

2020 Bill 30

Second Session, 30th Legislature, 69 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

**HEALTH STATUTES
AMENDMENT ACT, 2020**

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 30

BILL 30

2020

HEALTH STATUTES AMENDMENT ACT, 2020

(Assented to , 2020)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Alberta Health Care Insurance Act

Amends RSA 2000 cA-20

1(1) The *Alberta Health Care Insurance Act* is amended by this section.

(2) Section 4(2) is amended by adding “this Act and” before “the regulations”.

(3) Section 6(1) is amended by striking out “No physician or dentist” and substituting “No physician, dentist or person referred to in section 20.1”.

Explanatory Notes

Alberta Health Care Insurance Act

1(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Section 4(2) presently reads:

(2) All claims for benefits are subject to assessment and approval by the Minister and the amount of the benefits to be paid and the person to whom the benefits are to be paid shall be determined in accordance with the regulations.

(3) Section 6(1) presently reads:

6(1) No physician or dentist may receive the payment of benefits from the Minister for insured services provided in Alberta to a resident unless the physician or dentist was opted into the Plan when the insured services were provided.

(4) Section 9 is amended

(a) by adding the following after subsection (1):

(1.1) No person referred to in section 20.1 shall charge or collect from any person an amount for an insured service in addition to the benefits payable by the Minister for that insured service.

(b) by adding the following after subsection (2):

(2.1) If a person referred to in section 20.1 contravenes subsection (1.1), the Minister may,

- (a) in the case of a first or subsequent contravention, send a written warning to the person,
- (b) in the case of a 2nd or subsequent contravention, send a notice to the person that a 3rd or subsequent contravention will result in the immediate termination of the agreement or arrangement referred to in section 20.1(1)(a), and
- (c) in the case of a 3rd or subsequent contravention, terminate the agreement or arrangement referred to in section 20.1(1)(a).

(2.2) An agreement or arrangement that is terminated pursuant to subsection (2.1)(c) is deemed to have been terminated with cause and the Minister shall not be liable with respect to any such termination of the agreement or arrangement.

(c) in subsection (3) by striking out “the physician or dentist affected by the order” and substituting “a physician, dentist or person referred to in section 20.1 who is affected by the order”.

(5) Section 12 is amended

(a) by adding the following after subsection (1):

(1.1) A person referred to in section 20.1 who employs or has entered into a service agreement with a physician who provides insured services to a person in circumstances where

(4) Section 9 presently reads:

9(1) No physician or dentist who is opted into the Plan who provides insured services to a person shall charge or collect from any person an amount in addition to the benefits payable by the Minister for those insured services.

(2) If a physician or dentist contravenes subsection (1), the Minister may,

(a) in the case of a first or subsequent contravention, send a written warning to the physician or dentist,

(b) in the case of a 2nd or subsequent contravention, refer the contravention to the College or the Alberta Dental Association and College, as the case may be, and

(c) in the case of a 3rd or subsequent contravention, order that, after a date specified in the order, the physician or dentist is deemed to have opted out of the Plan for the period specified in the order.

(3) An order under subsection (2)(c) shall, prior to the effective date of the order, be served personally or by registered mail on the physician or dentist affected by the order.

(5) Section 12 presently reads:

12(1) A physician or dentist who is opted into the Plan and provides insured services to a person in circumstances where the physician or dentist knows or ought reasonably to know that the person is being charged an amount in contravention of section 11 shall not receive the payment of benefits from the Minister for those insured services.

the person referred to in section 20.1 knows or ought reasonably to know that a person is being charged an amount in contravention of section 11 shall not receive the payment of benefits from the Minister for those insured services.

(b) by repealing subsection (2) and substituting the following:

(2) Section 9(2) applies where

- (a) a physician or dentist contravenes subsection (1), or
- (b) a person referred to in section 20.1 contravenes subsection (1.1).

(6) Section 13 is amended

(a) in subsection (1) by striking out “physician or dentist” and substituting “physician, dentist or person referred to in section 20.1”;

(b) in subsection (2)

- (i) in clause (a) by striking out “physician or dentist” and substituting “physician, dentist or person referred to in section 20.1”;**
- (ii) in clause (c) by striking out “physician or dentist” and substituting “physician, dentist or person referred to in section 20.1”;**

(c) by adding the following after subsection (2):

(2.1) Despite subsection (2)(a), the Minister may not withhold an amount from any benefits payable to a person referred to in section 20.1 if the amount or benefits received in contravention of section 9, 10 or 12 were received by a physician for services that were not provided

- (a) as part of the physician’s employment with the person referred to in section 20.1, or
- (b) pursuant to the service agreement between the person and the physician.

(2) Section 9(2) applies where a physician or dentist contravenes subsection (1).

(6) Section 13 presently reads in part:

13(1) If a physician or dentist

- (a) in contravention of section 9 or 10, receives an amount in addition to the benefits payable by the Minister, or*
- (b) receives the payment of benefits in contravention of section 12,*

the Minister may act under subsection (2).

(2) If subsection (1) applies, the Minister may recover the additional amount and the benefits in a case referred to in subsection (1)(a), or the benefits in a case referred to in subsection (1)(b), by one or more of the following means:

- (a) by withholding those amounts from any benefits payable to the physician or dentist;*
- (c) pursuant to any agreement between the Minister and the physician or dentist that provides for the repayment of those amounts.*

(7) Section 16 is amended

(a) by repealing clause (n) and substituting the following:

- (n) authorizing the Minister to withhold the payment of benefits to any practitioner or person referred to in section 20.1 until the practitioner or person referred to in section 20.1 has complied with the regulations under clauses (l), (m) and (n.1);

(b) by adding the following after clause (n):

- (n.1) respecting information referred to in section 20.1(4)(b)(ii);

(8) Section 18 is amended

(a) in subsection (1) by striking out “resident or practitioner” wherever it occurs and substituting “resident, practitioner or person referred to in section 20.1”;

(b) in subsection (2)(b) by striking out “practitioner” and substituting “practitioner or person referred to in section 20.1”;

(c) by repealing subsection (5) and substituting the following:

(5) When the Minister reassesses claims pursuant to subsection (1) or (2), the Minister may make any appropriate adjustment in the amounts paid with respect to the claim and

- (a) if the amounts paid were in excess of the benefits payable under the adjustment, recover the excess from the resident, practitioner or person referred to in section 20.1, as the case may be,
 - (i) by withholding from any benefits payable to the resident, practitioner or person referred to in section 20.1, as the case may be, an amount equivalent to the excess,
 - (ii) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or

(7) Section 16 presently reads in part:

16 The Lieutenant Governor in Council may make regulations

- (n) authorizing the Minister to withhold the payment of benefits to any practitioner until the practitioner has complied with the regulations under clauses (l) and (m);*

(8) Section 18 presently reads in part:

18(1) The Minister may, with respect to any claim for benefits that has been assessed under section 4(2), reassess the claim if the payment or rejection of the claim was made in error or as a result of erroneous or false information provided by the resident or practitioner concerned or by any other person acting on behalf of the resident or practitioner concerned.

