



PLEASE NOTE

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

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CHAPTER H-1.6
HEALTH SERVICES ACT

INTERPRETATION

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| 1. In this Act | Definitions |
| (a) “Board” means the Board of Directors of Health PEI; | Board |
| (b) “Department” means the Department of Health and Wellness; | Department |
| (c) “health facility” means any building or premises in or from which the Minister or Health PEI provides health services, and includes a prescribed building or premises; | health facility |
| (d) “Health PEI” means the Crown corporation established under subsection 6(1); | Health PEI |
| (e) “health services” means services related to the prevention of illness or injury, the promotion or maintenance of health, or the care and treatment of sick, infirm or injured persons and includes | health services |
| (i) hospital services, | |
| (ii) community health services, | |
| (iii) public health services, | |
| (iv) mental health services, | |
| (v) addictions services, | |
| (vi) long-term care services, | |
| (vii) home care services, | |
| (viii) ambulance services, | |
| (ix) medical services, | |
| (x) diagnostic services, | |
| (xi) primary care services, | |
| (xii) pharmacy services, | |
| (xiii) dental services, and | |
| (xiv) such other services as are prescribed; | |
| (f) “Minister” means the Minister of Health and Wellness; | Minister |
| (g) “provincial health plan” means the provincial health plan established under subsection 3(1). 2009,c.7,s.1; 2010,c.31,s.3. | provincial health plan |

PART I
MINISTER

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| 2. (1) The Minister is responsible for the administration of this Act. | Role of Minister |
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Duty	(2) The Minister shall ensure the provision of health services in the province in accordance with the provincial health plan. 2009,c.7,s.2.
Provincial health plan	<p>3. (1) The Minister shall establish, and may amend, a provincial health plan, which shall include</p> <ul style="list-style-type: none">(a) the principles upon which the provision of health services in the province are to be based;(b) the goals, objectives and priorities for the provision of health services in the province;(c) the health services to be provided or made available in the province and the health facilities to be operated by Health PEI;(d) the health services to be provided or made available in the province and the health facilities to be operated by the Minister;(e) a comprehensive financial plan that includes a statement of how financial, material and human resources are to be allocated to meet the goals, objectives and priorities established in clause (b); and(f) any other matter prescribed by the regulations.
Powers	<p>(2) The Minister may</p> <ul style="list-style-type: none">(a) establish standards for the provision of health services in the province;(b) transfer to Health PEI, in accordance with the provincial health plan, such assets and liabilities, as the Minister considers appropriate;(c) assign to Health PEI, in accordance with the provincial health plan, such contracts entered into by the Minister, as the Minister considers appropriate;(d) establish, in writing, performance targets for Health PEI respecting its operations, financial management or the provision of health services;(e) issue directions to Health PEI, or establish policies or guidelines, respecting the management of its operations and the provision of health services by Health PEI;(f) provide Health PEI with consultative support services;(g) make capital expenditures for the construction or renovation of a health facility or the supply of equipment for a health facility;(h) operate information systems relating to health services;(i) monitor patterns and results in the health system to evaluate the effectiveness of Health PEI in respect of its responsibilities; or(j) take such other actions as are prescribed in the regulations.
Accountability framework	(3) The Minister may, in consultation with Health PEI, establish an accountability framework that describes the roles and responsibilities of the Minister and Health PEI in relation to each other within the provincial health system. 2009,c.7,s.3.

