



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

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

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## HOSPITAL AND DIAGNOSTIC SERVICES INSURANCE ACT

### Chapter H-8

## REGULATIONS

Made by the Lieutenant Governor in Council under the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8.

### 1. Definitions

(1) In these regulations

- (a) “**Act**” means the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8;
- (a.1) “**administrator**” means an administrator as defined under the *Hospitals Act* R.S.P.E.I. 1988, Cap. H-10.1;
- (b) “**agreement**” means an agreement between the Government of Canada and the Government of Prince Edward Island under the Act;
- (c) “**Board**” means board of directors, governors, trustees, or other governing body or authority of a hospital;
- (d) revoked by EC639/93;
- (e) “**emergency diagnosis and treatment**” means those hospital services provided on an out-patient basis in cases of accident or sudden attack of illness;
- (f) “**entitled person**” means a resident who is entitled to receive insured services;
- (g) revoked by EC734/05;
- (h) “**hospital**” means a hospital as defined in clause 1(1)(d) of the *Hospitals Act*;
- (i) revoked by EC734/05;
- (j) “**in-patient**” means a person admitted to and assigned a bed in a hospital on the application of a duly qualified medical practitioner;
- (k) “**in-patient services**” means all of the following services to an in-patient, namely
  - (i) accommodations and meals at the standard ward level,
  - (ii) necessary nursing service,
  - (iii) 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 any injury, illness or disability,

- (iv) drugs, biologicals and related preparations which are prescribed by an attending physician in accordance with accepted practice and sound teaching and administered in a hospital,
  - (v) use of operating room, case room and anaesthetic facilities including necessary equipment and supplies,
  - (vi) routine surgical supplies,
  - (vii) use of radiotherapy facilities where available,
  - (viii) use of various therapy facilities where available, including physiotherapy, speech therapy and occupational therapy, and
  - (ix) services rendered by persons who receive remuneration therefor from the hospital;
- (l) “**insured services**” means, subject to subsection (2), the in-patient and out-patient hospital services available to an entitled person without charge, as determined by the Minister but does not include any services to which a person is entitled, and for which a person is eligible, under any law mentioned in Schedule B;
- (m) “**landed immigrant**” means a non-Canadian who establishes residence in Canada and who holds a permanent visa entitling him to do so;
- (n) “**out-patient**” means a person other than an in-patient who receives services at a hospital on the application of a duly qualified medical practitioner;
- (o) “**out-patient service**” means all of the following services provided to out-patients:
- (i) necessary meals such as are supplied to standard ward patients,
  - (ii) necessary nursing services,
  - (iii) laboratory, radiological and other diagnostic procedures such as may from time to time be specified by the Minister, together with the necessary interpretations,
  - (iv) diagnostic procedures involving the use of radioactive isotopes, and the interpretations thereof,
  - (v) when used for the provision of diagnosis and treatment, any drugs, biologicals and related preparations that are prescribed by an attending physician in accordance with accepted practice and sound teaching and are administered in a hospital, but not including any medications and medical and surgical supplies which are taken home by the out-patient,
  - (vi) use of operating room and anaesthetic facilities including the necessary equipment and supplies,
  - (vii) routine surgical supplies,
  - (viii) use of radiotherapy facilities where available,
  - (ix) use of various facilities where determined by the Minister,
  - (x) services rendered by persons who receive remuneration therefor from the hospital;
- (p) “**participating province**” means a province or territory which has a hospital insurance plan in effect under the terms of the *Canada Health Act*;
- (q) “**per diem rate**” means the daily amount payable, as determined by the Minister, to a hospital in respect of the provision of insured in-patient services by the hospital;
- (r) “**prescribed form**” means the form prescribed by the Minister for the purpose;
- (s) revoked by EC734/05;



- (t) “**repatriated Canadian**” means a distressed Canadian citizen who has been brought back to Canada from abroad at public expense on grounds of destitution;
- (u) “**resident**” means a person who is legally entitled to remain in Canada and who makes his home and is ordinarily present in Prince Edward Island but does not include a tourist, a transient or a visitor to Prince Edward Island;
- (v) “**returning Canadian**” means a Canadian citizen who resumes residence in Canada after ceasing to be eligible for coverage by his province of origin;
- (w) “**returning landed immigrant**” means a landed immigrant who resumes residence in Canada after ceasing to be eligible for coverage by his province of origin;
- (x) “**standard ward accommodation**” means a bed in a hospital area designated by the Minister as a standard or public ward.

