

1968 Bill 87

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 87

An Act respecting Health Regions

THE MINISTER OF HEALTH

First Reading

Second Reading

Third Reading

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BILL 87

1968

An Act respecting Health Regions

(Assented to _____, 1968)

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

1. This Act may be cited as *The Health Regions Act*.

2. (1) In this Act,

(a) "board" means the board of a health region;

(b) "council" means

(i) the council of a municipality,

(ii) in the case of an improvement district or special area, the Minister of Municipal Affairs or such person as he may designate, and

(iii) in the case of a Metis colony, the Minister of Public Welfare or such person as he may designate;

(c) "health region" means an area of the Province that has been established as a health region under this Act;

(d) "included municipality" means a municipality which is included in a health region;

(e) "Minister" means the Minister of Health;

(f) "municipality" means a city, village, town, municipal district, county, improvement district, special area or Metis colony.

(2) For the purposes of this Act an improvement district shall be deemed not to include the area of any Metis colony therein.

Health Regions

3. (1) Having regard to the area, population and other relevant factors, the Minister may divide the Province into areas for the purpose of establishing health regions.

(2) The Minister, after consultation with such bodies or persons as he considers suitable to advise him thereon, may by order establish any area referred to in subsection (1) as a health region and the order shall set out all pertinent particulars in respect thereof, including:

Explanatory Notes

1. This Bill provides for the replacement of the present health units by larger health regions administered and operated by a local board with medical, dental and other professional health personnel being furnished by the Province.

2. Definitions.

3. Establishment of health regions.

- (a) the name of the health region and the name of the board;
- (b) a description of the area or boundaries of the health region;
- (c) the division of the health region into wards;
- (d) the location of the central administrative office of the health region;
- (e) the division of the health region into administrative areas known as health districts.

(3) The area of a city having a population in excess of 100,000 persons shall not be included in or established as a health region unless the council of the city, by resolution, so requests the Minister.

(4) The Minister may by order amend or rescind an order referred to in subsection (2) in respect of any or all matters set out in the order as he considers desirable and, without restricting the generality of the foregoing, the order may provide for

- (a) the disestablishment of a health region and all matters pertaining to the winding up of its affairs,
- (b) the amalgamation of two or more health regions,
- (c) the addition or subtraction of any area to or from the health region, and
- (d) the alteration of the boundaries of wards and health districts,

but, where necessary, adequate provision shall be made for the payment of all liabilities and for the protection of debenture holders.

(5) If on a vote of the electors of an included municipality (held after the health region has been established for three years) a majority of those voting vote in favour of withdrawing from the health region, the Minister shall amend the order referred to in subsection (2) so as to give effect to the vote.

4. (1) The affairs of a health region shall be administered by a board composed of the persons elected and appointed as mentioned in this section.

(2) Each ward in a health region is entitled to be represented on the board by one member who is a resident of the ward and who shall be elected or appointed to the board as provided in the regulations.

(3) The Minister may, in his discretion, appoint to a board as additional members such representatives of professions as he considers desirable to provide specialized knowledge to the board.

(4) The members of a board shall, at least once a year, elect one of their own number as chairman of the board.

4. Constitution of health regions boards.

5. (1) A board is a corporation with the name given it by the order establishing the health region.

(2) In addition to the powers vested in it by section 14 of *The Interpretation Act, 1958* a board has power to

- (a) acquire, hold and alienate real property,
- (b) borrow money by such means and subject to such terms and conditions as may be set out in the order or as prescribed in the regulations,
- (c) levy upon the included municipalities for the required portion of its capital and operating costs, and
- (d) exercise such other powers as may be vested in it by the regulations.

6. A board shall

- (a) provide the facilities, equipment and accommodation (other than residences) required for the work of the health region in accordance with the standards laid down by the Minister,
- (b) determine the location of the district offices for each health district in the health region,
- (c) provide such transportation as may be required for the staff of Alberta Professional Health Services assigned to the health region, and
- (d) do all other things necessary to administer the health region and to provide the services specified in the regulations.

7. (1) A board may employ such clerical and maintenance employees as are required by the health region and prescribe their duties and remuneration.