- 4.** (1) The Minister may provide health services directly or may enter into an agreement with any agency or person for the joint provision of health services or for the provision of health services by that agency or person. Agreements
- (2) An agency or a person who delivers health services under an agreement with the Minister pursuant to subsection (1), shall ensure that the health services are delivered in accordance with any standards established by the Minister under clause 3(2)(a). 2009,c.7,s.4. Compliance with provincial standards
- 5.** (1) The Minister may delegate to any person any of the functions of the Minister under any of the following Acts: Delegation by Minister under certain Acts
- (a) *Adult Protection Act* R.S.P.E.I. 1988, Cap. A-5;
 - (b) *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13;
 - (c) *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6.1;
 - (d) *Public Health Act* R.S.P.E.I. 1988, Cap. P-30;
 - (e) *Long-Term Care Subsidization Act* R.S.P.E.I. 1988, Cap. L-16.1;
 - (f) *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1.
- (2) The Minister may appoint such advisory groups or committees as the Minister considers appropriate. 2009,c.7,s.5. Advisory committees, etc.

PART II HEALTH PEI

Establishment of Health PEI

- 6.** (1) There is hereby established a Crown corporation to be known as Health PEI. Establishment of Health PEI
- (2) Health PEI has the same general powers as conferred on a company incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, except where such powers are inconsistent with this Act. 2009,c.7,s.6. Corporate Powers

Board of Directors

- 7.** (1) The affairs of Health PEI shall be controlled and managed by a Board of Directors, appointed by the Minister, consisting of no less than nine and no more than eleven members who shall Board of directors
- (a) first, possess the skills, knowledge, experience and competencies determined by the Minister as being necessary to ensure the effective governance of Health PEI; and
 - (b) second, be representative of various community perspectives.
- (2) Following the appointments of the initial directors to the Board, the Minister shall request and consider the recommendations of the Board before appointing any subsequent directors to the Board. Recommendations of the Board

Not eligible for Board	(3) The following persons are not eligible to be appointed to the Board: <ul style="list-style-type: none"> (a) an employee of Health PEI or the Department; (b) a medical practitioner who derives income from Health PEI or the Department; (c) an employee, director or officer of a trade union that represents employees of Health PEI or employees of the Department; (d) any other prescribed person or class of persons.
Term of appointment	(4) Directors of the Board shall be appointed for a three-year term and may be reappointed for a maximum of two additional terms.
Initial directors-terms	(5) Notwithstanding subsection (4), at least four and not more than six of the initial directors of the Board shall each be appointed for a four-year term and each of the remaining initial directors of the Board shall be appointed for a three-year term.
Vacancy	(6) Where a director of the Board ceases to hold office before his or her term expires, the Minister may appoint a new director to hold office for the remainder of the previous director's term.
Continued membership after expiry of term	(7) A director of the Board continues to hold office after the expiry of his or her term as a director of the Board until the director is reappointed or a successor is appointed.
Remuneration and expenses	(8) The directors of the Board shall be paid such remuneration and be reimbursed for such expenses by Health PEI, as the Lieutenant Governor in Council considers appropriate.
Quorum	(9) A majority of the appointed directors of the Board constitute a quorum. 2009,c.7,s.7.

Bylaws

Bylaws and policies	8. (1) The Board may make bylaws and policies, not inconsistent with this Act or the regulations, regarding its internal organization and proceedings and the management of its operations.
Medical staff bylaws	(2) The Board shall make bylaws governing the medical staff of Health PEI, including bylaws <ul style="list-style-type: none"> (a) respecting the appointment, reappointment, suspension and termination of the appointment of persons to the medical staff; (b) respecting the disciplining of members of the medical staff; (c) respecting the granting of privileges to members of the medical staff, including the amending, suspending and revoking of privileges granted; (d) governing the classification and organization of the medical staff;

- (e) establishing a provincial medical advisory committee and such other committees as the Board considers appropriate;
- (f) governing the appointment of members of committees and officers of the medical staff and prescribing their duties;
- (g) respecting the quality of health services provided by the medical staff; and
- (h) providing for transitional matters relating to the implementation of these bylaws.