#### **Ambulance services, when insured services**

- (2) The definition “**insured services**” includes, for the purposes only of section 14 of the Act and subsection 65.1(7) of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, any ambulance service or part thereof that is paid for by the Minister.

#### **Temporary resident considered resident**

- (3) Notwithstanding clause (1)(u), a person who is legally entitled to remain in Canada and temporarily makes a home in the province pursuant to the Canada-Ukraine authorization for emergency travel (CUAET) is considered to be a resident for the purposes of the Act and these regulations. (EC586/72; 770/90; 639/93; 420/02; 734/05; 147/13; 146/20; 275/22)

## **PROVINCIAL HEALTH CARD**

### **2. Provincial Health Card**

- (1) A resident shall present a Provincial Health Card upon admission to the hospital as a means of identification.

#### **Notify Minister of change**

- (2) A resident shall notify the Minister of a birth, marriage or change of address of the resident or a member of the resident’s family. (EC539/63; 639/93; 734/05)

## **HOSPITALS**

### **3. Approved hospitals**

The hospitals and facilities listed in Schedule A are approved for the purpose of the plan of hospital care insurance. (EC539/63)

### **4. Standard accommodation**

- (1) Revoked by EC734/05.

#### **Designation**

- (2) The administrator of each approved hospital shall designate the wards which are used for standard ward, private ward and semi-private ward accommodation and shall indicate the number of beds therein and shall forward to the Minister a list of such wards and beds for approval.

**Changes**

- (3) The administrator of each approved hospital shall forward to the Minister for approval requests for changes in the designation of rooms as may be necessary. (EC539/63; 639/93; 734/05)

**5. Notification to Minister**

Every approved hospital in the province shall forward to the Minister, or the Minister's delegate, a notice in the prescribed form respecting

- (a) the admission, discharge or death of a patient in the hospital; and  
(b) the provision of out-patient services to a patient of the hospital. (EC539/63; 639/93; 734/05)

**6. Direct charge to patient**

- (1) An approved hospital shall make a direct charge in respect of the patient who is an entitled person for the difference between the *per diem* cost of providing insured services and the hospital charges approved by the Minister for private or semi-private accommodation and for any other services which are not insured services requested by or on behalf of the patient.

**Private accommodation without charge**

- (2) Notwithstanding subsection (1), where an entitled person's condition is such that he requires immediate admission as an in-patient, but he cannot obtain standard ward accommodation in an approved hospital because all such accommodation is occupied, or where an entitled person's condition is such that for his own good or for the good of other patients, it is necessary that he be provided with private or semi-private accommodation, on certification of his attending physician in writing, the hospital shall provide the entitled person with private or semi-private accommodation without charge.

**Transfer to standard ward**

- (3) When the need for an entitled person to occupy semi-private or private accommodation under subsection (2) no longer exists, he shall be transferred to standard ward accommodation unless he requests otherwise, in which case he shall be assessed charges in accordance with subsection (1).

**Charges**

- (4) No approved hospital shall charge an entitled person for a service which is not an insured service that has not been requested by or on behalf of the entitled person. (EC539/63; 639/93)

**7. Direct charges**

- (1) Except as provided in subsection 6(2), each hospital and facility listed in Schedule A shall make a direct charge to entitled persons for services other than insured services, to all patients who are not entitled persons and to all insurers, agencies or corporations who pay hospital charges on behalf of such patients at the rates approved for that hospital by the Minister.

**Day of admission to be charged**

- (2) Revoked by EC734/05.