(2) A member of a board may not be employed by the board in any capacity for which payment is made out of board funds.

8. (1) The regional medical officer for a health region is the chief executive officer of the health region and in the intervals between the meetings of the board he shall exercise the authority and perform the duties of the board with respect to the administration of the health region.

(2) Where a regional medical officer is not available because of absence or inability to act or a vacancy in that office, a deputy regional medical officer for the health region is the acting regional medical officer and where neither the regional medical officer or a deputy regional medical officer is available because of absence or inability to act or a vacancy in either or both offices, the regional nursing supervisor for the health region shall carry out the functions of the regional medical officer under subsection (1).

5. Corporate status and powers of a board.

6. Duties of a board.

7. Staff to be employed by a board.

8. Chief executive officer of a health region.

9. (1) Subject to subsection (2) and approval by the Minister, every board shall appoint annually an auditor who shall be a person registered pursuant to *The Alberta Chartered Accountants Act*, or other qualified person.

(2) An auditor appointed by a board shall not be a member or employee of the board and shall not be a party to or have any interest in any contract made by the board in any capacity except that of auditor.

(3) A board shall send a copy of the auditor's report to the Minister and to each included municipality within 90 days after the end of each fiscal year.

Alberta Professional Health Services

10. (1) The Alberta Professional Health Services is hereby established as a branch of the Department of Health.

(2) In accordance with *The Public Service Act, 1962* there may be appointed

(a) a Director of Health Regions

(i) to direct and supervise the operation of the health regions, and

(ii) to assist and advise boards in carrying out their duties,

(b) such employees as are required by the Alberta Professional Health Services for the purposes of section 11, and

(c) such other employees as are required to assist the Director in the performance of his duties.

11. (1) From the staff of the Alberta Professional Health Services the Minister may assign to each health region

(a) a regional medical officer,

(b) a regional dental officer,

(c) a regional nursing supervisor,

(d) a regional administrative officer,

(e) a regional public health inspector, and

(f) such physicians, nurses, public health inspectors, nursing aides, psychologists, special therapists, occupational therapists, physiotherapists, dietitians, dentists, dental auxiliaries, administrative officers and persons with university training in other health professions or callings as the Minister considers necessary to carry out the professional health services to be provided by the health region.

(2) An employee assigned to a health region under subsection (1) is responsible to and shall work under the direction of the regional medical officer of the health region.

9. Auditor.

10. Alberta Professional Health Services established.

11. Assignment of Professional Health Services staff to health regions.

12. (1) There is hereby established the Alberta Professional Health Services Council consisting of

- (a) a representative of the Department of Health,
- (b) a representative of the health professions, and
- (c) a representative of the general public,

all to be appointed by the Minister.

(2) The function of the Council is to advise the Minister on all matters relating to the organization and administration of the Alberta Professional Health Services.

Finance

13. (1) Every board shall prepare a budget of its estimated operating and capital costs for each year and shall transmit a copy of the budget to the Minister before the first day of January of that year.

(2) The estimated costs shall be determined on the approved cost basis prescribed by the regulations.

14. (1) The Minister shall establish a fund to be known as the Health Regions Fund.

(2) The Lieutenant Governor in Council shall by the 15th day of February in each year, or as soon thereafter as possible, establish a rate expressed in mills, not exceeding two mills.

(3) Each municipality shall pay into the Fund each year an amount equal to the amount which results from applying the mill rate established pursuant to subsection (2) to the equalized assessment of the municipality as established for that year by the Alberta Assessment Equalization Board under *The Municipalities Assessment and Equalization Act*.

(4) The Minister shall advise each municipality by the 15th day of March in each year of the amount that it is required to pay into the Fund in that year and the municipality shall pay one-third of the required amount on or before the first days of May, August and November of that year.

(5) From the Fund the Minister shall each year pay to each health region such sums as may be authorized under the regulations.

15. (1) A board may, in the manner hereinafter provided, requisition an included municipality for a share of any further revenue it requires beyond that paid to it under section 14.

(2) No requisition shall be made upon an included municipality until the board has transmitted to the Minister a copy of its budget together with a financial statement indicating the intended requisition, and the approval of the Minister has been received in respect thereof.