(3) A bylaw made by the Board, and the amendment or revocation of a bylaw, shall be submitted to the Minister for approval, in accordance with the procedures established by the Minister. Submission for approval

(4) A bylaw made by the Board has no force and effect until it is approved by the Minister. Approval of Minister

(5) The Board shall ensure that its bylaws are available for inspection by the public during normal office hours. 2009,c.7,s.8. Inspection

Conflict of Interest

9. (1) A director of the Board shall not vote on or speak to a matter before the Board if Conflict of interest

- (a) the director has an interest in the matter, distinct from an interest arising from his or her functions as a director;
- (b) the director has a direct or indirect pecuniary interest in the matter;
- (c) a parent, spouse, brother, sister or child of the director has an interest in the matter; or
- (d) the director is an officer, employee or agent of a corporation or an unincorporated association, or other association of persons that has an interest in the matter.

(2) Where a director is in a conflict of interest, the director shall disclose to the Board the nature and extent of the conflict of interest either in writing or by requesting to have it entered in the minutes of the meeting of the Board. Disclosure

(3) A director shall disclose a conflict of interest *Idem*

- (a) at the meeting where the matter giving rise to the conflict of interest is considered; or
- (b) if the director is not in a conflict of interest at the time described in clause (a), at the first meeting that is held after the conflict of interest arises. 2009,c.7,s.9.

Chair of the Board

- Chair** **10.** (1) The Minister shall, after consultation with the Board, appoint from among the directors of the Board, the Chair of the Board.
- First Chair** (2) Notwithstanding subsection (1), the Minister may appoint the first Chair of the Board, without prior consultation with the Board.
- Term of office** (3) The Chair shall be appointed for a three-year term and, subject to subsection 7(4), may be reappointed for one additional term. 2009,c.7,s.10.

Chief Executive Officer

- Appointment of chief executive officer** **11.** (1) Subject to subsection (2), the Board shall appoint a chief executive officer who shall be responsible to the Board for the general management and conduct of the affairs of Health PEI within the policies and directions of the Board.
- Appointment of first chief executive officer** (2) The Minister may appoint the first chief executive officer of Health PEI. 2009,c.7,s.11.

Functions

- Functions** **12.** (1) Health PEI shall
- (a) provide, or provide for the delivery of, health services in accordance with the provincial health plan;
 - (b) operate and manage health facilities in accordance with the provincial health plan;
 - (c) manage the financial, personnel and other resources necessary to provide the health services and operate the health facilities required by the provincial health plan; and
 - (d) perform such other functions as the Minister may direct.
- Duties** (2) Health PEI is accountable to the Minister in respect of the performance of its functions under this Act and shall
- (a) meet any standards established by the Minister respecting the quality of health services provided by Health PEI;
 - (b) comply with any directions, policies and guidelines issued or established by the Minister with respect to the health services provided by Health PEI;
 - (c) operate in accordance with any accountability framework established by the Minister;
 - (d) operate in accordance with its approved business plan and approved strategic plan; and
 - (e) operate within its approved budget. 2009,c.7,s.12.

13. (1) Health PEI may employ or otherwise engage such staff or other persons as the Board considers necessary to carry out the functions of Health PEI.

Staff

(2) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 does not apply to the officers or employees of Health PEI, except those who are deemed not to be employees under subsection 7(2) of the *Labour Act* R.S.P.E.I. 1988, Cap. L-1.

Civil Service Act application

(3) Health PEI may contract with the Prince Edward Island Public Service Commission for the provision of appropriate staffing and classification services. 2009,c.7,s.13; 2010,c.16,s.1.

Staffing services

14. (1) For the purpose of performing its functions, Health PEI may provide health services directly or may enter into agreements with any agency or person for the joint provision of such health services or for the provision of such health services by that agency or person.

Agreements

(2) An agency or a person who delivers health services through an agreement with Health PEI pursuant to subsection (1), shall ensure that the services are delivered in accordance with any standards established by the Minister under clause 3(2)(a). 2009,c.7,s.14.

