



BILL NO. 334

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
2 Charles III, 2023*

An Act to Amend Chapter 197 of the Revised Statutes, 1989, the Health Services and Insurance Act

CHAPTER 19
ACTS OF 2023

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2023**

The Honourable Brian Comer
Minister of Addictions and Mental Health

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 197
of the Revised Statutes, 1989,
the Health Services and Insurance Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 197 of the Revised Statutes, 1989, the *Health Services and Insurance Act*, as amended by Chapter 20 of the Acts of 1992 and Chapter 7 of the Acts of 2011, is further amended by

(a) relettering clause (a) and (aa) as (aa) and (ab);

(b) adding immediately before clause (aa), as relettered, the following clause:

(a) “addictions and mental health services” means insured services that are concerned with the prevention, diagnosis and treatment of addictions and mental health issues;

(c) striking out “the Insured Professional Services Division of the Department” in the fourth and fifth lines of clause (aa), as relettered, and substituting “the divisions or branches of the Department responsible for insured professional services”;

(d) striking out clause (c) and substituting the following clause:

(c) “Department” means

(i) in respect of addictions and mental health services, the Office of Addictions and Mental Health or the Department of Health and Wellness, and

(ii) in respect of insured services other than addictions and mental health services, the Department of Health and Wellness;

(e) striking out “services” in the second line of clause (ha) and substituting “health services, other than insured hospital services,”;

(f) adding immediately after clause (ha) the following clause:

(hb) “insured services” means insured hospital services and insured professional services;

and

(g) striking out clause (i) and substituting the following clause:

(i) “Minister” means

(i) in respect of addictions and mental health services, the Minister of Addictions and Mental Health or the Minister of Health and Wellness, and

(ii) in respect of insured services other than addictions and mental health services, the Minister of Health and Wellness;

2 Section 5 of Chapter 197, as amended by Chapter 20 of the Acts of 1992 and Chapter 7 of the Acts of 2011, is further amended by striking out “he” in the eleventh line and substituting “the person”.

3 (1) Subsection 7(5) of Chapter 197 is amended by

- (a) striking out “Chairman” in the second line and substituting “Chair”; and**
- (b) striking out “Vice-chairman” in the third line and substituting “Vice-chair”.**

(2) Subsection 7(6) of Chapter 197 is amended by striking out “his” in the second line and substituting “the commissioner’s”.

4 Section 8 of Chapter 197, as enacted by Chapter 20 of the Acts of 1992, is amended by

- (a) striking out “, with the approval of the Governor in Council,” in the first and second lines; and**
- (b) adding “or otherwise provide for insured professional services” immediately after “Plan” in the last line.**

5 Chapter 197 is further amended by adding immediately after Section 10 the following Sections:

11 (1) The Minister may determine the insured services to which residents are entitled under this Act, including

- (a) the types or classes of insured services to which residents are entitled;**
- (b) the extent to which residents are entitled to an insured service;**
- (c) the circumstances and conditions under which residents are entitled to an insured service;**
- (d) the extent to which insured services are insured under this Act; and**
- (e) subject to Sections 13 to 13AA, the amounts payable to providers, hospitals or other health care facilities in respect of the provision of insured services.**

(2) The exercise by the Minister of the authority contained in subsection (1) is not a regulation within the meaning of the *Regulations Act*.

(3) A determination under subsection (1) may be made retroactive to a date not earlier than September 1, 1973.

(4) Notwithstanding Section 13 of the *Ombudsman Act*, that Act does not apply to a determination of the Minister under subsection (1).

12 (1) The Minister may repeal any regulations made under this Act respecting any matter described in Section 11 or 13 that came into force before this Section comes into force.

(2) For greater certainty, regulations made under this Act respecting any matter described in Section 11 or 13 that came into force before the coming into force of this Section remain in force until repealed by the Minister under subsection (1).

(3) The exercise by the Minister of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

6 (1) Clause 13(1)(c) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out “, with the approval of the Governor in Council,” in the fourth and fifth lines.

(2) Subsection 13(3) of Chapter 197, as enacted by Chapter 20 of the Acts of 1992, is amended by striking out “chairman” in the sixth line and substituting “chair”.

(3) Subsection 13(4) of Chapter 197 is repealed and the following subsection substituted:

(4) Where a chair of the panel is not agreed upon, the chair shall be appointed by the Chief Justice of Nova Scotia within ten days of receipt by the Chief Justice from the professional organization or from the Minister of written notice of the failure to agree.

(4) Section 13 of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by adding immediately after subsection (6) the following subsections:

(7) Without limiting the generality of clause (1)(c), a tariff or other system of payment may provide for

- (a) different compensation for different categories of providers;
- (b) extra payments that may be made to providers in circumstances determined by the Minister; and
- (c) in respect of a particular insured professional service or class of insured professional services, different compensation for different geographical locations or areas of the Province.

(8) Any power of the Minister under this Section may be exercised retroactively to a date not earlier than September 1, 1973.