**Duplicate payments**

- (3) The Minister shall not make and the hospital shall not accept duplicate payments for any insured service provided by the hospital. (EC539/63; 639/93; 734/05)



**8. Compliance with *Hospitals Act***

- (1) All hospitals listed in Schedule A shall comply with the requirements of the *Hospitals Act*, R.S.P.E.I. 1988, Cap. H-10.1 and the regulations under the *Hospitals Act*.

**Prescribed forms**

- (2) The Minister may, from time to time, prescribe such forms as the Minister considers advisable or necessary and shall require that reports, returns and forms be submitted to the Minister as prescribed.

**Withholding payments**

- (3) Revoked by EC734/05. (EC539/63; 639/93; 734/05)

**9. Entitled persons**

- (1) Except as otherwise provided by these regulations, every resident is an entitled person.

**Exception**

- (2) Notwithstanding subsection (1), a serving member of the regular forces of the Canadian Armed Forces is not an entitled person. (EC586/72; 587/19)

**10. Period of residence**

- (1) A resident must reside in the province for at least two full consecutive calendar months from the date of his establishing residence in the province in order to become an entitled person.

**Person becomes entitled person**

- (1.1) A person becomes an entitled person under these regulations on the commencement of the first day of the third month after the person has established residence in the province under subsection 9(1).

**Newborn infant**

- (2) Notwithstanding subsection (1), a newborn child shall be deemed to have the same status as his mother under these regulations.

**Exceptions**

- (3) Notwithstanding subsection (1), every person who
- (a) is
    - (i) a landed immigrant,
    - (ii) a repatriated Canadian,
    - (iii) a returning Canadian,
    - (iv) a returning landed immigrant,
    - (v) a Canadian citizen or a spouse of a Canadian citizen assuming residence in Canada for the first time, or
    - (vi) spouse or a dependent child of a serving member of the Canadian Armed Forces; and
  - (b) has established permanent residence in Prince Edward Island,

shall be entitled to benefits under these regulations from the date the person establishes such permanent residence, if the person complies with the requirements of section 11.

**Service personnel**

- (4) Notwithstanding subsection (1), every member of the Canadian Armed Forces who has been stationed in Prince Edward Island for at least two months immediately prior to discharge shall be entitled to benefits under these regulations from the date of discharge providing that he complies with the requirements of section 11.

**Dual residence**

- (5) Notwithstanding subsection (1), where an individual or family, lawfully resident in Prince Edward Island, maintains a dwelling elsewhere at which the individual or family spends the greater part of the year, that individual or family is not eligible for insured services under these regulations.

**Temporary resident, Canada-Ukraine authorization**

- (6) Notwithstanding subsections (1) and (5), a person who is legally entitled to remain in Canada and temporarily makes a home in the province pursuant to the Canada-Ukraine authorization for emergency travel (CUAET) shall be entitled to benefits under these regulations from the date the person establishes temporary residence in the province, if the person complies with the requirements of section 11. *(EC586/72; 734/05; 638/10; 587/19; 275/22)*

**11. Entitlement**

- (1) No person shall be entitled to any of the benefits provided under these regulations unless he establishes to the satisfaction of the Minister that he is an entitled person.

**Proof**

- (2) A person may be required to provide, by means of statutory declaration or otherwise, such information regarding himself or his family as the Minister deems necessary to establish that he is an entitled person or for the proper administration of this Act.

**Idem**

- (3) Upon admission to hospital the person who claims to be entitled to insured services shall provide the hospital with such proof of his entitlement as the Minister may prescribe.