Compliance with provincial standards

Plans, Budgets and Annual Meeting

15. (1) Each fiscal year, Health PEI shall, within the time, in the form, and containing the information specified by the Minister, prepare and submit to the Minister, for approval,

Business plan and budget

- (a) an annual business plan for the following fiscal year; and
- (b) an annual budget for the following fiscal year.

(2) Every three fiscal years, commencing in the fiscal year this subsection comes into force, Health PEI shall, within the time, in the form, and containing the information specified by the Minister, prepare and submit to the Minister, for approval, a strategic plan, which shall include a public engagement strategy, for the following three fiscal years.

Strategic plan

(3) After reviewing a plan or budget submitted to the Minister under subsection (1) or (2), the Minister may approve the plan or budget, as the case may be, or refer the plan or budget back to Health PEI for amendment, with any direction that the Minister considers appropriate.

Approval of the Minister

(4) Where a plan or budget is referred back to Health PEI for amendment under subsection (3), Health PEI shall resubmit the plan or budget to the Minister as directed by the Minister, and subsection (3)

Resubmission

applies in respect of any plan or budget that is resubmitted to the Minister under this subsection.

Revisions or amendments

(5) Health PEI may submit to the Minister, for the approval of the Minister, any revisions or amendments to an approved strategic plan or an approved business plan, and subsections (3) and (4) apply in respect of any revisions or amendments that are submitted to the Minister under this subsection.

Information on request

(6) Notwithstanding subsection (1) or (2), Health PEI shall provide such financial, program or management information to the Minister, within the time and in such a manner specified by the Minister, as requested by the Minister. 2009,c.7,s.15.

Financial Matters

Funding

16. (1) The Minister may provide funding to Health PEI for the purposes of this Act out of money appropriated by the Legislature for those purposes.

Minister may withhold payments

(2) Where the Minister is satisfied that Health PEI has failed to comply with this Act or the regulations, the Minister may withhold from Health PEI any funding payment, or any part of any funding payment, that the Minister may provide to Health PEI under subsection (1). 2009,c.7,s.16.

Fiscal year

17. The fiscal year of Health PEI begins on the first day of April in one year and ends on the thirty-first day of March in the next year. 2009,c.7,s.17.

Borrowing and Deficit

18. Except as may be authorized by the Lieutenant Governor in Council, Health PEI shall not

- (a) borrow money for any purpose; or
- (b) accumulate a deficit. 2009,c.7,s.18.

Capital assets and equipment

19. (1) Health PEI shall not, during a fiscal year, acquire or dispose of capital assets or equipment, except in accordance with its approved business plan for that fiscal year.

Proceeds of sale

(2) Where, during a fiscal year, Health PEI sells any of its assets, Health PEI shall use the proceeds of the sale in accordance with its approved business plan for that fiscal year. 2009,c.7,s.19.

Auditor

20. Health PEI shall appoint an external auditor who shall audit the records, accounts and financial transactions of Health PEI on an annual basis. 2009,c.7,s.20.

Trustee

- 21.** (1) The Lieutenant Governor in Council may, at any time, by order, appoint a person as a trustee to act in place of the members of the Board if, in the opinion of the Lieutenant Governor in Council,
- (a) the Board is not properly carrying out its responsibilities, duties or powers under this Act or the regulations;
- (b) the Board fails to comply with or ensure that Health PEI complies with any provision of this Act or the regulations; or
- (c) it is in the public interest.
- (2) On the appointment of a trustee under subsection (1), the members of the Board cease to hold office and shall not perform any duties or exercise any powers assigned to them under this Act or the regulations.
- (3) A trustee appointed under this section
- (a) has all the responsibilities, duties and powers of the Board; and
- (b) shall be paid, out of the funds of Health PEI, such remuneration and expenses as the Lieutenant Governor in Council considers appropriate.
- (4) Where a trustee is appointed under this section, the former directors of the Board shall immediately deliver to the trustee all funds and all books, records and documents respecting the management and activities of Health PEI.
- (5) If, in the opinion of the Lieutenant Governor in Council, a trustee is no longer required, the Lieutenant Governor in Council may terminate the appointment of the trustee on such terms and conditions as the Lieutenant Governor in Council considers appropriate. 2009,c.7,s.21.

