

HOSPITAL INSURANCE AND HEALTH AND
SOCIAL SERVICES ADMINISTRATION ACT

**CONSOLIDATION OF TERRITORIAL
HOSPITAL INSURANCE SERVICES REGULATIONS**
R.R.N.W.T. 1990,c.T-12

(Current to: March 5, 2015)

AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:
R-059-96

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2011,c.6,s.35

s.35 in force February 25, 2011

S.Nu. 2012,c.17,s.33

s.33 in force June 8, 2012

S.Nu. 2013,c.5,s.3

s.3 in force April 1, 2013

Note: see s.4 and 5 of S.Nu. 2013,c.5 for transitional provisions.

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

A copy of a regulation of Nunavut can be obtained from the Territorial Printer at the address below. The *Nunavut Gazette* and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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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".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (<i>Note: The Supplement is in three volumes.</i>)
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.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (<i>Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.</i>)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (<i>Note: This is a Nunavut regulation made on or after January 1, 2000.</i>)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (<i>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.</i>)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (<i>Note: This is a Nunavut statutory instrument made on or after January 1, 2000.</i>)

TERRITORIAL HOSPITAL INSURANCE SERVICES REGULATIONS**1.** (1) In these regulations,

"Act" means the *Territorial Hospital Insurance Services Act*; (*Loi*)

"approved" means, in regard to a hospital, facility or detoxication centre, a hospital facility or detoxication centre listed in Schedule A; (*agr  *)

"contract hospital" means a hospital listed in Part II of Schedule A with which the Board has contracted for provision of insured persons; (*h pital li  par contrat*)

"federal hospital" means a hospital owned or operated by the government of Canada; (*h pital f d ral*)

"hospital" means a facility approved by the Board offering in-patient or out-patient services, or both, operated for the care of the diseased, injured or sick and includes

- (a) a detoxication centre, and
- (b) a facility providing chronic extended care or nursing home care, or both,

but does not include

- (c) a tuberculosis hospital or sanatorium,
- (d) a hospital or institution for the mentally ill,
- (e) a home for the aged, or
- (f) an infirmary or other institution providing custodial care; (*h pital*)

"in-patient insured services" means the following services to in-patients:

- (a) accommodation and meals at the standard or public ward level,
- (b) necessary nursing service,
- (c) laboratory, radiological and other diagnostic procedures together with the necessary interpretations for the purpose of maintaining health, preventing disease and assisting in the diagnosis and treatment of an injury, illness or disability,
- (d) drugs, biologicals and related preparations as provided in Schedule B, when administered in the hospital,
- (e) use of operating room, case room and anaesthetic facilities, including necessary equipment and supplies,
- (f) routine surgical supplies,
- (g) use of radiotherapy facilities, where available,
- (h) use of physiotherapy facilities, where available,
- (i) services rendered by persons who receive remuneration for those services from the hospital,
- (j) services rendered by an approved detoxication centre; (*services assur s aux malades hospitalis s*)

"out-patient insured services" means the following services and supplies given to out-patients:

- (a) laboratory, radiological and other diagnostic procedures together with the necessary interpretations for the purpose of assisting in the diagnosis and treatment of any injury, illness or disability, but not including simple procedures such as examinations of blood and urine which ordinarily form part of a physician's routine office examination of a patient,
- (b) necessary nursing service,
- (c) drugs, biologicals and related preparations as provided in Schedule B, when administered in the hospital,
- (d) use of operating room and anaesthetic facilities including necessary equipment and supplies,
- (e) routine surgical supplies,
- (f) services rendered by persons who receive remuneration for those services from the hospital,
- (g) use of radiotherapy facilities,
- (h) use of physiotherapy facilities;
(*services assurés aux malades externes*)

"province" means a province of Canada and the Yukon Territory. (*province*)

(2) For the purpose of the definition "insured services" in section 1 of the Act, the Acts of the Parliament of Canada, the legislature of a province and other statutes or laws referred to are those listed in Schedule C.

Insured Persons

2. Subject to these regulations, an insured person is eligible for and entitled to in-patient and out-patient insured services.
3. Subject to these regulations, a resident is an insured person after three months continuous residence.
4. The following persons are not subject to the waiting period prescribed by section 3:
 - (a) the newborn child of an insured person;
 - (b) a resident who is a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (Canada) and who is not eligible for insured services from a province participating under the federal Act.
S.Nu. 2011,c.6,s.35(3).
5. (1) Where an insured person is absent from the Territories and intends to return, the insured person is entitled to in-patient and out-patient insured services outside the Territories during a period of 12 months of continuous absence from the Territories.

(2) If an insured person is confined in a hospital, institution for the mentally ill or a tuberculosis hospital or sanatorium during the period of 12 months referred to in subsection (1) this period shall be extended until 30 days after the insured person has left the hospital, institution or sanatorium.

