

1967 Bill 79

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 79

**An Act to amend The Medical Services (Alberta)
Incorporated Act**

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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1967

An Act to amend The Medical Services (Alberta)
Incorporated Act

(Assented to _____, 1967)

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

1. *The Medical Services (Alberta) Incorporated Act* is hereby amended.

2. Section 2 is amended by adding the following clause after clause (*d*):

(*e*) "Other health services" means services defined as basic health services in *The Alberta Health Plan* in addition to medical, surgical and obstetrical care.

3. Section 3 is amended

(*a*) as to clause (*a*) by adding after the words "medical, surgical and obstetrical care" the words "and other health services",

(*b*) as to clause (*b*)

(*i*) by adding after the words "physicians and surgeons, whether or not professional members of the corporation," the words "persons who provide other health services",

(*ii*) by adding after the words "medical, surgical and obstetrical care" the words "and other health services",

(*c*) as to clause (*e*) by striking out the words "medical, surgical, and obstetrical care to specified groups" and by substituting the words "medical, surgical and obstetrical care and other health services to individuals or groups",

(*d*) as to clause (*g*) by adding after the words "medical, surgical, and obstetrical care" the words "and other health services".

4. Section 4 is amended

(*a*) as to clause (*f*) by adding after the words "medical, surgical and obstetrical care" the words "and other health services",

Explanatory Notes

1. This Bill amends chapter 88 of the Statutes of Alberta, 1948. The primary purpose of the amendments is to give Medical Services (Alberta) Incorporated additional powers to enable it to participate as an approved carrier under The Alberta Health Plan for the purpose of providing coverage for "basic health services".

At present the Act permits the corporation to provide coverage for "medical, surgical and obstetrical care". Under The Alberta Health Plan, "basic health services" will include oral surgery performed by a dental surgeon, refractions performed by an optometrist and the services of podiatrists and osteopathic practitioners.

2. Defines "other health services" for the purposes of the Act.

3. Section 3, clauses (a), (b), (e) and (g) presently read:

3. The Corporation shall have the following powers, objects and purposes, namely:

- (a) To provide facilities whereby individuals may, through their own or a group membership in the corporation, obtain for themselves and their families adequate medical, surgical and obstetrical care on a pre-payment basis in such manner as may best meet and serve the interests of those receiving and those giving the services.
- (b) To enter into agreements with individuals, heads of families, group members, physicians and surgeons, whether or not professional members of the corporation, and the Government of the Province of Alberta, whereby medical, surgical and obstetrical care may be rendered to participating members of the corporation and their families: Provided that nothing herein contained shall be deemed to enlarge the powers already possessed by any group member and provided further that no agreement entered into between the corporation and any town, village or municipal district shall have any force or effect until it has been approved by the Lieutenant Governor in Council.
.....
- (e) To assist the Government of Alberta upon request, in strengthening the Health Services of the Province and in the provision of medical, surgical, and obstetrical care to specified groups.
.....
- (g) To obtain and provide statistical and other information, counsel or assistance in all matters pertaining to the provision of medical, surgical, and obstetrical care on a pre-payment basis.

4. Section 4 (f) presently reads:

4. The corporation shall have power,—

- (f) to enter into reciprocal arrangements with any similar association or body operating in any other province or territory of Canada or in any of the United States of America or in any other country, for the purpose of providing in the respective territory of either party adequate medical, surgical and obstetrical care to the persons covered by contract with either party.

- (b) by adding the following clause after clause (f) :
 - (f1) to consent to being designated as an approved carrier under *The Alberta Health Plan* and, as an approved carrier, to do any act that it is permitted or required to do under that Act or the regulations thereunder except offering for sale, entering into, issuing, maintaining in force or renewing of group contracts or individual contracts providing coverage for optional health services as defined in that Act.

5. Section 5 is amended

- (a) by adding after the words "medical, surgical, and obstetrical care" wherever they occur the words "and other health services",
- (b) by striking out the words "such care" and by substituting the words "such medical, surgical and obstetrical care and other health services".