**Idem**

- (4) Where a person requiring admission to hospital is unable to comply with subsection (3), proof of entitlement may be provided on his behalf by a member of his family or some other person having knowledge of the facts required. *(EC539/63; 586/72; 639/93)*

**12. Services at instance of medical practitioner**

An entitled person shall not receive insured services and the Minister shall not make payment for such services unless

- (a) he has been admitted as an in-patient on the order of a duly qualified medical practitioner;
- (b) he has been received in the hospital and examined as an out-patient by a duly qualified medical practitioner and treated as an out-patient if necessary; or
- (c) he has been referred by a duly qualified medical practitioner for out-patient diagnostic services. *(EC539/63; 639/93)*



**13. In-patient services**

- (1) Notwithstanding clause 1(k), in-patient services shall not include diagnostic procedures that are not required in the diagnosis and treatment of the injury, illness or disability which makes it necessary for an entitled person to be an in-patient.

**Services to be medically necessary**

- (2) Notwithstanding sections 1 and 9, an entitled person shall receive insured services and the Minister will make payment only for the period of time following admission during which diagnostic and treatment services are, in the opinion of the Minister, medically necessary.

**Evidence of medical necessity**

- (3) The Minister may at any time and from time to time require a hospital to secure from the entitled person's attending physician and forward to the Minister a written statement regarding the condition of the entitled person and stating the medical necessity for the insured services or other treatment provided during all or any part of his stay in hospital.

**Reports**

- (4) When, in the opinion of the Minister, a doubt exists concerning the medical necessity for in-patient and out-patient services in any case, the Minister may require one of the committees mentioned in section 26 to report on the case. (EC539/63; 639/93)

**14. Admission to be medically necessary**

- (1) No medical practitioner shall admit or order to be admitted to a hospital any patient unless he is of the opinion that it is medically necessary for the patient to be admitted to the hospital as an in-patient, and the Minister shall not make payment in respect of insured services rendered to an in-patient where, in the Minister's opinion, admission to hospital was not medically necessary.

**Discharge**

- (2) As soon as the attending physician is of the opinion that any patient under his care no longer requires to remain in hospital for medical reasons, the physician shall order the patient to be discharged from the hospital forthwith.

**No payment for services after discharge**

- (3) The Minister shall not make payment in respect of insured services rendered to an entitled person after the effective date of discharge of that patient as ordered by the attending physician or as determined by the Minister. (EC539/72; 639/93; 734/05)

**15. Out-patient services sufficient**

No duly qualified medical practitioner shall authorize or order the admission of a person to a hospital if, having regard for the condition of the patient, the diagnosis, treatment, or care can be provided as an out-patient service, unless with prior approval of the Minister. (EC539/63; 639/93)

**INSURED SERVICES OUTSIDE PRINCE EDWARD ISLAND****16. Services out of province**

- (1) Subject to subsection (1.1), where an entitled person receives treatment in a hospital outside Prince Edward Island

- (a) that person may be reimbursed by the Minister for the cost of the insured services; or
- (b) the Minister may make payment directly to the hospital for the insured services.

**Idem, payment**

(1.1) Payment under subsection (1) shall only be made in the following circumstances:

- (a) the services were required because of sudden illness or accident;
- (b) the services were required by a person entitled to insured services under section 18; or
- (c) the receipt of those services had received approval by the Minister; and
- (d) the hospital which supplied the care and treatment
  - (i) is approved by the Minister for the purposes of the plan of hospital care insurance, or
  - (ii) is licensed or approved as a hospital by the government hospital licensing authority in whose jurisdiction the hospital is situate;
- (e) the hospital certifies to the Minister
  - (i) that the entitled person was admitted, with the date of admission,
  - (ii) the diagnosis of the condition for which the entitled person was admitted,
  - (iii) the date of discharge or death of the entitled person,
  - (iv) the nature of any complication, complications, or sequelae, if any, which would explain a longer than average stay in hospital for a person with the disease or condition from which the entitled person was suffering,
  - (v) the kind and number of any laboratory, radiological or other special diagnostic tests performed on or for the entitled person,
  - (vi) the nature of any special treatment procedures or surgery which were performed on the entitled person,
  - (vii) the discharge diagnosis or cause of death, as the case may be, and
  - (viii) such other information as may be required or requested by the Minister;
- (f) the accommodation and services received do not constitute, in the opinion of the Minister, the custodial type of care provided in a home for the aged, an infirmary or other institution of a similar character; and
- (g) the Minister is satisfied that the person is entitled to receive the services and that they are medically necessary.