(2) The Minister may, with respect to any claim for benefits, reassess the claim when, in the opinion of the Minister,

- (b) the total amount of benefits paid for the service was, in the circumstances, greater compensation to the practitioner for that service than it should have been,*

(5) When the Minister reassesses claims pursuant to subsection (1) or (2), the Minister may make any appropriate adjustment in the amounts paid with respect to the claim and

- (a) if the amounts paid were in excess of the benefits payable under the adjustment, recover the excess from the resident or the practitioner, as the case may be,*
 - (i) by withholding from any benefits payable to the resident or the practitioner, as the case may be, an amount equivalent to the excess,*
 - (ii) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or*

- (iii) pursuant to an agreement between the Minister and the affected resident, practitioner or person referred to in section 20.1 providing for the payment of the excess,

or

- (b) if the amounts paid were less than the benefits payable under the adjustment, pay to the resident, practitioner or person referred to in section 20.1 to whom the benefits were paid, as the case may be, the amount of the deficiency.

(d) by repealing subsections (7) and (8) and substituting the following:

(7) The Minister may withhold benefits payable to a practitioner, resident or person referred to in section 20.1 until the completion of a reassessment under subsection (1) or (2) of claims relating to services provided by the practitioner.

(8) The Minister shall notify the practitioner, resident or person referred to in section 20.1 concerned by mail of any reassessment under this section and the practitioner, resident or person referred to in section 20.1 so notified may appeal the reassessment to the Court of Queen’s Bench by way of application if the application is returnable within 60 days after the date on which that person was notified.

(9) Section 19 is amended

(a) in subsection (1) by striking out “practitioner” wherever it occurs and substituting “practitioner or person referred to in section 20.1”;

(b) by repealing subsection (3) and substituting the following:

(3) A copy of an order under this section shall be served

- (a) in the case of a practitioner, on the practitioner against whom it is made, and
- (b) in the case of a person referred to in section 20.1, on the person against whom it is made,

(iii) *pursuant to an agreement between the Minister and the resident or practitioner concerned providing for the payment of the excess;*

(b) *if the amounts paid were less than the benefits payable under the adjustment, pay to the resident or the practitioner to whom the benefits were paid, as the case may be, the amount of the deficiency.*

(7) *The Minister may withhold benefits payable to a practitioner or a resident until the completion of a reassessment under subsection (1) or (2) of claims relating to services provided by that practitioner.*

(8) *The Minister shall notify the resident or practitioner concerned by mail of any reassessment under this section and the person so notified may appeal the reassessment to the Court of Queen's Bench by way of application if the application is returnable within 60 days after the date on which that person was notified.*

(9) Section 19 presently reads in part:

19(1) If a practitioner becomes liable under section 18(5) by reason of one or more reassessments of claims pursuant to subsection (2) of that section, the Minister may, with or without the consent of the practitioner, make an order directing that, after a date specified in the order and with respect to any specified kind of health service provided by that practitioner, the Minister will pay no benefits or only a portion of the benefits otherwise payable.

(3) A copy of an order under this section shall be served on the practitioner against whom it is made, and except in the case where it was made with the practitioner's consent, the practitioner may, within 30 days after the date on which the practitioner received the copy of the order, apply to the Court of Queen's Bench to have the order rescinded or varied.

and except in the case where the order was made with the consent of the affected practitioner or person referred to in section 20.1, the affected practitioner or person may, within 30 days after the date on which the practitioner or person received the copy of the order, apply to the Court of Queen's Bench to have the order rescinded or varied.

(10) Section 20 is amended by striking out “or arrangements” and substituting “or establish arrangements”.

(11) The following is added after section 20:

Remuneration to other person

20.1(1) A person may submit a claim to the Minister in accordance with this section for a benefit for an insured service provided by a physician if

- (a) the Minister has, in accordance with section 20, entered into an agreement or established an arrangement with the person for the payment of benefits for the insured service on a basis other than a fee for service basis,
- (b) the person employs or has entered into a service agreement with the physician to provide the insured service, and
- (c) the physician was opted into the Plan when the insured service was provided.

(2) For the purposes of subsection (1) a “person” does not include an individual or a professional corporation.

(3) If a claim is submitted to the Minister in accordance with subsection (1),

- (a) the payment of a benefit by the Minister to the person who submitted the claim discharges the Minister's duty with respect to the payment of that benefit to the physician who delivered the insured service,
- (b) the physician who delivered the insured service is not eligible to submit a claim to the Minister for a benefit for the insured service, and

(10) Section 20 presently reads:

20 The Minister may enter into agreements or arrangements for the payment of benefits on a basis other than a fee for service basis.

(11) Remuneration to other person; Minister not liable.

- (c) no physician shall claim or receive the payment of a benefit from the Minister with respect to the insured service.

(4) A person who submits a claim for benefits in accordance with subsection (1)

- (a) has all the duties of a practitioner with respect to the provision to the Minister of information required to facilitate the handling, assessing and payment of that claim for benefits, and
- (b) shall provide the Minister
 - (i) on request, with a copy of an agreement referred to in subsection (1)(b), and
 - (ii) with any other information prescribed for the purposes of this section.

Minister not liable

20.2 The Minister is not liable in respect of

- (a) any provision of an agreement referred to in section 20.1(1)(b), or
- (b) any breach, termination or act done or omitted to be done by a party to an agreement referred to in section 20.1(1)(b).

(12) Section 23 is repealed and the following is substituted:

Protection from action

23(1) If a practitioner or an agent or employee of a practitioner discloses information to the Minister or to a person employed in the administration of this Act, no action lies against the practitioner or the agent or employee in respect of the disclosure of that information.

(2) If a person referred to in section 20.1 or an agent or employee of that person discloses information to the Minister or to a person employed in the administration of this Act, no action lies against the person referred to in section 20.1 or the agent or employee of that person in respect of the disclosure of that information.

(12) Section 23 presently reads:

23 If a practitioner or an agent or employee of a practitioner discloses information to the Minister or to a person employed in the administration of this Act, no action lies against the practitioner or the agent or employee in respect of the disclosure of that information.

(13) Section 24 is amended by adding “this Act and” before “the regulations”.

(14) Section 26(1)(a) is repealed and the following is substituted:

- (a) “carrier” means an insurer licensed under the *Insurance Act*;

(15) Section 28(1) is amended by adding “a person referred to in section 20.1 or” before “any other person authorized by the regulations to make the claim”.

