

*The
Health Care
Directives and
Substitute Health
Care Decision Makers
Regulations, 2017*

being

[Chapter H-0.002 Reg 1](#) (effective February 15, 2017).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER H-0.002 REG 1

The Health Care Directives and Substitute Health Care Decision Makers Act, 2015

Title

1 These regulations may be cited as *The Health Care Directives and Substitute Health Care Decision Makers Regulations, 2017*.

Definitions

2 In these regulations:

“**Act**” means *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015*; (« *Loi* »)

“**Table**” means a table set out in the Appendix. (« *table* »)

17 Feb 2017 cH-0.002 Reg 1 s2.

Prescribed ecclesiastical authorities and religious orders

3 For the purposes of section 17 of the Act, the ecclesiastical authority listed in column 2 of Table 1 and designated by the corresponding religious order listed in column 1 of Table 1 may make a health care decision on behalf of a professed member of that religious order.

17 Feb 2017 cH-0.002 Reg 1 s3.

Caregiver position

4 For the purposes of section 18 of the Act, the following persons who have capacity and are 18 years of age or more are designated as occupying a caregiver position:

(a) a proprietor of an approved private-service home as defined in *The Private-service Homes Regulations*;

(b) an operator of a mental health approved home as defined in *The Mental Health Services Regulations*;

(c) a person who was the foster parent of an adult immediately before the adult reached the age of majority, if the adult continues to reside with the foster parent;

(d) the personal attorney, as defined in *The Powers of Attorney Act, 2002*, of the adult;

(e) a person authorized in writing by the proxy, personal guardian, or nearest relative to make day-to-day treatment decisions for the adult.

17 Feb 2017 cH-0.002 Reg 1 s4.

Day-to-day treatment

5 For the purposes of section 18 of the Act, “**day-to-day treatment**” means any of the following non-invasive treatments that do not incur an expense for the adult unless, if an expense is incurred, the adult’s property guardian or property attorney has approved the expense:

- (a) physician visits;
- (b) routine procedures conducted in a physician’s office;
- (c) routine laboratory tests;
- (d) foot care;
- (e) basic eye exams;
- (f) physiotherapy;
- (g) speech language therapy;
- (h) basic dental care;
- (i) wound care;
- (j) swallowing assessments;
- (k) hearing tests.

17 Feb 2017 cH-0.002 Reg 1 s5.

Long-term care facility

6 For the purposes of section 20 of the Act, the following facilities are designated as long-term care facilities:

- (a) a personal care home as defined in *The Personal Care Homes Act*;
- (b) a mental health approved home as defined in *The Mental Health Services Act*;
- (c) a special-care home designated pursuant to *The Facility Designation Regulations*;
- (d) an approved private-service home as defined in *The Private-service Home Regulations*.

17 Feb 2017 cH-0.002 Reg 1 s6.

Application of section 24 of the Act to a caregiver

7 Section 24 of the Act applies with any necessary modification to a person occupying a caregiver position designated pursuant to section 4 who acts in good faith and in accordance with the Act.

17 Feb 2017 cH-0.002 Reg 1 s7.

RRS c H-0.001 Reg 1 repealed

8 *The Health Care Directives and Substitute Health Care Decision Makers Regulations* are repealed.

17 Feb 2017 cH-0.002 Reg 1 s8.

Coming into force

9(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

17 Feb 2017 cH-0.002 Reg 1 s9.

Appendix

TABLE 1

[Section 17 of the Act]
[Section 3 of the Regulations]

Prescribed Ecclesiastical Authorities and Religious Orders

Religious Order	Ecclesiastical Authority
1. Basilian Fathers	superior general
2. Benedictines	abbot
3. Blessed Sacrament Fathers	provincial
4. Carmelite Solitary	archbishop of the arch-diocese of Regina
5. Congrégation de Notre-Dame	superior general
6. Daughters of Mary Mother of the Church	superior general
7. Daughters of Providence	provincial superior
8. Franciscans	provincial
9. Franciscan Sisters of St. Elizabeth	superior general
10. Grey Sisters of the Immaculate Conception	superior general
11. Institute of the Blessed Virgin Mary (Loretto Sisters)	provincial
12. Jesuit Fathers	provincial
13. Madonna House Apostolate, Marian Centre	director general
14. Marianists	regional
15. Missionaries of the Holy Family Polish Province	local superior
16. Missionary Oblates of Mary Immaculate	superior general
17. Missionary Society of St. Thomas the Apostle	director general
18. Myriam Family of the Prairies	servant general
19. Oblate Fathers of Assumption Province	superior general
20. Oblate Fathers of Lacombe Canada	provincial
21. Redemptorist Fathers (Ukrainian Catholic)	provincial
22. Redemptorists (Latin Rite)	provincial superior
23. Religious of Jesus and Mary	provincial superior

Religious Order	Ecclesiastical Authority
24. School Sisters of Notre Dame	provincial superior
25. Sister Servants of Mary Immaculate (Ukrainian Catholic)	provincial superior
26. Sisters Adorers of the Precious Blood	superior general
27. Sisters For Christian Community	coordinator
28. Sisters of Charity of the Immaculate Conception	superior general
29. Sisters of Charity of Montreal (Grey Nuns)	provincial superior
30. Sisters of Charity of St. Louis	provincial superior
31. Sisters of Notre-Dame d'Auvergne	regional superior
32. Sisters of the Child Jesus	provincial superior
33. Sisters of the Holy Cross	provincial superior
34. Sisters of the Holy Names of Jesus and Mary	provincial superior
35. Sisters of the Immaculate Heart of Mary	superior general
36. Sisters of Mission Service	health care director
37. Sisters of Our Lady of the Cross	provincial superior
38. Sisters of Our Lady of the Missions	team coordinator
39. Sisters of Our Lady of Sion	provincial superior
40. Sisters of the Presentation of Mary	provincial superior
41. Sisters of Providence of St. Vincent de Paul (Kingston)	general superior
42. Sisters of Service	sister general
43. Sisters of St. Joseph (Ukrainian Catholic)	superior
44. Sisters of St. Joseph (Pembroke)	superior general
45. Sisters of St. Joseph (Peterborough)	superior general
46. Sisters of St. Joseph (Toronto)	superior general
47. Society of African Missions	superior
48. Society of Christ (Fathers)	provincial
49. Society of the Divine Word	superior general
50. Ursuline Sisters of Bruno	superior general
51. Ursuline Sisters of Chatham	superior general
52. Ursuline Sisters of Prelate	superior general

17 Feb 2017 cH-0.002 Reg 1.