7 Chapter 197 is further amended by adding immediately after Section 13A the following Section:

13AA Notwithstanding Section 13 and except in respect of insured professional services provided by physicians and dentists, the Minister of Addictions and Mental Health may, but is not required to, negotiate or participate in any process of final offer arbitration to determine compensation for addiction and mental health services.

8 Subsection 14(1) of Chapter 197 is amended by striking out “him through the Deputy Minister of Health and Fitness” in the fourth and fifth lines and substituting “the Minister through the Deputy Minister”.

9 Section 15 of Chapter 197 is amended by

(a) striking out “he shall have” in the first line and substituting “the Minister has”; and

(b) striking out clause (e) and substituting the following clause:

(e) on such terms and conditions as the Minister deems proper, approve all Provincial grants to hospitals and other health care facilities, and expend the amounts necessary to fund such grants.

10 Clause 16(1)(f) of Chapter 197 is amended by striking out “he” in the second line and substituting “the Minister”.

11 (1) Clauses 17(1)(a) to (d) and (f) of Chapter 197 are repealed.

(2) Subsection 17(2) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by

(a) adding “or otherwise respecting insured professional services” immediately after “Plan” in the second line; and

(b) striking out clauses 17(2)(a) to (e) and (k).

12 (1) Subsection 18(2) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out “him under this Act, he” in the fifth line and substituting “the person under this Act, the person”.

(2) Subsection 18(5) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out “him” in the eighth line and substituting “the Minister”.

(3) Subsection 18(7) of Chapter 197 is amended by striking out “he” in the sixth line and substituting “the person”.

13 Clause 23(a) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out “his” in the first line and substituting “that person’s”.

14 (1) Subsection 27(1) of Chapter 197, as enacted by Chapter 20 of the Acts of 1992, is amended by adding “that is insured under the M.S.I. Plan” immediately after “service” in the second line.

(2) Subsection 27(2) of Chapter 197, as enacted by Chapter 20 of the Acts of 1992, is amended by adding “that are insured under the M.S.I. Plan” immediately after “services” in the third line.

15 Subsections 28(1) and (2) of Chapter 197 are repealed and the following subsections substituted:

(1) Where a provider who has made an election that is in force under Section 27 renders an insured professional service that is insured under the M.S.I. Plan to a resident, the provider is not entitled to charge for the service unless, prior to rendering it, the provider gave reasonable notice of the provider's election to the resident or other person acting on the resident's behalf.

(2) A provider referred to in subsection (1) who has charged for the provider's service shall, where requested by the resident or other person acting on the resident's behalf, immediately complete the claim form prescribed for that purpose or provide the resident with sufficient information to enable the resident to complete the form in a manner satisfactory to the Department.

16 (1) Subsection 29(1) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by

- (a) adding "that is insured under the M.S.I. Plan" immediately after "service" in the second line; and
- (b) striking out "Section 13" in the last line and substituting "this Act".

(2) Subsection 29(2) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by

- (a) striking out "which" in the third line and substituting "that is insured under the M.S.I. Plan that"; and
- (b) striking out "Section 13" in the last line and substituting "this Act".

17 (1) Subsection 30(2) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out "his" in the fourth line and substituting "the patient's".

(2) Subsections 30(4) and (5) of Chapter 197 are repealed and the following subsections substituted:

(4) Where a provider with respect to whom an order is in force under subsection (1A) renders an insured professional service that is insured under the M.S.I. Plan to a resident, the provider is not entitled to charge for the service unless, prior to rendering it, the provider gave reasonable notice to the resident or other person acting on the resident's behalf that the provider is not practicing under the M.S.I. Plan.

(5) Where a provider referred to in subsection (4) has charged for the service, the provider shall, where requested by the resident or other person acting on the resident's behalf, immediately complete the claim form prescribed for that purpose or provide the resident with sufficient information to enable the resident to complete the form in a manner satisfactory to the Department.

18 (1) Subsection 31(1) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by

(a) striking out clause (a) and substituting the following clause:

(a) an employer of a provider who, with the consent of the employee, has assigned to the employer the provider's right to collect the provider's fees under the M.S.I. Plan or otherwise in respect of insured professional services;

and

(b) adding "or otherwise in respect of insured professional services" immediately after "Plan" in the last line of clause (b).

(2) Subsection 31(2) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by adding "or otherwise in respect of insured professional services" immediately after "Plan" in the third line.

19 Section 34 of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by

(a) striking out "his knowledge in the course of his" in the third line and substituting "the person's knowledge in the course of the person's"; and

(b) striking out "he" in the second line of clause (b) and substituting "the provider".

20 Subsection 35(1) of Chapter 197, as amended by Chapter 20 of the Acts of 1992, is further amended by striking out "or the M.S.I. Plan" in the fifth line and substituting ", the M.S.I. Plan or otherwise in respect of insured services".

21 Chapter 197 is further amended by striking out "Her" wherever it appears and substituting in each case "His".

22 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.