(16) Section 39 is amended

- (a) in subsection (1)**
 - (i) in clause (a) by striking out “practitioner or group of practitioners” and substituting “practitioner or group of practitioners, or a person referred to in section 20.1”;**
 - (ii) in clause (b) by striking out “practitioner or group of practitioners” and substituting “practitioner, group of practitioners or person referred to in section 20.1”;**
- (b) in subsection (2)(b) by striking out “the practitioner or the members of the group of practitioners” and substituting “the practitioner, the members of the group of practitioners or the person referred to in section 20.1”;**
- (c) in subsection (3) by striking out “practitioner and each member of a group of practitioners” and substituting “practitioner, each member of a group of practitioners and a person referred to in section 20.1”;**

(13) Section 24 presently reads:

24 Subject to the regulations, the right of any person to receive payment of benefits is not assignable and no sum owing by the Minister as benefits is liable to be charged or to be attached in any proceedings or subject to an order for equitable execution against the person entitled to receive payment of benefits.

(14) Section 26(1)(a) presently reads:

26(1) In this section,

(a) “carrier” means

(i) an insurer licensed under the Insurance Act, or

(ii) the Provincial Health Authorities of Alberta;

(15) Section 28(1) presently reads:

28(1) A person who provides health services but does not claim payment from the Minister of the benefits in respect of them shall provide to any other person authorized by the regulations to make the claim all information required for the purpose of making the claim and obtaining payment from the Minister.

(16) Section 39 presently reads in part:

39(1) A person employed in the administration of this Act who is expressly authorized to do so by the Minister may, for the purpose of conducting an examination and audit of the claims for or payments of benefits relating to health services provided by a practitioner or group of practitioners,

(a) enter the premises of the practitioner or group of practitioners, and

(b) examine and audit any books, accounts, patient records or other records that are maintained by or on behalf of the practitioner or group of practitioners.

(2) A person conducting an examination and audit under subsection (1) may

(b) make inquiries of the practitioner or the members of the group of practitioners respecting the claims, payments and health services.

(d) by adding the following after subsection (4):

(5) If a person referred to in section 20.1 fails or refuses to provide access to premises or to books, accounts or records or fails or refuses to answer inquiries as required by subsection (3), the Minister may withhold the payment of benefits to that person in respect of claims made by that person until the access is provided or the answers are given.

(17) Section 40.2 is amended by adding the following after subsection (2):

(2.1) For greater certainty, an agreement or arrangement referred to in section 20.1(1)(a) is not an agreement respecting compensation matters for the purposes of this section.

(18) This section, except subsection (14), comes into force on Proclamation.

Health Care Protection Act

Amends RSA 2000 cH-1

2(1) The *Health Care Protection Act* is amended by this section.

(2) The title and chapter number of the Act are repealed and the following is substituted:

HEALTH FACILITIES ACT

Chapter H-2.7

(3) A practitioner and each member of a group of practitioners shall provide a person who has been authorized by the Minister under subsection (1) with access to the premises and to the books, accounts and records referred to in that subsection and shall answer the person's inquiries respecting the claims, payments and health services.

(4) If a practitioner or a member of a group of practitioners fails or refuses to provide access to premises or to books, accounts or records or fails or refuses to answer inquiries as required by subsection (3), the Minister, after advising the council of the College or the board of directors or council of the organization that represents the practitioner's profession of the failure or refusal, may withhold the payment of benefits to that practitioner in respect of claims made by that practitioner on behalf of residents until the access is provided or the answers are given.

(17) Section 40.2 presently reads in part:

(2) The Lieutenant Governor in Council may, by order, terminate

(a) an agreement referred to in section 40(1),

(b) the AMA Agreement, or

(c) any other agreement between the Crown in right of Alberta and the Alberta Medical Association, or any other person, respecting compensation matters.

(18) Coming into force.

Health Care Protection Act

2(1) Amends chapter H-1 of the Revised Statutes of Alberta 2000.

(2) The title and chapter number of the Act presently read:

*HEALTH CARE PROTECTION ACT
Chapter H-1*

(3) The following is added before Part 1:

Definitions

0.1 In this Act,

- (a) “accredited”, in respect of a surgical facility, means that the facility is approved
 - (i) with respect to surgical services performed by physicians, by the council of the College of Physicians and Surgeons of Alberta under Schedule 21 of the *Health Professions Act* and the regulations under that Act, and
 - (ii) with respect to surgical services performed by dentists, by the dental facilities accreditation committee within the meaning of Schedule 7 of the *Health Professions Act* and the regulations under that Act;
- (b) “chartered surgical facility” means a surgical facility that is designated under Part 2, Division 1 or 2, as the context requires;
- (c) “council of the College” means the council of the College of Physicians and Surgeons of Alberta or the council of the Alberta Dental Association and College;
- (d) “dentist” means a person who is registered as a regulated member of the Alberta Dental Association and College;
- (e) “enhanced medical goods or services” means medical goods or services that exceed what would normally be used in a particular case in accordance with generally accepted medical practice;
- (f) “facility services” means any of the following services that are medically necessary and are directly related to the provision of a surgical service at a chartered surgical facility or a surgical facility referred to in section 16:
 - (i) standard ward accommodation, or a semi-private or private room where the patient’s condition requires it;
 - (ii) meals;

(3) Definitions.

- (iii) necessary nursing services, including private nursing care where ordered by the attending physician or dentist;
 - (iv) laboratory, radiological and other diagnostic procedures, together with the necessary interpretations;
 - (v) drugs, biologicals and related preparations when administered in the surgical facility;
 - (vi) use of operating room, case room and anesthetic facilities, including necessary equipment and supplies;
 - (vii) use of physical therapy services;
 - (viii) use of surgical equipment and supplies;
 - (ix) medical goods or services consistent with generally accepted medical practice in the particular case;
 - (x) transportation by ambulance or commercial vehicle of a patient from the surgical facility to an approved hospital under the *Hospitals Act*, a nursing home, a mental health facility or another surgical facility;
 - (xi) other services provided by persons who receive remuneration for providing the services directly or indirectly from the operator of the surgical facility;
 - (xii) any other service that is prescribed in the regulations;
- (g) “health authority” means a regional health authority;
 - (h) “insured surgical service” means a surgical service that is provided by a physician, or by a dentist in the field of oral and maxillofacial surgery, in circumstances under which a benefit is payable under the *Alberta Health Care Insurance Act*;
 - (i) “Minister” means the member of the Executive Council determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

- (j) “operator” means
 - (i) in the case of a chartered surgical facility, the person named as the operator in the designation, and
 - (ii) in the case of a surgical facility referred to in section 16, the person who is shown in the records of the council of the College as the person responsible for the operation of the surgical facility;
- (k) “physician” means a regulated member of the College of Physicians and Surgeons of Alberta who holds a practice permit issued under the *Health Professions Act*;
- (l) “private hospital” means an acute care facility that
 - (i) provides emergency, diagnostic, surgical and medical services, and
 - (ii) admits patients for medically supervised stays exceeding 12 hours,

but does not include a public hospital;
- (m) “public hospital” means
 - (i) a hospital that is established by or under, or the establishment or operation of which is governed by, the *Hospitals Act*, the *Regional Health Authorities Act* or the *Workers’ Compensation Act*, or
 - (ii) a hospital that is established by the Government of Alberta or the Government of Canada;
- (n) “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*;
- (o) “standard ward” means a room having more than 2 beds;
- (p) “surgical facility” means a facility whose primary function is to provide a limited range of surgical services;