**Maximum period**

(2) Revoked by EC734/05.

**Amount payable**

(3) Where insured services are provided to an entitled person in a hospital in a participating province under clause (1)(a) or (b), or where approval of the Minister is obtained, the amount payable by the Minister shall be determined in accordance with the reciprocal billing agreement made with the participating province in which the services are provided to the entitled person.

**Idem**

(4) Where in-patient services are provided to an entitled person in a hospital outside of Canada



- (a) where the services are required as a result of sudden illness or emergency, the amount payable by the Minister shall not exceed the average of the standard ward charges of the provincial hospitals in Prince Edward Island;
- (b) with the approval of the Minister and where the required services are not available in Prince Edward Island, the amount payable by the Minister shall be the rate of the hospital in which the services were rendered; or
- (c) for services not falling within clause (a) or (b) and with the approval of the Minister, the amount payable by the Minister shall be as determined by the Minister. (EC539/63; 463/71; 721/73; 190/75; 870/77; 969/83; 509/91; 639/93; 734/05)

#### **16.1 Recovery for services not qualifying for payment**

Where the Minister, pursuant to an agreement with another province or territory, has paid moneys for health services rendered in that other province or territory to an entitled person and such services were rendered in circumstances other than those stipulated in subsection 16(1.1), the Minister may collect the amount of the payment from the entitled person as a debt owing to the Minister. (EC509/91; 639/93)

#### **17. Out-patient services**

The Minister will be responsible for payments in respect of the cost of out-patient services rendered at hospitals outside the province and within Canada where the service is required as a result of sudden illness or accident or where prior approval of the Minister has been obtained. (EC800/70; 639/93)

##### **17.1 *Idem***

The Minister may establish rates and make payments in respect of the cost of out-patient services rendered at hospitals outside Canada where the service is required as a result of sudden illness or accident or where the approval of the Minister has been obtained. (EC969/83; 639/93)

#### **18. Change of residence**

- (1) An entitled person who moves from Prince Edward Island to acquire residence in another part of Canada, herein called the “new province” shall be deemed to be a resident for a period of up to three months from the date of departure from this province or until he establishes residence in a new province, whichever occurs earlier.

##### **Ceases to be entitled person**

- (1.1) A person described in subsection (1) ceases to be an entitled person at midnight of the last day of the second month following the person’s date of departure from this province or the date on which the person established residence in the new province, whichever is earlier.

##### ***Idem***

- (2) An entitled person who moves from Prince Edward Island to take up residence outside Canada shall be deemed to be a resident for a period not exceeding twelve months from the date of departure from this province or until he leaves Canada, which ever occurs earlier. (EC539/63; 586/72; 734/05)

**19. Hospital Services Fund**

Revoked by EC734/05. (EC539/63; 639/93; 734/05)

**SUPPLEMENTARY INSURANCE****20. Definitions**

(1) In this regulation

- (a) “**contract**” means a contract of accident insurance or sickness insurance as defined in the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4 other than insurance provided under section 243 of that Act.
- (b) “**group contract**” means a contract of insurance whereby two or more persons other than members of the same family are insured severally under a single contract of insurance; and
- (c) “**insurer**” means an insurer licensed under the *Insurance Act*.

**Prohibited contracts**

- (2) Subject to subsections (3), (4) and (5) an insurer shall not make or renew, or make a payment under a contract under which
  - (a) a resident is to be provided with, or to be reimbursed or indemnified for the cost of any hospital service that is one of the insured services;
  - (b) revoked by EC513/88;
  - (c) revoked by EC513/88.

**Exception**

- (3) Subsection (2) does not apply for the first two months after a person arrives in Prince Edward Island as a resident.

**Services other than insured**

- (4) Notwithstanding subsection (2) an insurer may make or renew, or make payment under a contract under which a resident is to be provided with, or reimbursed or indemnified for
  - (a) the cost of any hospital service other than the insured services;
  - (b) the cost of fees for professional services other than insured services whether or not the services are rendered in hospital;
  - (c) revoked by EC513/88.