12. Alberta Professional Health Services Council established to advise the Minister.

13. Annual budget to be submitted by health regions to Minister.

14. A Health Regions Fund is to be established from which payments will be made to health regions. The Fund will be financed by a two-mill levy on all included municipalities based on the equalized assessment.

15. Health regions may requisition the included municipalities for additional revenue required.

16. On or before the 15th day of March in each year the proper officer of an included municipality shall provide a certificate to the board of the health region showing the equalized assessment of the municipality as established for that year by the Alberta Assessment Equalization Board under *The Municipalities Assessment and Equalization Act*.

17. (1) Before the 15th day of April in each year, a board shall send to the council of each included municipality a requisition approved by the Minister for that part of the budget attributed to the included municipality.

(2) The board shall calculate that portion of the budget which is attributed to each included municipality on the basis of the proportionate amount of the total values set out in the certificates given under section 16.

(3) Within 21 days after receipt of a notice mentioned in subsection (1), the council of an included municipality may apply to the Minister to vary the division of the budget described in the notice.

(4) The Minister shall, after considering the application and the grounds for the application, either make a re-division or dismiss the application and his decision thereon is final and conclusive for all purposes and may not be questioned in any court.

18. (1) The sum requisitioned pursuant to section 17 shall be paid to the board by each included municipality before the first day of July of the year in which the requisition was received.

(2) When a board finds it impossible to comply with section 17 for any sufficient reason, the board shall, upon the direction of the Minister, send a requisition before a date named in the direction, and an included municipality

(a) shall make a special levy of a sum of money sufficient to meet the requisition, and

(b) shall forward such sum of money at the time set out in the direction.

19. The council of an included municipality is hereby authorized and empowered, notwithstanding any other Act, to make payments to the board to assist in the construction, maintenance and operation of any building or other facilities required for the health region and to do all things necessary to carry out the intent of this Act including, without restricting the generality of the foregoing,

(a) borrowing money by temporary borrowings or debentures, without recourse to the proprietary electors or obtaining approval therefrom, for the purpose of meeting its share of the costs of constructing, maintaining or operating the building or facilities, and

16. Equalized assessment figures to be furnished to the board.

17. Procedure for requisitioning municipalities.

18. Payment of requisition.

19. Municipalities authorized to provide financial assistance to health regions.

- (b) accepting requisitions upon it for moneys required by the board and to assess and levy taxes within the municipality for the purpose of meeting any such requisitions.

20. Where an included municipality fails to pay any money it is required to pay under this Act, the Minister may require the Provincial Treasurer to pay any grants payable to the municipality for that year or any succeeding year

- (a) into the Health Regions Fund to the credit of the municipality, or
- (b) to the health region to which the money is owing, as the case may be, until the amount owing by the municipality has been received.

21. When the funds available to an improvement district, special area or Metis colony are insufficient to meet any payments required to be made by it under this Act, the sums required may, in the absence or inadequacy of an appropriation therefor, be paid out of the General Revenue Fund.

22. (1) In this section "city" means a city having a population in excess of 100,000 persons and that is not included in a health region.

(2) Where

- (a) the Minister is of the opinion that a satisfactory public health service is being provided within a city, and
- (b) the city supplies an annual report to the Minister showing the public health work undertaken within the city, together with a financial statement showing the costs thereof,

the Minister may, subject to the regulations, pay out of the moneys appropriated by the Legislature for the purpose an annual grant to the city.

(3) The grant paid to a city in any year shall not be less than the amount obtained by multiplying the population of the city by the lowest rate established on determining the *per capita* rate of the payment to each health region under section 14 for that year.

(4) A calculation under subsection (3) shall be based on the population of the city and the health regions as shown in the last census of the Dominion Bureau of Statistics or as shown in the latest census taken under *The Municipalities Assistance Act* and approved by the Minister of Municipal Affairs.

23. (1) The Minister, upon the authorization of the Lieutenant Governor in Council, may make provision for

20. Provincial grants may be applied to municipal defaults in payment.

21. Payments on behalf of municipal districts, improvement districts and Metis colonies.

22. Special grants to cities not included in health regions.

23. Special financial assistance.

emergency treatment services and preventive health services for individuals in isolated areas of the Province.