- (q) “surgical service” means the alteration of the human anatomy manually or through the use of an instrument or the introduction of any instrument into the human body, where such a procedure
- (i) is carried out with the concurrent use of
 - (A) a drug to induce sedation, or
 - (B) local, regional or general anesthesiato a degree that requires the monitoring of vital signs,
or
 - (ii) is normally associated with the kind or degree of risk that is prescribed by the council of the College for the purposes of this clause in the bylaws under Schedule 21 of the *Health Professions Act*,

but does not include a surgical procedure that is exempted as a minor surgical procedure in regulations under section 25(1)(a) or is described as a minor surgical procedure for the purposes of this clause in the bylaws under Schedule 21 of the *Health Professions Act*;
- (r) “uninsured day surgical service” means a surgical service that
- (i) is provided by a physician, and
 - (ii) does not require a medically supervised post-operative period of care exceeding 12 hours,

and is provided in circumstances under which no benefit is payable under the *Alberta Health Care Insurance Act*;
- (s) “uninsured in-patient surgical service” means a surgical service that
- (i) is provided by a physician, and
 - (ii) requires a medically supervised post-operative period of care exceeding 12 hours,

and is provided in circumstances under which no benefit is payable under the *Alberta Health Care Insurance Act*.

(4) Section 2(1) is amended

(a) by striking out “or” at the end of clause (a);

(b) by repealing clause (b) and substituting the following:

- (b) a chartered surgical facility, or
- (c) a surgical facility referred to in section 16.

(5) Section 8 is amended

(a) by adding the following after subsection (1):

(1.1) The Minister or a person designated by the Minister shall assess the proposed agreement with respect to the following factors:

- (a) access to insured surgical services in Alberta;
- (b) quality of care;
- (c) cost effectiveness and other economic considerations in Alberta;
- (d) any other factors the Minister considers appropriate.

(b) by repealing subsection (3) and substituting the following:

(3) The Minister shall not approve a proposed agreement unless

- (a) the Minister is satisfied
 - (i) that the provision of insured surgical services as contemplated under the proposed agreement would be consistent with the principles of the *Canada Health Act* (Canada),
 - (ii) that the proposed agreement indicates performance expectations and related performance measures for the insured surgical services and facility services to be provided, and

(4) Section 2 presently reads in part:

2(1) No physician shall provide a surgical service in Alberta, and no dentist shall provide an insured surgical service in Alberta, except in

- (a) a public hospital, or*
- (b) an approved surgical facility.*

(5) Section 8 presently reads in part:

8(1) A health authority that wishes to enter into an agreement with an operator of a surgical facility for the purpose of providing facility services that are required in connection with the provision of insured surgical services shall provide the Minister with a copy of the proposed agreement for the Minister's approval.

(3) The Minister shall not approve a proposed agreement unless the Minister is satisfied

- (a) that the provision of insured surgical services as contemplated under the proposed agreement would be consistent with the principles of the Canada Health Act (Canada),*
- (b) that there is a current need and that there will likely be an ongoing need in the geographical area to be served for the provision of insured surgical services as contemplated under the proposed agreement,*
- (c) that the provision of the insured surgical services as contemplated under the proposed agreement would not have an adverse impact on the publicly funded and publicly administered health system in Alberta,*
- (d) that there is an expected public benefit in providing the insured surgical services as contemplated under the proposed agreement, considering factors such as*
 - (i) access to such services,*
 - (ii) quality of service,*
 - (iii) flexibility,*
 - (iv) the efficient use of existing capacity, and*
 - (v) cost effectiveness and other economic considerations,*

- (iii) that the proposed agreement contains provisions showing how physicians' compliance with the following, as they relate to conflict of interest and other ethical issues in respect of the operation of the facility, will be monitored:
 - (A) the *Health Professions Act* and regulations under that Act;
 - (B) the bylaws of the College of Physicians and Surgeons of Alberta;
 - (C) the code of ethics and standards of practice adopted by the council of the College of Physicians and Surgeons of Alberta under the *Health Professions Act*,

and

- (b) the Minister has considered the assessment referred to in subsection (1.1).

(6) Section 11(1) is amended by striking out “by order” and substituting “in writing”.

(7) Section 17 is amended by striking out “public hospital or an approved surgical facility” and substituting “public hospital, a chartered surgical facility or a surgical facility referred to in section 16”.

- (e) *that the health authority has an acceptable business plan in respect of the proposed agreement showing how the health authority will pay for the facility services to be provided,*
- (f) *that the proposed agreement indicates performance expectations and related performance measures for the insured surgical services and facility services to be provided, and*
- (g) *that the proposed agreement contains provisions showing how physicians' compliance with the following, as they relate to conflict of interest and other ethical issues in respect of the operation of the facility, will be monitored:*
 - (i) *the Health Professions Act and regulations under that Act;*
 - (ii) *the bylaws of the College of Physicians and Surgeons of Alberta;*
 - (iii) *the code of ethics and standards of practice adopted by the council of the College of Physicians and Surgeons of Alberta under the Health Professions Act.*

(6) Section 11(1) presently reads:

11(1) Where the Minister

- (a) *approves a proposed agreement, and*
- (b) *is satisfied that the surgical facility at which the insured surgical services will be provided is accredited to provide those insured surgical services or will be accredited before any such services are provided,*

the Minister shall by order designate the surgical facility as a surgical facility for the purposes of this Division.

(7) Section 17 presently reads in part:

17 Where a person receives an uninsured surgical service at a public hospital or an approved surgical facility in circumstances under which that person is expected to pay for the uninsured surgical service, no person shall require that person to pay for the uninsured surgical service or for any facility services unless, before the uninsured surgical service is provided, the nature of the

(8) Section 18 is amended

(a) in subsection (1) by striking out “section 8(3)” and substituting “section 8(1.1) and (3)(a)”;

(b) in subsections (4) to (6) by striking out “by order” and substituting “in writing”;

(c) by adding the following after subsection (6):

(7) Any action taken in writing by the Minister under subsections (4) to (6) with respect to a surgical facility designated under section 15(1) must be taken by order.

uninsured surgical service and facility services to be provided and the charges for them are fully explained to the person and the person agrees in writing to accept and pay for them.