**Recovery not to exceed actual charges**

- (5) A resident insured under one or more contracts permitted by clause (4)(a) shall not receive a total sum from all payments under such contract or contracts in respect of the cost of any hospital service that is not an insured service that is in excess of the actual charges made for the service by the hospital. (EC539/63; 513/88)

**PAYMENTS TO HOSPITALS IN PRINCE EDWARD ISLAND****21. Provisions of insured services**

The Minister shall ensure that entitled persons receive, without charge, those insured services that the hospital is staffed and equipped to provide. (EC539/63; 734/05)



**22. Minister to pay for insured services**

The Minister shall pay the cost of insured services, as determined by the Minister, provided to entitled persons by each hospital that complies with these regulations. (EC539/63; 639/93)

**23. Hospital budgets**

Sections 23 to 26 revoked by EC734/05. (EC539/63; 639/93; 613/05; 734/05)

**27. Information disclosure**

- (1) The Minister may disclose information obtained in the administration of the Act
  - (a) in connection with the administration of the *Workers Compensation Act R.S.P.E.I.* 1988, Cap. W-7.1; and
  - (b) to surveyors authorized by the Canadian Council on Health Services Accreditation for the purpose of carrying out an accreditation survey.

**Electronic systems access**

- (2) The Minister may authorize persons responsible for the implementation, support, maintenance and development of the claims processing system to have access to the electronic information maintained within the system. (EC420/02; 734/05)

**28. Information regarding payment**

- (1) Where an injured person has received a sum paid for insured services that is required to be paid to the Minister pursuant to subsection 14(3) of the Act, the person shall also provide the Minister with the following information:
  - (a) copies of the pleadings of all parties;
  - (b) a copy of the memorandum of settlement or judgment, as applicable;
  - (c) the amount claimed as the cost of insured services, if not specified in the pleadings;
  - (d) the amount payable to the Minister.

**Legal fees**

- (2) The payment of recovery fees pursuant to subsection 14(14) of the Act shall be as follows:
  - (a) 15% on the first \$5,000 or less that is recovered;
  - (b) 10% on the next \$10,000 that is recovered;
  - (c) 5% on the amount recovered in excess of \$15,000. (EC420/02)



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## SCHEDULE A

### PROVINCIAL HOSPITALS

- |                             |               |
|-----------------------------|---------------|
| 1. Queen Elizabeth Hospital | Charlottetown |
| 2. Prince County Hospital   | Summerside    |

### COMMUNITY HOSPITALS

- |                                    |          |
|------------------------------------|----------|
| 1. Western Hospital                | Alberton |
| 2. King's County Memorial Hospital | Montague |
| 3. Community Hospital              | O'Leary  |
| 4. Souris Hospital                 | Souris   |
| 5. Revoked by EC146/20             |          |

### PROVINCIAL FACILITY

- |                                                                           |               |
|---------------------------------------------------------------------------|---------------|
| 1. Provincial Addictions Treatment Facility<br>(EC613/05; 734/05; 146/20) | Mount Herbert |
|---------------------------------------------------------------------------|---------------|



**SCHEDULE B****1. Act of the Parliament of Canada:**

- (a) Aeronautics Act
- (b) Civilian War Pensions and Allowances Act
- (c) Government Employees Compensation Act
- (d) Merchant Seamen Compensation Act
- (e) National Defence Act
- (f) Pension Act
- (g) revoked by EC587/19
- (h) Veterans Rehabilitation Act

**2. Acts of the Legislature of Prince Edward Island:**

Workers Compensation Act

**3. Acts of Other Jurisdiction:**

Any statute or law enacted by any provincial legislature or other competent jurisdiction other than Canada or Prince Edward Island under which a person who receives insured services is eligible for and entitled to such services or to reimbursement in whole or in part of the cost of such services. (EC539/63; 97/84; 587/19; 146/20)

