section 1 of the *Public Health Act Rental Accommodation Regulations (EC142/70)* is amended**

(a) in clause (l), by the deletion of the words “and Social Services”; and

(b) in clause (q), by the deletion of the words “of Health and Social Services”.

**2. Clause 14(d) of the regulations is amended by the deletion of the words “and Social Services”.**

**3. Subsection 15(2) of the regulations is amended by the deletion of the words “and Social Services”.**

**4. Subsection 18(1) of the regulations is amended by the deletion of the words “*Innkeepers Act* R.S.P.E.I. 1988, Cap. I-2” and the substitution of the words “*Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3”.**

**5. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

SECTIONS 1 to 3 change the name of the Department referred to in the regulations.

SECTION 4 removes a reference to a previously repealed Act.

SECTION 5 is the commencement of these regulations.

**EC2005-623**

**PUBLIC HEALTH ACT  
SLAUGHTER HOUSE REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

**1. The *Public Health Act Slaughter House Regulations (EC478/62)* are amended by the deletion of the words “and Social Services” in the following provisions:**

(a) sections 3 and 4; and

(b) subsection 17(2).

**2. Forms 1 and 2 of the regulations are amended by the deletion of the words “and Social Services”.**

**3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-624**

**PUBLIC HEALTH ACT  
SWIMMING POOL AND WATERSLIDE REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

- 1. Form 1 of Schedule A of the *Public Health Act* Swimming Pool and Waterslide Regulations (EC93/01) is amended by the deletion of the words “c/o Queens Region Health Authority”.**
- 2. Form 2 of Schedule A of the regulations is amended by the deletion of the words “and Social Services”.**
- 3. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations update the return application and change the name of the Department referred to in the Schedule to the regulations.

**EC2005-625**

**PUBLIC HEALTH ACT  
SUMMER TRAILER COURT, TENTING AND CAMP AREAS  
REGULATIONS  
AMENDMENT**

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

- 1. Clauses 1(d) and (e) of the *Public Health Act*, Summer Trailer Court, Tenting and Camp Areas Regulations (EC167/69) are amended by the deletion of the words “and Social Services”.**
- 2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in the regulations.

**EC2005-626**

**QUEEN’S PRINTER ACT  
ACTING QUEEN’S PRINTER  
MICHAEL FAGAN  
APPOINTMENT**

Under authority of section 1 of the *Queen’s Printer Act* R.S.P.E.I. 1988, Cap. Q-1, Council appointed Michael Fagan of Stanhope to be the Acting Queen’s Printer for the period 1 November 2005 through 8 December 2005.

## EC2005-627

**ROADS ACT  
HIGHWAY ACCESS REGULATIONS  
AMENDMENT**

Pursuant to subsection 29(1) of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, Council made the following regulations:

**1. Section 21.3 of the *Roads Act* Highway Access Regulations (EC580/95) is amended**

**(a) in clause (1)(b), by the deletion of the word “or”;**

**(b) by the revocation of clause 1(c) and the substitution of the following:**

(c) enabling the creation of not more than one new parcel of land, subdivided from an existing parcel of land for the establishment of a new commercial operation or home occupation; or

**(c) by the addition of the following after clause (1)(c):**

(d) enabling the creation of a summer cottage subdivision.

**(d) by the addition of the following after subsection (1):**

(1.1) No entrance way permit shall be issued under subsection (1) to authorize the placement of a new entrance way to a portion of an arterial Class II highway for the purpose of enabling the creation of a summer cottage subdivision where the property to be subdivided is adjacent to

(a) a lower class of highway; or

(b) a private road of an approved cottage subdivision or subdivisions, when a right-of-way over that private road has been granted to the summer cottage lot owners on connecting properties that would include the lot owners of the proposed summer cottage subdivision.

**(e) by renumbering subsection (2) as subsection (3); and**

**(f) by the addition of the following after subsection (1.1):**

(2) Notwithstanding any other provision of these regulations, no entrance way permit shall be issued under subsection (1) to enable the creation of a summer cottage subdivision if the location of the entrance way would be on a segment of highway having more than two traffic lanes, unless the location of the entrance way is at a segment of highway that has three lanes and

(a) the location is on the same side of the highway with two lanes travelling in the same direction; and

(b) one of the two lanes is an exclusive right-turn lane and is outside of an area designated for infilling in Schedule A-3.