(8) Section 18 presently reads in part:

18(1) Where the Minister is of the opinion that, since the granting of a designation in respect of a surgical facility, circumstances have changed with respect to any of the factors referred to in section 8(3) or 15(1) in a material and substantial way, the Minister shall give a written notice of intent under subsection (2) to the operator of the designated surgical facility.

(4) If

- (a) the Minister is not satisfied as set out in subsection (2)(b), or*
- (b) the Minister is of the opinion that, after reasonable attempts at resolution of the concerns under subsection (3), the concerns will not be resolved within the 60-day period,*

the Minister shall by order withdraw the designation of the surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide.

(5) The Minister may by order withdraw a designation of a surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide where the Minister is satisfied that there has been a contravention of this Act, the regulations, an approved agreement, a term or condition imposed under section 8(2), 11(3) or 15(4) or a conflict of interest bylaw referred to in section 7(1) of the Regional Health Authorities Act.

(6) The Minister shall by order immediately withdraw a designation of a surgical facility or amend the designation to delete one or more of the surgical services that the designated surgical facility is authorized to provide where the Minister is advised by the council of the College that the surgical facility is no longer accredited or is no longer accredited to provide that surgical service or those surgical services, as the case may be.

(9) Section 20 is amended by striking out “an approved surgical facility” **and substituting** “a chartered surgical facility or a surgical facility referred to in section 16”.

(10) Section 25(1) is amended

(a) by repealing clause (l) and substituting the following:

(l) governing the giving of notice of actions taken in writing by the Minister under section 18(4) to (6);

(b) in clauses (n), (o) and (q) by striking out “designated surgical facilities” **and substituting** “chartered surgical facilities”.

(11) Part 5 is repealed.

(12) The following provisions are amended by striking out “designated surgical facility” **wherever it occurs and substituting** “chartered surgical facility”:

section 4;
section 5(1), (6)(a) and (b);
section 11(2);
section 12(b)(i);
section 15(3);
section 18(1), (2)(b), (4), (5) and (6);
section 19(3);
section 24(1)(a);
section 25(1)(c)(i) and (ii) and (d).

(9) Section 20 presently reads:

20 No person shall provide at an approved surgical facility any surgical services other than the surgical services the facility is authorized to provide under this Part.

(10) Section 25(1) presently reads in part:

25(1) The Lieutenant Governor in Council may make regulations

- (l) governing the giving of notice of orders under section 18;*
- (n) respecting the keeping of records by operators of designated surgical facilities;*
- (o) requiring operators of designated surgical facilities to provide reports, returns and information to a health authority or the Minister and requiring health authorities to provide reports, returns and information to the Minister, including regulations respecting the nature and contents of the reports, returns or information to be provided, the form in which they are to be provided and the times at which they are to be provided;*
- (q) governing standards of operation applicable to designated surgical facilities, in addition to standards that apply by virtue of the operation of the Health Professions Act;*

(11) Repealed.

(12) Update terminology.

Health Governance Transition Act

Repeals SA 2008 cH-4.3

3 The *Health Governance Transition Act* is repealed.

Health Professions Act

Amends RSA 2000 cH-7

4(1) The *Health Professions Act* is amended by this section.

(2) Section 12(1) is amended

(a) by striking out “Twenty-five percent” and substituting “Fifty percent”;

(b) by striking out “25%” and substituting “50%”.

(3) The following is added after section 12:

Transitional

12.1 Despite section 12, a proceeding before one of the following bodies, or a panel of any of them, commenced before the date on which this section comes into force and not concluded before that date, must continue to be dealt with in accordance with section 12 as it existed before this section came into force:

(a) a council;

(b) a complaint review committee;

(c) a hearing tribunal.

(4) Schedule 7 is amended in sections 11(e)(ii) and (f)(i), 12(2) and (4) and 17(2)(b) by striking out “*Health Care Protection Act*” and substituting “*Health Facilities Act*”.

Health Governance Transition Act

- 3** Repeals chapter H-4.3 of the Statutes of Alberta, 2008.

Health Professions Act

- 4(1)** Amends chapter H-7 of the Revised Statutes of Alberta 2000.

- (2) Section 12(1) presently reads:

12(1) Twenty-five percent of the voting members of a council, a complaint review committee and a hearing tribunal and of a panel of any of them must be public members but with the consent of the council the percentage of the public members may be greater than 25%.

- (3) Transitional.

- (4) Schedule 7 presently reads in part:

11 In sections 12 to 18,

(e) “dental surgical services” means any of the following:

(ii) an insured surgical service as defined in the Health Care Protection Act that is provided by a regulated member in a facility that must be accredited under this Schedule;

(5) Schedule 21 is amended in section 8.7

- (a) in clause (i) by striking out** “section 2(2) and 29(r) of the *Health Care Protection Act*” **and substituting** “sections 0.1(q) and 2(2) of the *Health Facilities Act*”;
- (b) in clause (j) by striking out** “section 29(r) of the *Health Care Protection Act*” **and substituting** “section 0.1(q) of the *Health Facilities Act*”.

(6) Subsections (2) and (3) have effect on April 1, 2021.

(f) “operator” means

- (i) *in the case of a surgical facility designated under Part 2, Division 1 of the Health Care Protection Act, the person named as the operator in the designation, and*

12(2) *Subject to the Health Care Protection Act, subsection (1) does not apply to*

- (a) *a hospital that is established by or under, or the establishment or operation of which is governed by, the Hospitals Act, the Regional Health Authorities Act or the Workers’ Compensation Act, or*
- (b) *a hospital or a health care facility that is established by the Government of Alberta or the Government of Canada.*

(4) *Despite subsection (1) but subject to the Health Care Protection Act, a dental surgical facility that is in operation on the coming into force of this Schedule that is not accredited by the College of Physicians and Surgeons of Alberta must be accredited under this Schedule within one year from the date that this Schedule comes into force.*

17(2) *It is unprofessional conduct for a regulated member*

- (b) *to provide dental surgical services or cause dental surgical services to be provided in a facility that is operated in a manner that contravenes Part 2 of the Health Care Protection Act, or*

(5) Schedule 21 presently reads in part:

8.7 *The council may make bylaws*

- (i) *describing the services that are major surgical services and minor surgical services for the purposes of section 2(2) and 29(r) of the Health Care Protection Act;*
- (j) *prescribing the kind or degree of risk for the purposes of section 29(r) of the Health Care Protection Act.*

(6) Coming into force.

Health Quality Council of Alberta Act

Amends SA 2011 cH-7.2

5(1) The *Health Quality Council of Alberta Act* is amended by this section.