Appointment of a trustee

Directors cease to hold office

Powers and remuneration of trustee

Delivery of funds and records

Termination of trustee appointment

PART III
NEGOTIATION COMMITTEE

- 22.** For the purposes of this Part,
- (a) “collective agreement” means any collective agreement containing terms and conditions of employment, including
- (i) any collective agreement negotiated for employees under the *Labour Act* R.S.P.E.I. 1988, Cap. L-1, and
- (ii) any collective agreement negotiated with the Medical Society of Prince Edward Island;
- (b) “collective bargaining” means the negotiation, administration and enforcement of a collective agreement. 2009,c.7,s.22.
- 23.** (1) The Minister shall, as necessary, establish one or more negotiation committees.

Definitions

collective agreement

collective bargaining

Negotiation committee

<i>Idem</i>	(2) A negotiation committee is the agency for conducting bargaining and entering into collective agreements to govern employment by Health PEI of all employees belonging to a unit of employees authorized to engage in collective bargaining.
Direct negotiation precluded	(3) Health PEI shall not bargain, except through a negotiation committee, with an employee belonging to a unit of employees authorized to engage in collective bargaining. 2009,c.7,s.23.
Approval required	24. (1) No offer having financial implications shall be made by a negotiation committee without the prior approval of the Treasury Board.
<i>Idem</i>	(2) A negotiation committee shall not enter into a collective agreement unless the proposed terms of the collective agreement are approved by the Minister, Health PEI and the Treasury Board. 2009,c.7,s.24.
Effect of agreement	25. (1) A collective agreement entered into by a negotiation committee is binding on Health PEI, the Minister and the Treasury Board, as if each were privy to the agreement.
<i>Idem</i>	(2) A collective agreement entered into by a negotiation committee and representatives authorized to engage in collective bargaining on behalf of employees is enforceable by Health PEI, the negotiation committee and the representatives of the employees. 2009,c.7,s.25.

PART IV QUALITY IMPROVEMENT AND APOLOGIES

Interpretation

Definitions	26. For the purposes of this Part,
apology	(a) “apology” means an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate;
incident	(b) “incident” means any event, accident or unusual situation which is not consistent with the routine operation of a health facility or provision of a health service or the routine care of patients, residents or clients within the health system;
legal proceeding	(c) “legal proceeding” means an inquiry, arbitration, inquest, hearing or civil proceeding in which evidence is or may be given before a court, tribunal, commission, board, committee, coroner or arbitrator, and includes an action or proceeding for the imposition of punishment by fine, penalty or imprisonment for the violation of a

provincial enactment, but does not include any activities carried on by a quality improvement committee or a proceeding regarding an offence under subsection 31(1);

(d) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01; personal information

(e) “quality improvement activity” means a planned or systematic activity, the purpose of which is to assess, investigate, evaluate or make recommendations respecting the provision of health services by the Minister or Health PEI, with a view to maintaining or improving the quality of such health services; quality improvement activity

(f) “quality improvement committee” means a committee established or designated under subsection 27(1); quality improvement committee

(g) “quality improvement information” means information in any form that is communicated for the purpose of, or created in the course of, carrying out a quality improvement activity, but does not include quality improvement information

(i) information contained in a record, such as a hospital chart or a medical record, that is maintained for the purpose of providing health services to an individual,

(ii) facts contained in a record of an incident involving the provision of health services to an individual,

(iii) the fact that a quality improvement committee met or conducted a quality improvement activity,

(iv) the terms of reference of a quality improvement committee, or

(v) an accreditation report issued by Accreditation Canada. 2009,c.7,s.26.