**2. Subsection 21.4(2) is revoked and the following substituted:**

(2) Notwithstanding any other provision in this Part, a permit issued under subsection (1) for the entrance way to a commercial operation or a home occupation on an arterial Class II highway

(a) shall permit full access where the entrance way is located

(i) on a three-lane section of the highway, and

(ii) on the side of the highway that has two lanes travelling in the same direction; or

(b) shall be restricted to a right lane only for ingress and egress where

(i) the entrance way is located on a four-lane section of a highway, or

(ii) the entrance way is located

(A) on a three-lane section of a highway, and

(B) on the side of the highway that does not have two lanes travelling in the same direction.

**3. These regulations come into force on November 12, 2005.**

### EXPLANATORY NOTES

The amendment authorizes summer cottage development on two-lane segments of arterial Class II highways with two lanes of travel.

#### EC2005-628

#### SOCIAL ASSISTANCE ACT REGULATIONS AMENDMENT

Pursuant to section 7 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following regulations:

#### 1. Section 1 of the *Social Assistance Act* Regulations (EC396/03) is amended

(a) by the revocation of clause (b);

(b) by the revocation of clause (e);

(c) in clause (j), by the deletion of the words “and before estate expenses and disbursements but, for the purposes of Part II only, excludes the value of the principal residence of the applicant if the applicant held ownership of the principal residence at the time of the applicant’s death” and the substitution of the words “and before estate expenses and disbursements”;

(d) by the revocation of clause (k) and the substitution of the following:

(k) “financial resources” means the financial resources of an applicant as determined by the Director in accordance with subsection 13(3); financial resources

(e) by the revocation of clause (o) and the substitution of the following:

(o) “liquid assets” means the liquid assets listed in subsection 13(4); liquid assets

(f) by the revocation of clause (q);

(g) in clause (y), by the deletion of the word “approved” and the substitution of the word “developed”;

(h) by the revocation of subsection (2); and

(i) by the revocation of subsection (4) and the substitution of the following:

(4) The following are approved residential institutions: Approved residential institutions

(a) hostels for transients;

(b) licensed community care facilities;

(c) group homes and other residential facilities for applicants with a disability;

(d) transition homes.

#### 2. Section 4 of the regulations is amended

(a) in clause (1)(a), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;

(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;

(c) in clause 2(a), by the deletion of the word “it” and the substitution of the words “the Director”;

(d) by the revocation of subsection (3) and the substitution of the following:

(3) A letter received from an applicant or an agent may be considered <sup>Letter</sup> by the Director as an application for social assistance pending receipt of the application form completed by the applicant or agent in accordance with these regulations.

**(e) in subsection (6), by the deletion of the words “A regional authority” and the substitution of the words “The Director”; and**

**(f) by the revocation of the Heading “PART I — GENERAL SOCIAL ASSISTANCE ELIGIBILITY” immediately before section 5.**

### 3. Section 5 of the regulations is amended

**(a) in subsection (1), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(b) in subsection (2), by the deletion of the words “regional authority” and the substitution of the word “Director” wherever they occur;**

**(c) in subsection (3), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(d) by the revocation of subsection (4) and the substitution of the following:**

(4) The Director may

(a) conduct case audits and take such other action as may be necessary for the monitoring and evaluation of service delivery; and  
(b) report to the Minister on the conduct and results of such audits and other action taken under this subsection.

Case audits,  
monitoring

**(e) by the revocation of subsection (5);**

**(f) by the revocation of subsection (6) and the substitution of the following:**

(6) The Director shall conduct such investigations as he or she considers necessary to verify the information provided by an applicant.