(2) Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) “approved plan” means a plan under section 13.1 that is approved by the Minister;

(b) by adding the following after clause (b):

(b.1) “Deputy Minister” means the Deputy Minister of the Minister;

(c) in clause (d) by striking out “system as measured by accessibility, acceptability, appropriateness, efficiency and effectiveness factors” and substituting “system, having regard to factors including accessibility, acceptability, appropriateness, efficiency and effectiveness”;

(d) by adding the following after clause (h):

(h.1) “person-centred care” means care that

- (i) supports a person in acquiring the information and skills needed to make decisions about the person’s health care,
- (ii) acknowledges and respects the values of the person,
- (iii) focuses not only on the person but also on the person’s family and caregivers, if any, and health care service providers, and
- (iv) includes prevention and health promotion activities;

(3) Section 2(7) is repealed.

Health Quality Council of Alberta Act

5(1) Amends chapter H-7.2 of the Statutes of Alberta, 2011.

(2) Section 1 presently reads in part:

1 In this Act,

- (a) “board” means the board of directors established under section 4;*
- (b) “Council” means the Health Quality Council of Alberta continued under section 2;*
- (d) “health service quality” means the general quality of services in the health care system as measured by accessibility, acceptability, appropriateness, efficiency and effectiveness factors;*
- (h) “patient safety” means the activities, strategies and mechanisms to avoid or mitigate health risks to users of the health care system;*

(3) Section 2(7) presently reads:

(7) The Lieutenant Governor in Council may make regulations expanding or clarifying the powers, duties or functions to be exercised or performed by the Council.

(4) Section 3 is amended

- (a) in subsection (1) by striking out “safety” and substituting “safety, person-centred care”;**
- (b) in subsection (2)**
 - (i) in the portion preceding clause (a) by adding “and in accordance with an approved plan” after “authorities”;**
 - (ii) by repealing clause (a) and substituting the following:**
 - (a) assist in
 - (i) the gathering of information and evidence, including by means of research activities and reviews,
 - (ii) the evaluation of programs and other initiatives, and
 - (iii) the synthesis, dissemination and exchange of knowledgerelating to patient safety, person-centred care and health service quality in Alberta;
 - (iii) in clauses (b) and (c) by striking out “safety” and substituting “safety, person-centred care”;**
 - (iv) by repealing clauses (d) and (e) and substituting the following:**
 - (d) engage with Albertans on their experience and satisfaction with patient safety, person-centred care and health service quality;
 - (e) other activities as provided for in the regulations or required by a directive of the Minister under section 22.1.

(5) Section 4 is amended

- (a) in subsections (1) and (2) by striking out “Lieutenant Governor in Council” and substituting “Minister”;**

(4) Section 3 presently reads:

3(1) The objects of the Council are to promote and improve patient safety and health service quality on a province-wide basis.

(2) The Council shall undertake the following activities in co-operation with health authorities:

- (a) measure, monitor and assess patient safety and health service quality;*
- (b) identify effective practices and make recommendations for the improvement of patient safety and health service quality;*
- (c) assist in the implementation and evaluation of activities, strategies and mechanisms designed to improve patient safety and health service quality;*
- (d) survey Albertans on their experience and satisfaction with patient safety and health service quality;*
- (e) other activities as provided for in the regulations.*

(5) Section 4 presently reads in part:

4(1) A board of directors is established consisting of not more than 10 members appointed by the Lieutenant Governor in Council for a term not exceeding 3 years.

(b) by repealing subsection (4) and substituting the following:

(4) The Minister may provide for the payment of expenses and remuneration of members of the board in accordance with the *Reform of Agencies, Boards and Commissions Compensation Act* and any applicable regulations under that Act.

(c) by repealing subsection (7).

(6) The following is added after section 4:

Meetings of the board

4.1(1) The board shall give the Deputy Minister or the Deputy Minister's delegate notice of all meetings of the board and a copy of all meeting materials provided to the board.

(2) The Deputy Minister or the Deputy Minister's delegate may attend meetings of the board but shall not vote on any matter.

(7) Section 7(1)(b)(i) is repealed.

(8) Section 8(2) is repealed and the following is substituted:

(2) The board shall set the compensation to be paid to the Chief Executive Officer in accordance with the *Reform of Agencies, Boards and Commissions Compensation Act* and any applicable regulations under that Act or under this Act.

(2.1) The compensation set under subsection (2) is subject to the Minister's approval.

(9) Section 9 is amended by adding "and officer" after "director".

(2) The Lieutenant Governor in Council shall designate one of the members as chair.

(4) The Lieutenant Governor in Council may provide for the payment of expenses and remuneration of members of the board.

(7) A member appointed under section 3 of the Health Quality Council of Alberta Regulation (AR 130/2006) is deemed to be a member of the board as if the member were appointed under subsection (1).

(6) Meetings of the board.

(7) Section 7(1)(b)(i) presently reads:

7(1) Subject to this Act and the regulations, the board

(b) shall make bylaws

(i) establishing and implementing a code of conduct for the board and the employees of the Council, and

(8) Section 8(2) presently reads:

(2) The board shall set the compensation to be paid to the Chief Executive Officer subject to the Minister's approval.

(9) Section 9 presently reads:

9 Every director, in exercising powers and discharging duties,

(a) shall act honestly and in good faith and with a view to the best interests of the Council, and

(10) Section 12(a), (b) and (d) are amended by striking out “safety” and substituting “safety, person-centred care”.

(11) Section 13 is repealed.

(12) The following is added before section 14:

Requirement for annual plan

13.1(1) The Council shall, before the end of each fiscal year, prepare and submit to the Minister a plan respecting its anticipated activities, funding and expenditures for the next fiscal year.

- (b) *shall exercise the care, diligence and skill that a reasonable and prudent person would exercise in comparable circumstances.*

(10) Section 12 presently reads in part:

12 The Council shall have reasonable access to information held by health authorities as necessary to carry out its objects related to

- (a) *collecting and analyzing information on patient safety, health service quality and significant incidents provided by quality assurance committees, health authorities or other sources,*
- (b) *identifying factors causing or contributing to problems with patient safety, health service quality or significant incidents,*
and
- (d) *making recommendations on strategies for improving patient safety and health service quality and reducing significant incidents.*

(11) Section 13 presently reads:

13 The Council shall network with health professions, health authorities, organizations providing health services, academic health centres and other related organizations for the purposes of

- (a) *sharing information on patient safety and health service quality issues,*
- (b) *identifying and assessing patient safety and health service quality issues, and*
- (c) *developing and recommending effective practices in patient safety and health service quality.*

(12) Requirement for annual plan.

(2) A plan must

- (a) be submitted in the form and manner required by the Minister,
- (b) contain the information required by the Minister, and
- (c) be submitted to the Minister within the time set by the Minister.

(3) On reviewing a plan, the Minister may approve it or may require the Council to make changes in it and resubmit the plan for approval.