6. Section 7 is amended by striking out subsection (1) and by substituting the following:

7. (1) The business affairs and property of the corporation shall be administered by the board of directors comprising seven members, one of whom shall be elected by the professional members practising outside the cities of Edmonton and Calgary, one of whom shall be elected by the professional members practising in the cities of Edmonton and Calgary, one of whom shall be elected by and represent the group members outside the cities of Edmonton and Calgary, one of whom shall be elected by and represent group members in the cities of Edmonton and Calgary, two of whom shall be elected by and represent the participating members and one of whom shall be elected by all of the members of the corporation present at the annual meeting.

7. Section 8 is amended

- (a) as to clause (f) by adding after the words "professional members and other Physicians and Surgeons" the words "and persons who provide other health services",
- (b) by striking out clause (j) and by substituting the following:
 - (j) the fixing of fees payable to each director for attending meetings of the board and meetings of any committee for each day which the director is so engaged or is absent from his home in connection therewith, together with his necessary expenses;

8. Section 9 is amended by adding after the words "professional member or other Physician or Surgeon" the words "or a person who provides other health services".

5. Section 5 presently reads:

5. Any profits or other accretions to the funds of the corporation shall be used in furthering its objects and the payment of any dividend to its members is prohibited, provided that in the event of dissolution or winding-up of the corporation the assets of the corporation shall be used,—

- (a) in the payment of any legal costs incurred in the winding-up or dissolution of the corporation;
- (b) in the payment of all debts and liabilities of the corporation then due or to accrue due; and
- (c) in the re-payment to the members of the corporation the amount of any payments made by them in advance for medical, surgical, and obstetrical care which have not been rendered,—

and the balance, if any, shall be distributed amongst the members of the corporation in proportion to the amounts paid by them for medical, surgical, and obstetrical care during the last year preceding the date of dissolution or winding-up, not including any amount paid in advance for such care which shall have been repaid as above provided.

6. Section 7 (1) presently reads:

7. (1) The business affairs and property of the corporation shall be administered by the board of directors, comprising five members, one of whom shall be a professional member elected by the professional members, one of whom shall be elected by and represent the group members, two of whom shall be elected by and represent the participating members, and until such time as there may be an additional class of members, the remaining director shall be elected by all of the members of the corporation present at the annual meeting.

7. Section 8, clauses (f) and (j) presently read:

8. It shall be lawful for the board of directors to make by-laws for the government and proper administration of the property, affairs, business and interests of the corporation and for the election or appointment and retirement or removal of directors and officers of the corporation and generally for the government and management of the affairs of the corporation and the carrying out of its objects, and to repeal, alter and amend the same from time to time including,—

-
(f) the payment to the professional members and other Physicians and Surgeons of approved accounts for services rendered to persons entitled to benefits provided by the corporation;
.....
- (j) the fixing of fees payable to each director for attending meetings of the board, such fees not to exceed \$25,00 for each day which the director is so engaged or is absent from his home in connection therewith, together with his necessary expenses;

8. Section 9 presently reads:

9. No member of the corporation shall be in any way liable, accountable or chargeable for any debt, claim, or demand due or payable by, or for any act or default of the corporation, provided that no professional member or other Physician or Surgeon shall be relieved by the provisions of this section from any claim for damages or otherwise to which he would be liable if this Act had not been passed.

9. Section 10 is amended by adding after the words “professional member or other Physician or Surgeon” the words “or a person who provides other health services”.

10. Section 12 is amended by adding after the words “medical, surgical, and obstetrical care” the words “or other health services”.

11. This Act comes into force on the day upon which it is assented to.

9. Section 10 presently reads:

10. The corporation shall not be liable for any act or omission by any professional member or other Physician or Surgeon arising out of or in connection with the treatment of any person entitled to the benefits provided by the corporation.

10. Section 12 presently reads:

12. Notwithstanding anything contained in The Alberta Insurance Act, being chapter 201 of the Revised Statutes of Alberta, 1942, as amended, the said corporation shall not be deemed to be undertaking insurance or carrying on the business of insurance in furnishing pre-paid medical, surgical, and obstetrical care to its members.