Verification of  
information

### 4. Section 6 of the regulations is amended

**(a) in subsection (1),**

**(i) by the deletion of the words “For the purposes of this Part, the” and the substitution of the word “The”, and**

**(ii) by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(b) in subsection (2), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(c) in subsection (3),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(d) in subsection (5), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(e) in subsection (6), by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(f) in subsection (7), by the deletion of the words “the regional authority” and the substitution of the words “the Director” wherever they occur;**

**(g) in subsection (8),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(h) in subsection (9),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the word “it” and the substitution of the words “he or she”; and**

**(i) in subsection (10),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**5. Section 7 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(c) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”; and**

**(d) in subsection (4),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**6. Section 8 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(b) in subsection (2), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(c) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(d) in subsection (4),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the word “it” and the substitution of the words “the government”;**

**(e) in subsection (5), by the deletion of the words “A regional authority” and the substitution of the words “The government”;**

**(f) in subsection (8),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the word “it” and the substitution of the words “the Director”; and**

**(g) in subsection (9),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the word “the regional authority” and the substitution of the words “the Director”.**

**7. Section 9 of the regulations is amended**

**(a) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”; and**

**(b) in subsection (5),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the word “the regional authority” and the substitution of the words “the Director”.**

**8. Section 10 of the regulations is amended**

**(a) by the deletion of the words “A regional authority” and the substitution of the words “The Director”; and**

**(b) by the deletion of the word “the regional authority” and the substitution of the words “the Director”.**

**9. Section 11 of the regulations is amended by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**10. Section 13 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(b) in subsection (3), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(c) in clauses (5)(a), (c), (d) and (g), by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(d) in subsection (6), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(e) in subsection (7),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “its” and the substitution of the words “his or her”; and**

**(f) in subsection (8),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the words “it” and the substitution of the words “he or she”.**

**11. Section 15 of the regulations is amended by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**12. Section 16 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(b) in subsection (2),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the word “it” and the substitution of the words “he or she”.**

**(c) in clause (2)(a), by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**

**(d) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**13. Section 17 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(b) in clause (1)(e), by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(c) in subsection (2),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**



**(d) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**14. Section 18 of the regulations is amended by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**15. Section 19 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(c) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(d) in subsection (4),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(e) in subsection (5), by the deletion of the words “A regional authority” and the substitution of the words “The Director” wherever they occur;**

**(f) in subsection (6), by the deletion of the words “a regional authority” and the substitution of the words “the Director” wherever they occur;**

**(g) in subsection (7),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(h) in subsection (8), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(i) in subsection (9), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(j) in subsection (10), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(k) in subsection (11),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(l) in subsection (12), by the deletion of the words “a regional authority” and the substitution of the words “the Director”;**

**(m) in subsection (13), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(n) in subsection (14), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(o) in subsection (15), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(p) in subsection (16), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(q) in subsection (17), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(r) in subsection (18),**

- (i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and
- (ii) by the deletion of the word “it” and the substitution of the words “he or she”;

**(s) in subsection (19),**

- (i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and
- (ii) by the deletion of the word “it” and the substitution of the words “he or she”;

**(t) in subsection (20),**

- (i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”,
- (ii) by the deletion of the word “its” and the substitution of the words “his or her”, and
- (ii) by the deletion of the words “or section 35”;

**(u) in subsection (21), by the deletion of the words “a regional authority” and the substitution of the words “the Director”; and**

**(v) in subsection (22),**

- (i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and
- (ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”.

**16. Section 20 of the regulations is amended**

**(a) in subsection (1),**

- (i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and
- (ii) by the deletion of the words “a regional authority” and the substitution of the words “the Director”; and

**(b) in subsection (2),**

- (i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and
- (ii) by the deletion of the words “a regional authority” and the substitution of the words “the Director”.