(13) Section 14 is repealed and the following is substituted:

Records, reports and advice to the Minister

14 The Council shall

- (a) report to the Minister on any engagement it undertakes with Albertans under section 3(2)(d),
 - (b) advise the Minister on
 - (i) the quality of health services in the health care system,
 - (ii) results and recommendations of the work of the Council on patient safety, person-centred care and health service quality, and
 - (iii) other matters as requested by the Minister,
- and
- (c) at the request of the Minister, submit any records or other information or prepare and submit to the Minister any reports respecting the activities of the Council that the Minister requires.

(14) Section 15 is amended by striking out “safety” wherever it occurs and substituting “safety, person-centred care”.

(13) Records, reports and advice to the Minister.

(14) Section 15 presently reads:

15(1) On the request of the Minister, the Council shall assess or study matters respecting patient safety and health service quality that are referred to it by the Minister.

(15) The following is added before section 23:

Directives

22.1 The Minister may issue directives that the Council or the board, or both, must follow in carrying out duties and functions and exercising powers under this Act.

Compliance with directives

22.2(1) In this section, “directive” means

- (a) a directive issued under section 22.1, or
- (b) a policy set by the Minister under section 10 of the *Alberta Public Agencies Governance Act*.

(2) The Council shall ensure that any directive issued to or required to be followed by the Council, and the board shall ensure that any directive issued to or required to be followed by the board, is implemented in a prompt and efficient manner and in accordance with section 9(b), and compliance by the Council or the board, as the case may be, with the directive is deemed to be in compliance with section 9(a).

(16) Section 23 is amended by striking out “duties or” and substituting “duties or functions or”.

(17) Section 24 is amended by striking out “Speaker of the Legislative Assembly” wherever it occurs and substituting “Minister”.

(2) The Council may assess or study matters respecting patient safety and health service quality that are referred to it by a health authority.

(15) Directives; compliance with directives.

(16) Section 23 presently reads:

23 No action for damages may be commenced against the Crown, the Council, a member of the board or a member of a Panel for anything done or omitted to be done by that person in good faith while carrying out duties or exercising powers under this Act.

(17) Section 24 presently reads:

24(1) In each fiscal year, the board shall submit to the Speaker of the Legislative Assembly

(a) a report on the activities of the Council for the preceding fiscal year, and

(b) a financial statement showing the business of the Council for the preceding fiscal year in any form required by the Treasury Board.

(18) Section 25 is amended

- (a) by renumbering it as section 25(2) and adding the following before subsection (2):**

Regulations

25(1) The Lieutenant Governor in Council may make regulations respecting the costs of conducting an inquiry.

(b) in subsection (2)

- (i) in the portion preceding clause (a) by striking out “Lieutenant Governor in Council” and substituting “Minister”;**
- (ii) in clause (a) by striking out “Act” and substituting “Act, other than terms used in subsection (1) or sections 17 to 22”;**
- (iii) by adding the following after clause (b):**
- (b.1) expanding or clarifying the powers, duties or functions to be exercised or performed by the Council;
- (iv) in clause (c) by striking out “conflict of interest guidelines, codes of conduct and any other”;**
- (v) by repealing clause (l);**
- (vi) by adding the following before clause (m):**
- (l.1) respecting compliance by the Council or the board with directives as defined in section 22.2(1);

(2) On receiving a report under subsection (1), the Speaker of the Legislative Assembly shall lay the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(18) Section 25 presently reads:

25 The Lieutenant Governor in Council may make regulations

- (a) defining terms that are used but not defined in this Act;*
- (b) respecting appointments to the board, including eligibility and qualifications for appointment;*
- (c) respecting conflict of interest guidelines, codes of conduct and any other guidelines and policies in respect of the board and employees of the Council;*
- (d) prescribing other activities for the purpose of section 3(2)(e);*
- (e) respecting bylaws that may be made by the board under section 7;*
- (f) respecting any terms and conditions of an indemnity given under section 10(1), prescribing other persons or classes of persons to whom an indemnity under section 10(1) may be given and respecting indemnities provided under section 10(2);*
- (g) respecting the investment of the Council's funds;*
- (h) respecting the borrowing of money by the Council under section 11(1);*
- (i) respecting the giving of guarantees by the Council under section 11(2);*
- (j) respecting the collection, use and disclosure of information, including personal information and health information, under section 12;*
- (k) prescribing other sources for the purpose of section 12(a);*
- (l) respecting the costs of conducting an inquiry;*
- (m) respecting generally the operation of the Council;*

Hospitals Act

Amends RSA 2000 cH-12

6(1) The *Hospitals Act* is amended by this section.

(2) Section 9(b) is amended by striking out “the Provincial Health Authorities of Alberta.”.

(3) Section 18 is amended

(a) in subsection (1)

(i) by striking out “, each for a term of not more than 3 years”;

(ii) by repealing clause (c) and substituting the following:

(c) one person who has significant public sector administration experience at a senior level as determined by the Minister;

(b) by adding the following after subsection (2):

(2.1) In the event of the absence or inability to act of the chair, the members of the Appeal Board may elect one of the members to be chair during the absence or inability to act.

- (n) *respecting any transitional matter arising from the continuation of the Council under this Act;*
- (o) *respecting the winding-up of the affairs of the Council;*
- (p) *generally to carry out the intent and purposes of this Act.*

Hospitals Act

6(1) Amends chapter H-12 of the Revised Statutes of Alberta 2000.

(2) Section 9(b) presently reads:

9 In this Part,

- (b) *“Associations” means the Provincial Health Authorities of Alberta, The Alberta Medical Association (C.M.A.-Alberta Division), the College and Association of Registered Nurses of Alberta, the Alberta College of Pharmacy and any professional association that is representative of a group of employees or of professional staff or medical staff of a hospital;*

(3) Section 18 presently reads in part:

18(1) There is hereby established the Hospital Privileges Appeal Board consisting of the following members appointed by the Minister, each for a term of not more than 3 years:

- (c) *one member of a board of an approved hospital;*
- (2) *The Minister shall designate one of the members to be chair.*
- (3) *The Minister may fill a vacancy on the Appeal Board by appointing a person as a member to fill the unexpired term of office of the former member, but no vacancy on the Appeal Board impairs the right of the remaining members to act until the vacancy is filled.*
- (4) *The members of the Appeal Board may be paid remuneration for their services and allowances for the expenses necessarily incurred by them in the performance of their duties at rates fixed by the Minister in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.*

(c) by repealing subsection (3) and substituting the following:

(3) No vacancy on the Appeal Board impairs the right of the remaining members to act until any vacancy is filled.

(d) by adding the following after subsection (4):

(5) A member of the Appeal Board may be appointed for a term of up to 3 years and may be reappointed for additional terms each not exceeding 3 years.

(4) Section 19 is amended

(a) in subsection (2) by striking out “A majority of the members then holding office constitutes” **and substituting** “Three members then holding office, at least one of whom must be a member appointed under section 18(1)(a), (b) or (d), constitute”;

(b) by repealing subsection (3).

Mental Health Act

Amends RSA 2000 cM-13

7(1) The *Mental Health Act* is amended by this section.