(3) If an insured person is prevented from returning to the Territories before the expiration of the period of 12 months referred to in subsection (1) by any cause, other than the confinement referred to in subsection (2), that in the opinion of the Board is beyond the control of the insured person, this period shall be extended until 30 days after the cause preventing the return of the insured person has ceased to exist.

6. (1) Where an insured person leaves the Territories and takes up residence in another province participating under the federal Act, the insured person continues to be an insured person during normal travelling time and a waiting period not exceeding three months that may be necessary in order to qualify for benefits under the hospital insurance legislation of that province.

(2) Where an insured person leaves the Territories and takes up residence in a province other than one participating under the federal Act, he or she ceases to be an insured person three months after the day the insured person leaves the Territories.

(3) Where an insured person leaves the Territories and takes up residence outside Canada, he or she ceases to be an insured person three months after the day he or she leaves the Territories or on the day he or she leaves Canada, whichever is earlier.

Payments to Hospitals in the Territories

7. Subject to the Act and these regulations, the Board shall pay in a manner approved by the Board

- (a) to an approved hospital for
 - (i) insured in-patient and out-patient services based on its operating cost approved by the Board, and
 - (ii) items of furniture and equipment approved by the Board, other than ambulances, based on their purchase price and the cost of installation where identifiable; and
- (b) to a contract hospital, to a federal hospital in the Territories, or to an approved facility, for in-patient and out-patient insured services at rates determined in accordance with an agreement entered into with the hospital or facility or its representatives.

Payments to Hospitals outside the Territories

8. (1) Subject to the Act and these regulations, the Board shall pay to a hospital outside the Territories which is licensed or approved by the competent authority of the province, state or country in which the hospital is situated, or to a federal hospital outside the Territories, an amount established by the Board in respect of in-patient and out-patient insured services furnished to an insured person.

(2) The rate payable where the hospital or federal hospital is situated in a province participating under the federal Act shall not exceed the rate established for the hospital by that province, less the authorized charge.

(3) The rate payable where the hospital or federal hospital is not situated in a province participating under the federal Act shall be determined by the Board in the amount which in its opinion is fair, having regard to the nature of the services provided and the hospital which provided the services, but shall not exceed the maximum rate established by the Board for an approved hospital, less the authorized charge.

(4) Where an insured person has paid any or all of the cost of in-patient or out-patient insured services, the Board may reimburse the insured person in accordance with the rates established by these regulations.

Hospital Admissions and Length of Stay

9. (1) An insured person shall not be entitled to in-patient insured services unless the insured person has been admitted

- (a) to a hospital by order of a qualified medical practitioner, or other person approved by the Board in circumstances where a medical practitioner is unavailable; or
- (b) to a detoxication centre on the approval of an authorized staff person.

(2) No qualified medical practitioner shall admit or order to be admitted to a hospital a patient unless he or she is of the opinion that it is medically necessary for the patient to be admitted to a hospital as an in-patient.

(3) As soon as the attending physician is of the opinion that an insured person under his or her care no longer requires active hospital care and treatment, the physician shall order the patient to be discharged from the hospital without delay.

(4) The Board may cease to make payment for a patient to a hospital on making a payment for the day preceding the day on which the attending physician orders the patient to be discharged under subsection (3).

(5) The Board may require a hospital authority to secure from the attending physician of the patient and forward to the Board a written statement regarding the condition of the patient and the reason or necessity for the patient to receive insured services or other treatment during all or any portion of his or her stay in hospital.

(6) Where the Board considers that a doubt exists concerning the necessity for insured services in a specific case, the Board may investigate the need for these services.

(7) If the Board, after investigation, considers that insured services were not required, the Board shall determine the day on which it shall cease to make payments for that patient.

Charges

10. No charge other than the authorized charge shall be made by a hospital to an insured person for accommodation provided in other than the standard or public ward, furnished because of medical necessity as determined by a physician, or because accommodation at the standard or public ward level is not available. R-059-96,s.2.

11. (1) Subject to subsection (2), an insured person receiving nursing home care or chronic extended care shall pay a monthly charge in respect of accommodation and meals to the hospital providing the care,

- (a) where the insured person is under 19 years of age, in the amount of \$300;
- (b) where the insured person is 19 years of age or older and is receiving the care during the period beginning on June 1, 1996 and ending on March 31, 1997, in the amount of \$712; and
- (c) where the insured person is 19 years of age or older and is receiving the care after March 31, 1997, in the amount established under section 11.1.

(2) An insured person receiving nursing home care or chronic extended care during only part of a month shall pay a daily charge in respect of accommodation and meals to the hospital providing the care in the amount determined by multiplying the monthly charge that would be payable under subsection (1) if the person had received a month of care by 12 and dividing the product by 365. R-059-96,s.3.