Quality Improvement

27. (1) The Minister or the Board may establish quality improvement committees or designate any committee as a quality improvement committee to carry out quality improvement activities. Quality improvement committee

(2) A quality improvement committee may be comprised of one or more individuals. Composition of committee

(3) The Minister may delegate, to any person, the Minister’s authority under subsection (1). Delegation by Minister

(4) The Board may delegate, to any officer, employee or member of the medical staff of Health PEI, the Board’s authority under subsection (1). 2009,c.7,s.27. Delegation by Board

Disclosure of any information	28. (1) Notwithstanding any other Act or its regulations, including the <i>Freedom of Information and Protection of Privacy Act</i> , a person may disclose any information, including personal information, to a quality improvement committee for the purpose of a quality improvement activity.
Prohibition	(2) No person shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage another person for disclosing information under subsection (1). 2009,c.7,s.28.
Not compellable in legal proceeding	29. (1) No person shall be compellable to produce or disclose quality improvement information in any legal proceeding.
Not admissible	(2) Quality improvement information is not admissible in evidence in a legal proceeding. 2009,c.7,s.29.
No right of access	30. Notwithstanding the <i>Freedom of Information and Protection of Privacy Act</i> , no person has a right of access to quality improvement information, regardless of whether it includes personal information about the person. 2009,c.7,s.30.
Offence	31. (1) Every person who contravenes or violates subsection 28(2) is guilty of an offence.
Penalty	(2) Any natural person who is guilty of an offence under subsection (1) is liable, on summary conviction, to a fine of not less than \$200 and not more than \$1,000.
<i>Idem</i>	(3) Any corporation that is guilty of an offence under subsection (1) is liable, on summary conviction, to a fine of not less than \$500 and not more than \$5,000.
Personal liability of corporate officers	(4) Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in, or participates in, the commission of an offence by that corporation under subsection (1) is guilty of an offence and is liable, in respect of the commission of an offence by the corporation under subsection (1), to any penalty set out in subsection (2). 2009,c.7,s.31.

Apology

Apology not admission of fault or liability	32. (1) An apology made by or on behalf of a person in connection with the provision of a health service to any other person <ul style="list-style-type: none"> (a) does not constitute an express or implied admission of fault or liability by the person in connection with that matter; (b) does not, despite any wording to the contrary in any contract of insurance, and despite any other enactment or law, void, impair or otherwise affect any insurance coverage that is available, or that
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would, but for the apology, be available, to the person in connection with that matter; and

(c) may not be taken into account in any determination of fault or liability in connection with that matter.

(2) Notwithstanding any other enactment or law, evidence of an apology made by or on behalf of a person in connection with the provision of a health service to any other person is not admissible in a legal proceeding as evidence of the fault or liability of the person in connection with that matter. 2009,c.7,s.32.

Apology not admissible

PART V GENERAL

33. The Minister, the directors and chief executive officer of the Board, a trustee appointed under subsection 21(1), and any person acting on their instructions or acting under this Act, the regulations or Health PEI's bylaws and policies, are not personally liable for any loss or damage suffered by any person by reason of any act done or not done by any of them in good faith in the exercise or purported exercise of their functions. 2009,c.7,s.33.

Liability

34. Any action against the Minister or Health PEI or an agent or employee of the Department or Health PEI for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient in a health facility shall be brought not later than one year after the date the patient is discharged or ceases to receive treatment at the health facility. 2009,c.7,s.34.