(2) Section 17(7)(i) is amended by striking out “, the Provincial Health Authorities of Alberta”.

Provincial Health Authorities of Alberta Act

Dissolution of Provincial Health Authorities of Alberta

8 The Provincial Health Authorities of Alberta is dissolved.

(4) Section 19 presently reads in part:

(2) A majority of the members then holding office constitutes a quorum at a hearing of the Appeal Board.

(3) In the event of the absence or inability to act of the chair, the members present at a hearing of the Appeal Board may elect one of the members to be chair for the purposes of that hearing.

Mental Health Act

7(1) Amends chapter M-13 of the Revised Statutes of Alberta 2000.

(2) Section 17(7) presently reads in part:

(7) The Minister, a person authorized by the Minister, a board, an employee of a board or a physician may disclose any health information relating to a person receiving diagnostic and treatment services in a centre

(i) to The Workers' Compensation Board, the Provincial Health Authorities of Alberta or a provincial hospital insurance authority if the information is required in order to establish responsibility for payment,

Provincial Health Authorities of Alberta Act

8 Dissolution of the Provincial Health Authorities of Alberta.

Repeals RSA 2000 cP-33

9 The *Provincial Health Authorities of Alberta Act* is repealed.

Public Health Act

Amends RSA 2000 cP-37

10(1) The *Public Health Act* is amended by this section.

(2) Section 33(2.1)(a) is amended by striking out “returning to” and substituting “entering”.

(3) Section 52.93(h) is amended by striking out “returning to” and substituting “entering”.

Regional Health Authorities Act

Amends RSA 2000 cR-10

11(1) The *Regional Health Authorities Act* is amended by this section.

(2) The following is added before the enacting clause:

Preamble

WHEREAS health care in Alberta has evolved since 1994, when multiple regional health authorities delivered health services, to its current state, with Alberta Health Services as Alberta’s single health authority and the first single provincial health authority in Canada;

WHEREAS, Covenant Health is Alberta’s largest provider of faith-based health services and a key strategic partner in Alberta’s integrated health system, and operates under

9 Repeals chapter P-33 of the Revised Statutes of Alberta 2000.

Public Health Act

10(1) Amends chapter P-37 of the Revised Statutes of Alberta 2000.

(2) Section 33(2.1)(a) presently reads:

(2.1) For the purposes of this section, “person infected with a communicable disease” referred to in subsection (1) and a “person who is suffering from a communicable disease” referred to in subsection (2) include the following persons:

(a) a person returning to Alberta after having travelled internationally;

(3) Section 52.93(h) presently reads:

52.93 In sections 52.94 to 52.98 and 52.99,

(h) “traveller” means a person returning to Alberta after having travelled internationally.

Regional Health Authorities Act

11(1) Amends chapter R-10 of the Revised Statutes of Alberta 2000.

(2) Preamble.

Agreements with the Minister of Health and Alberta Health Services; and

WHEREAS the Government of Alberta believes that a single regional health authority is the most effective and efficient way to deliver health services to Albertans;

(3) The enacting clause is amended by adding “THEREFORE” before “HER MAJESTY”.

(4) Section 5 is repealed and the following is substituted:

Responsibilities of authority

5(1) Subject to this Act and the regulations, a regional health authority shall, in accordance with subsection (2) and any applicable accountability framework established under section 8.1,

- (a) plan for the provision of health services in the health region, and
- (b) provide health services in the health region.

(2) Subject to this Act and the regulations, in carrying out its responsibilities under subsection (1), a regional health authority shall

- (a) promote and protect the health of the population in the health region and work toward the prevention of disease and injury,
- (b) assess on an ongoing basis the health needs of the health region,
- (c) determine priorities in the provision of health services in the health region and allocate resources accordingly,
- (d) ensure that reasonable access to quality health services is provided in and through the health region, and
- (e) promote the provision of health services in a manner that is responsive to the needs of individuals and communities and supports the integration of services and facilities in the health region.

(3) Enacting clause.

(4) Responsibilities of authority; agreements for planning and provision of services.

Agreements for planning and provision of services

5.1(1) Subject to the regulations, if a regional health authority enters into an agreement with a person for the purposes of carrying out the regional health authority's responsibility under section 5(1) to plan for the provision of or to provide health services in a health region, the agreement must

- (a) be in writing, and
- (b) conform with any accountability framework established under section 8.1 that is applicable to the regional health authority, as amended from time to time.

(2) A regional health authority that enters into an agreement with a person for the purposes of carrying out its responsibility under section 5(1) to plan for the provision of or to provide health services in a health region is not absolved from carrying out its responsibilities under this Act in respect of the subject-matter of the agreement.

(5) The following is added after section 8:

Accountability framework

8.1 The Minister may by order

- (a) establish an accountability framework in respect of a regional health authority or regional health authorities, and
- (b) establish reporting requirements applicable to a regional health authority or regional health authorities in respect of an accountability framework.

(6) The following is added after section 11.1:

Alberta Cancer Foundation

11.2 The Alberta Cancer Foundation established under the *Cancer Programs Act*, RSA 2000 cC-2, is continued and is deemed to be a foundation established under section 23(1)(n).

(7) Section 23(2)(a.1) is repealed.

(5) Accountability framework.

(6) Alberta Cancer Foundation.

(7) Section 23(2)(a.1) presently reads:

(2) The Lieutenant Governor in Council may make regulations providing for the continuance of

(8) Section 24 is amended by adding the following after clause (b):

- (b.1) respecting agreements entered into by a regional health authority for the purposes of carrying out its responsibility under section 5(1) to plan for the provision of or to provide health services in a health region and the persons with whom a regional health authority enters into such agreements;
- (b.2) providing that section 5.1 does not apply until a particular date in respect of an agreement or class of agreements entered into by a regional health authority for the purposes of carrying out its responsibility under section 5(1) to plan for the provision of or provide health services in a health region;
- (b.3) establishing classes of agreements for the purposes of clause (b.2);

(9) The following is added after section 24:

Transitional regulations

24.1(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to section 5.1(1) of any agreement or class of agreements entered into by a regional health authority for the purposes of carrying out its responsibility under section 5(1) to plan for the provision of or to provide health services in a health region before the coming into force of this section, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition.

(2) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(3) A regulation made under subsection (1) is repealed on the earliest of the following:

(a.1) the Alberta Cancer Foundation established under the Cancer Programs Act, RSA 2000 cC-2,

(8) Section 24 presently reads in part:

24 The Minister may make regulations

(b) governing the health services and health related services that are to be provided by a regional health authority;

(9) Transitional regulations.

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act;
 - (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
 - (c) 3 years after the regulation comes into force.
- (4)** The repeal of a regulation under subsection (3)(b) or (c) does not affect anything done under the authority of the regulation before the repeal of the regulation.