(2) Upon the authorization of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may specify in each case, the Minister may give financial assistance to a health region which, through circumstances beyond its control, is faced with expenses that place too great a burden on its financial resources or those of an included municipality.

(3) Any amounts required for the purposes of this section may, in the absence or inadequacy of an appropriation therefor, be paid out of the General Revenue Fund.

Miscellaneous

24. A National Park shall not be included in a health region unless the Government of Canada enters into an agreement with the Minister providing that

- (a) payments into the Health Regions Fund under section 14, and
- (b) payments to the health region of requisitions under section 17

will be made in amounts calculated on the same basis as those payments are calculated in respect of an included municipality.

25. The services of a health region may be extended to an Indian reserve if the Government of Canada enters into an agreement with the Minister providing that

- (a) payments into the Health Regions Fund under section 14, and
- (b) payments to the health region of requisitions under section 17

will be made in amounts calculated on the same basis as those payments are calculated in respect of an included municipality.

26. (1) The Lieutenant Governor in Council may establish a research, planning and resources council, and may make provisions respecting the constitution thereof, the appointment of members and such other matters relating to the functions thereof as are considered necessary.

(2) The Lieutenant Governor in Council may establish a program development fund into which shall be paid such portion of the money received by the Health Regions Fund as he prescribes.

(3) Subject to the regulations, the program development fund shall be used

- (a) to assist the research, planning and resources council and health region boards in the development of new public health programs, and

24. National Parks.

25. Indian reserves.

26. Establishment of a research, planning and resources council
is authorized.

- (b) to assist in the establishment of new public health programs.

27. Notwithstanding anything in *The Public Health Act* and for the purposes of that or any other Act

- (a) the board of a health region is the local board of health, and
- (b) the regional medical officer of a health region is the medical officer of health,

for every municipality included in the health region.

Nursing Service

28. (1) The Minister may enter into a nursing service agreement

- (a) with a municipality, or
- (b) with two or more municipalities jointly,

for the purpose of providing a nursing service of a preventive and emergency treatment nature to persons residing within the boundaries of the nursing service area described in the agreement.

(2) A nursing service shall be administered and operated by the board of the health region in which the nursing service area is situated.

29. (1) From the staff of the Alberta Professional Health Services the Minister may assign a municipal nurse to the nursing service area.

(2) No liability attaches to a municipal nurse by reason of an act of a preventive or emergency treatment nature done in good faith by the municipal nurse in performing the duties required of her.

30. (1) The Province and each municipality shall pay a portion of the cost of the nursing service as provided for in the agreement, but the Province's portion shall not exceed 60 per cent of the operating costs.

(2) The municipalities shall, in proportion to their population, pay

- (a) the full cost of providing and maintaining office and living accommodation, of providing and maintaining equipment for heating and lighting, and of providing and maintaining a water supply for the nursing service, and
- (b) the balance of the operating costs not otherwise provided for.

(3) In this section "operating costs" means the cost of the furnishings, equipment, supplies, salaries and transportation for a nursing service, and any other expenses that are approved by the Minister.

27. Health region board is to act as the local board of health for all included municipalities.

28. Nursing services agreements authorized. The provisions of clauses 28 to 31 of this Bill will replace The Nursing Services Act.

29. Municipal nurse to carry out nursing services.

30. Cost of nursing services.

31. (1) Where a nursing service has been established, the Minister may agree with the Regional Director, Indian and Northern Health Services, to extend the service to persons residing within the boundaries of an Indian reservation.

(2) Where the Minister and the Regional Director, Indian and Northern Health Services, agree to extend the service under subsection (1), the Regional Director, Indian and Northern Health Services, shall contribute to the operating costs in the proportion that the population of the Indian reservation bears to the total population served by the nursing service.

(3) The Province shall pay 60 per cent of that portion of the operating costs that is not borne by the Regional Director, Indian and Northern Health Services, under the conditions agreed to by the Minister and the Regional Director, Indian and Northern Health Services.