**17. Section 22 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “a regional authority” and the substitution of the words “the Director”; and**

**(b) in subsection (2), by the deletion of the words “a regional authority” and the substitution of the words “the Director”.**

**18. Section 24 of the regulations is amended by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**19. Section 25 of the regulations is amended by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**20. Section 26 of the regulations is amended**

**(a) in subsection (2), by the deletion of the words “a regional authority” and the substitution of the words “the Director”; and**

**(b) in subsection (3), by the deletion of the words “a regional authority” and the substitution of the words “the Director”.**

**21. Section 27 of the regulations is amended**

**(a) in subsection (1),**

- (i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and
- (ii) by the deletion of the words “in a form approved by the Director” and the substitution of the words “of the applicant”;

**(b) in subsection (2), by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**

**(c) in subsection (4), by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**22. Section 28 of the regulations is amended**

**(a) in subsection (1),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”, and**

**(ii) by the deletion of the word “its” and the substitution of the word “an”.**

**(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(c) in subsection (3), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(d) in subsection (4), by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**

**(e) in subsection (5),**

**(i) by the deletion of the words “A regional authority” and the substitution of the words “The Director”,**

**(ii) by the deletion of the words “in addition to any other remedy available to it,” and the substitution of the words “in addition to any other remedy available,”, and**

**(iii) by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**23. Section 29 of the regulations is amended**

**(a) in clauses (1)(b), (c) and (d), by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**

**(b) in subsection (2), by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**24. Section 30 of the regulations is amended**

**(a) in subsection (1),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) by the deletion of the words “the regional authority” and the substitution of the words “the Director” wherever they occur;**

**(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”.**

**25. Section 31 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “A regional authority” and the substitution of the words “The Director”;**

**(b) in subsection (2), by the deletion of the words “A regional authority” and the substitution of the words “The Director”; and**

**(c) in subsection (3), by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**26. The Heading before section 32 and sections 32 to 34 of the regulations are revoked.**

**27. The Heading before section 35 and section 35 of the regulations are revoked.**

**28. The Heading before section 36 and sections 36 to 38 of the regulations are revoked.**

**29. The Heading before section 39 and sections 39 and 40 of the regulations are revoked.**

**30. The Heading before section 41 and sections 41 and 42 of the regulations are revoked.**

**31. Subsection 43(1) of the regulations is amended by the deletion of the word “Four” and the substitution of the word “Three”.**

**32. Section 45 of the regulations is amended**

**(a) in subsection (1),**

**(i) by the deletion of the words “a regional authority” and the substitution of the words “the Director”, and**

**(ii) in clause (1)(a), by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(b) in subsection (4),**

**(i) by the deletion of the words “the regional authority, which” and the substitution of the words “the Director, who”, and**

**(ii) in clause (b), by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**33. Subsection 46(2) of the regulations is amended by the deletion of the words “the regional authority” and the substitution of the words “the Director”.**

**34. Section 47 of the regulations is amended**

**(a) by the revocation of subsection (1) and the substitution of the following:**

(1) Where an appeal is made against a decision to reduce, suspend or cancel financial assistance, the amount of financial assistance authorized by the Director as emergency assistance shall be paid to the appellant until the Board renders its decision.

Continued  
assistance pending  
appeal

**(b) in subsection (2), by the deletion of the words “a regional authority” and the substitution of the words “the Director”.**

**35. Subsection 48(1) of the regulations is amended by the deletion of the word “Four” and the substitution of the words “No more than four”.**

**36. Section 49 of the regulations is amended**

**(a) in clause (2)(b), by the deletion of the words “the regional authority” and the substitution of the words “the Director”;**

**(b) in subsection (5), by the deletion of the words “the regional authority” and the substitution of the words “the Director”; and**

**(c) in subsection (7), by the deletion of the words “the regional authority’s” and the substitution of the words “the Director’s”.**

**37. Section 52 of the regulations is revoked.**

**38. These regulations come into force on November 8, 2005.**

#### EXPLANATORY NOTES

The amendments remove references to the regional authorities and replace them with references to the Director.

**EC2005-629****VITAL STATISTICS ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 40 of the *Vital Statistics Act* R.S.P.E.I. 1988, Cap. V-4.1, Council made the following regulations:

**1. Schedule A of the *Vital Statistics Act* Regulations (EC453/00) is amended in Form 11 by the deletion of the words “& Social Services” wherever they appear.**

**2. These regulations come into force on November 8, 2005.**

**EXPLANATORY NOTES**

These regulations change the name of the Department referred to in these regulations.