Limitation of actions

35. The Lieutenant Governor in Council may make regulations

- (a) prescribing buildings or premises that are health facilities;
- (b) prescribing health services for the purposes of the definition of "health services";
- (c) prescribing the powers of the Minister under this Act or the regulations;
- (d) respecting the content of the provincial health plan;
- (e) prescribing persons or classes of persons who are not eligible for appointment to the Board;
- (f) respecting meetings of the Board;
- (g) respecting conflicts of interest for directors, officers and employees of Health PEI;
- (h) respecting the Chair of the Board or the chief executive officer of Health PEI, including his or her functions, appointment, and remuneration;
- (i) respecting the submission, form and content of Health PEI's strategic plan, business plan, and annual budget;

Regulations

- (j) respecting agreements entered into by the Minister or Health PEI with an agency or a person regarding the provision of health services;
- (k) respecting the funding of Health PEI;
- (l) respecting the appointment, powers and duties of a trustee appointed under subsection 21(1);
- (m) respecting negotiation committees, quality improvement committees or advisory groups or committees appointed by the Minister under subsection 5(2), including providing for
 - (i) their constitution and composition,
 - (ii) the appointment and terms of office of their members, and
 - (iii) their operating procedures;
- (n) respecting matters to be included in bylaws governing the medical staff of Health PEI;
- (o) respecting the collection, use and disclosure of personal information relating to health services provided under this Act;
- (p) respecting the quality improvement of health services, including quality improvement activities and the use and disclosure of quality improvement information;
- (q) defining, for the purposes of this Act or the regulations, any word or expression used in this Act or the regulations that has not already been expressly defined in this Act;
- (r) respecting such other matters as the Lieutenant Governor in Council considers necessary to give effect to the purposes of this Act. 2009,c.7,s.35.

CONSEQUENTIAL AMENDMENTS

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

(2) Section 1 of the Act is amended

(a) in subclause (d)(viii), by the deletion of the words “by the Department” and the substitution of the words “by or on behalf of the Department or Health PEI”;

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

Health PEI

(e.1) “Health PEI” means Health PEI as established under the *Health Services Act R.S.P.E.I. 1988, Cap. H-1.6*”;

(c) in subclause (j)(viii), by the deletion of the words “by the Department” and the substitution of the words “by or on behalf of the Department or Health PEI”. 2009,c.7,s.36.

37. The *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 is amended in Schedule B by the insertion of the words “Health PEI” after the words “Prince Edward Island Self-Insurance and Risk Management Fund”. 2009,c.7,s.37.

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

(2) Section 1 of the Act is amended

(a) by the repeal of clause (d.2);

(b) by renumbering clause (e.02) as clause (e.03); and

(c) by the addition of the following immediately before clause (e.03):

(e.02) “Health PEI” means Health PEI as established under the Health PEI *Health Services Act* R.S.P.E.I. 1988, Cap. H-1.6;

(3) Section 2.2 of the Act is amended

(a) in clause (2)(d), by the deletion of the words “community hospital authorities” and the substitution of the words “Health PEI”; and

(b) in clause (3)(d), by the deletion of the words “the community hospital authorities” and the substitution of the words “Health PEI”.

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

(a) by the repeal of clause (g) and the substitution of the following:

(g) to employees of the Department of Health, the Department of Social Services and Seniors or Health PEI for the purpose of carrying out a statutory duty;

(b) by the repeal of clause (g.1). 2009,c.7,s.38.

39. (1) The *Hospitals Act* R.S.P.E.I. 1988, Cap. H-10.1 is amended as provided by this section.

(2) Not proclaimed.

(3) Not proclaimed.

(4) Not proclaimed.

(5) Subsection 11(1) of the Act is amended

**(a) in clause (d), by the deletion of the words “by the province”;
and**

(b) by the repeal of clause (e). 2009,c.7,s.39.

40. (1) The *Long-Term Care Subsidization Act* R.S.P.E.I. 1988, Cap. L-16.1 is amended as provided by this section.

(2) Section 7 of the Act is amended

(a) in subsection (1), by the deletion of the words “who shall be an employee of the Department”; and

(b) in subsection (2), by the deletion of the words “such employees of the Department as the Minister may designate” and the substitution of the words “such persons as the Minister may designate”. 2009,c.7,s.40.

REPEAL AND COMMENCEMENT

Repeal

41. The *Health Services Act* R.S.P.E.I. 1988, Cap. H-1.5 is repealed. 2009,c.7,s.41.