11.1. (1) In this section,

"consumer price index" means the annual average of the All-Items Consumer Price Index for Canada published by Statistics Canada under the authority of the *Statistics Act* (Canada); (*indice des prix à la consommation*)

"fiscal year" means the period beginning on April 1 in one year and ending on March 31 in the following year. (*exercice*)

(2) In the fiscal year commencing April 1, 1997 and in every subsequent fiscal year, the charge in respect of accommodation and meals for a month is the amount determined by multiplying the charge in effect on March 31 in the previous fiscal year by the percentage that the consumer price index increased or decreased for the calendar year ending December 31 in the previous fiscal year, and

- (a) adding the product to the charge in effect on March 31 in the previous fiscal year, where the consumer price index has increased; or
- (b) subtracting the product from the charge in effect on March 31 in the previous fiscal year, where the consumer price index has decreased.

(3) Each charge calculated under subsection (2) shall be rounded to the nearest dollar, and where the rate calculated is equidistant from the higher and lower dollar, the rate shall be rounded to the higher dollar. R-059-96,s.3.

Contributions and Subsidies

12. (1) Contributions and subsidies made by the Board in respect of nursing home care and chronic extended care are applicable only to hospitals situated in the Territories.

(2) Notwithstanding subsection (1), when a hospital in the Territories is unable to accommodate an insured person who needs nursing home care or chronic extended care, the Board may make arrangements with an institution in a province or the Yukon Territory to accommodate the insured person and may subsidize the costs of care in a manner equivalent to the subsidies in the Territories. R-059-96,s.4,5.

Supervision of Hospitals

13. There shall be an advisory agency, to be called the Hospital Services Planning Division, that shall provide consultant services on all of the matters referred to in paragraphs 5(e) to (h) of the Act, and that shall have the duty and power to inspect hospitals and to make recommendations to the Commissioner.

Insurance Contracts

14. No person shall make or renew, or make payment under, a contract under which an insured person is to be provided with, or to be reimbursed or indemnified for the cost of, in-patient and out-patient insured services.

15. An insured person shall not accept or receive a benefit under a contract or agreement by which he or she may be provided with or reimbursed or indemnified for the cost of in-patient and out-patient insured services.

16. A hospital shall not accept or receive a payment under a contract or agreement by which an insured person may be provided with or reimbursed or indemnified for the cost of in-patient and out-patient insured services.

SCHEDULE A

*(Subsection 1(1))***PART I**

<u>Location</u>	<u>Name of Hospital</u>
Iqaluit	Qikiqtani General Hospital

PART II

<u>Location</u>	<u>Name of Hospital</u>
Arctic Bay	Arctic Bay Health Center
Arviat	Arviat Health Center
Baker Lake	Baker Lake Health Center
Cambridge Bay	Kitikmeot Health Center
Cape Dorset	Cape Dorset Health Center
Chesterfield Inlet	Chesterfield Inlet Health Center
Clyde River	Clyde River Health Center
Coral Harbour	Coral Harbour Health Center
Gjoa Haven	Gjoa Haven Health Center
Grise Fiord	Grise Fiord Health Center
Hall Beach	Hall Beach Health Center
Igloolik	Igloolik Health Center
Kimmirut	Kimmirut Health Center
Kugaaruk	Kugaaruk Health Center
Kugluktuk	Kugluktuk Health Center
Pangnirtung	Pangnirtung Health Center
Pond Inlet	Pond Inlet Health Center
Qikiqtarjuaq	Qikiqtarjuaq Health Center
Rankin Inlet	Kivalliq Health Center
Repulse Bay	Repulse Bay Health Center
Resolute Bay	Resolute Bay Health Center
Sanikiluaq	Sanikiluaq Health Center
Taloyoak	Taloyoak Health Center
Whale Cove	Whale Cove Health Center

S.Nu. 2012,c.17,s.33(2).

SCHEDULE B

(Subsection 1(1))

- 1.** Drugs, biologicals and related preparations authorized in the *Hospital Standards Regulations* which, in the judgment of the directing authority of the hospital concerned, are required by an insured patient while in a hospital, in accordance with accepted practice and sound teaching.

SCHEDULE C

*(Subsection 1(2))***1.** Acts of the Parliament of Canada:

- (a) *Aeronautics Act*;
- (b) *Civilian War-related Benefits Act*;
- (c) *Government Employees Compensation Act*;
- (d) *Merchant Seamen Compensation Act*;
- (e) *National Defence Act*;
- (f) *Pension Act*.
- (g) **repealed, S.Nu. 2013,c.5,s.3(2)(b).**

2. Acts of the Northwest Territories:*Workers' Compensation Act.***3.** Acts of other jurisdictions:

A statute or law enacted by the legislature of a province or other competent jurisdiction other than Canada or the Northwest Territories under which a person who receives insured services is eligible for and entitled to insured services or to reimbursement in whole or in part of the cost of those services.

S.Nu. 2011,c.6,s.35(4); S.Nu. 2013,c.5,s.3.