Regulations

32. The Lieutenant Governor in Council may make regulations:

- (a) governing the appointment and election of members of boards and prescribing qualifications for membership and conditions of disqualification from membership, terms of office, procedure for filling vacancies and other matters pertaining to members of boards;
- (b) governing the election of officers, fixing quorums, frequency and times of meetings, books and records to be kept, reports and returns to be made, travelling and expense allowances to be paid and other matters pertaining to the organization of boards and the management of their affairs;
- (c) vesting in a board such other powers as are considered necessary to enable it to carry out its purposes;
- (d) prescribing the manner in which boards may borrow money and fix the rate of interest thereon, fix the terms of borrowing and the periods of borrowing;
- (e) governing the handling of funds by health regions and the collection of contributions due from municipalities;
- (f) prescribing the type of services or level of services to be provided by health regions;
- (g) regulating the conditions of employment of the staff of health regions;
- (h) requiring the submission of annual and quarterly and other reports;
- (i) respecting the functions, duties, remuneration and

31. Extension of nursing services to Indian reserves.

32. Regulations.

general operation of the Alberta Professional Health Services Council;

- (j) respecting the nursing service provided pursuant to nursing service agreements;
- (k) respecting such other matters not inconsistent with this Act as he considers necessary to facilitate the administration of this Act and to enable the proper carrying out of its purposes.

33. (1) *The Nursing Service Act* is repealed.

(2) *The Dental Auxiliaries Act* is amended as to section 2, clause (e) by striking out the words "the board of a health unit established under *The Health Unit Act*" and by substituting the words "a health region board established under *The Health Regions Act*".

(3) *The Public Service Pension Act* is amended as to section 34, clause (b) by striking out subclause (vi) and by substituting the following:

(vi) health regions established under *The Health Regions Act*.

(4) *The Public Health Act* is amended

(a) as to section 2 by striking out clause (d) and by substituting the following:

(d) "health region" means a health region established under *The Health Regions Act*;

(b) as to section 6 by striking out subsections (2) and (3) and by substituting the following:

(2) The Provincial Board shall inquire into the measures that are being taken by local boards or boards of health regions for the limitation of any dangerous or communicable disease and into the performance of any duty, or the exercise of any power, conferred upon local boards or boards of health regions under this or any other Act, and should it appear that efficient measures are not being taken, or that any duty or power is not being performed or exercised by a local board or by a health region board, the Provincial Board shall, in the interests of the public health, require the local board or the health region board, as the case may be, to perform its duties and to exercise any of its powers that in the opinion of the Provincial Board the urgency of the case demands that it should exercise.

(3) If a local board, or the health region board, then neglects or refuses to perform such duties or to exercise such powers, the Provincial Board may

(a) at the expense of the city, town, village, county or municipal district in question, perform or exercise any of the duties or powers of the

33. Consequential amendments.

local board or the health region board that under the circumstances the Provincial Board considers it necessary to perform or exercise, and

- (b) give directions to officers of the Government or the local board or the health region board with regard to the means to be adopted to safeguard the public health, including directions as to the location, drainage and water supply of any houses or public places, the disposal of excreta therefrom, and the methods of heating, lighting and ventilation to be adopted therein.
- (c) as to section 7, subsection (1)
 - (i) by striking out of clause (a) the words "district boards of full-time health units, medical and sanitary staff of full-time health units,"
 - (ii) by striking out of clause (rr) the words "district boards of full-time health units" and by substituting the words "boards of health regions",
- (d) as to section 14b by striking out the words "health unit" wherever they occur and by substituting the words "health regions",
- (e) as to section 51, clause (b) by striking out the words "full-time health unit" and by substituting the words "health region".

34. (1) *The Health Unit Act* is repealed.

(2) All assets, liabilities and property of every kind owned, incurred or held by a health unit are hereby vested in the board of the health region serving the area that was served by the health unit, and where the area that was contained in a health unit is partly in one and partly in another health region, the assets, liabilities and property shall be shared by the health regions in the manner directed by the Lieutenant Governor in Council.

35. This Act comes into force on April 1, 1969.

34. Chapter 139 of the Revised Statutes repealed.