

1971 Bill 23

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Fourth Session, 16th Legislature, 20 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 23**

**The Hospitals Service Commission Act**

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THE MINISTER OF HEALTH

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 23

1971

## THE HOSPITAL SERVICES COMMISSION ACT

(Assented to \_\_\_\_\_, 1971)

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

**1.** (1) In this Act,

- (a) "chairman" means the chairman of the Commission;
- (b) "Commission" means The Alberta Hospital Services Commission;
- (c) "foundation" means a foundation constituted under The Homes for the Aged Act;
- (d) "Minister" means the member of the Executive Council charged with the administration of this Act;
- (e) "nursing home" means a contract nursing home as defined in The Nursing Homes Act.

(2) Words or expressions defined in The Alberta Hospitals Act have the same meaning in this Act.

### The Alberta Hospital Services Commission

**2.** (1) There is hereby created a corporation with the name "The Alberta Hospitals Services Commission".

(2) The Commission shall consist of the following members, namely,

- (a) a chairman appointed by the Lieutenant Governor in Council,
- (b) the chairman of The Alberta Health Care Insurance Commission,
- (c) a Commissioner for Finance appointed by the Minister,
- (d) a Commissioner for Hospitals appointed by the Minister, and
- (e) four other persons appointed by the Minister.

(3) The Minister shall designate either the Commissioner for Finance or the Commissioner for Hospitals as the vice-chairman of the Commission.

### **Explanatory Notes**

General. This Bill will create The Alberta Hospitals Services Commission as a Crown corporation. The Commission will assume most of the administrative functions of the Minister of Health in the administration of The Alberta Hospitals Act and The Nursing Homes Act. The Commission will also administer The Homes for the Aged Act (presently administered by the Minister of Social Development) so that all Government programs for the care and treatment of elderly persons—auxiliary hospitals, nursing homes and senior citizens homes—will be administered by the Commission. The Hospital Services Division of the Department of Health will be abolished. This new Act and other Acts pertaining to hospitals, nursing homes and senior citizens homes will come under the administration of the member of the Executive Council designated by Order in Council.

#### **1. Definitions.**

**2. Incorporation and constitution of membership of the Commission.**

(4) The vice-chairman of the Commission shall exercise and perform the powers and duties of the chairman in the event of the absence or inability to act of the chairman or a vacancy in the office of the chairman.

(5) A person is not eligible to be appointed as or to be a member of the Commission if he is at the same time

- (a) a member of a corporation (other than a municipal corporation), or a member of a partnership, that owns or operates a hospital or nursing home, or
- (b) the owner or operator of a hospital or nursing home, or
- (c) an employee of a person who owns or operates a hospital or nursing home or an employee of a foundation, or
- (d) a mayor, reeve or member of the council of a municipal corporation or a member of the board of administrators of a new town.

**3.** (1) The chairman holds office during pleasure, unless otherwise expressed in his appointment.

(2) The Commissioner for Finance and the Commissioner for Hospitals hold office during the pleasure of the Minister, unless otherwise expressed in their respective appointments.

(3) Where the Minister appoints a member pursuant to section 2, subsection (2), clause (e), he shall also prescribe the term of office for that member not exceeding three years and, subject to subsection (4), a member so appointed is eligible for re-appointment.

(4) A member shall not be appointed pursuant to section 2, subsection (2), clause (e)

- (a) if he has served as a member of the Commission for a period or periods totalling nine years, or
- (b) if the term of office, together with the period or periods during which he has served as a member of the Commission under previous appointments, will in the aggregate exceed nine years.

**4.** (1) The Lieutenant Governor in Council shall prescribe the rate of salary to be paid to the chairman.

(2) The Minister shall prescribe the rates of salary to be paid to the Commissioner for Finance and the Commissioner for Hospitals and the rates of remuneration to be paid to the members of the Commission appointed pursuant to section 2, subsection (2), clause (e).

(3) The members of the Commission shall be paid their reasonable travelling and living expenses while absent

**3. Terms of office and tenure of member's appointments.**

**4. Salaries, remuneration and expenses of members.**

from their ordinary place of residence and in the course of their duties as members of the Commission, in accordance with the by-laws of the Commission.

(4) Salaries, remuneration and expenses payable to members of the Commission under this section shall be paid by the Commission from its funds.

**5.** (1) The chairman, the Commissioner for Finance and the Commissioner for hospitals

(a) shall carry out their duties on a full-time basis, and

(b) constitute a committee of the Commission called the "Executive Committee".

(2) The Executive Committee shall exercise and perform the powers and duties of the Commission between meetings of the Commission but subject to the by-laws of the Commission.

(3) The Executive Committee does not have the power to make by-laws.

**6.** (1) The Commission shall hold meetings at least once a month.

(2) Four members of the Commission constitute a quorum at a meeting of the Commission.

(3) At a meeting of the Commission the vice-chairman shall preside at the meeting in the absence of the chairman and where the chairman and the vice-chairman are absent, the members present may elect one of their number to preside at that meeting.

(4) The affirmative votes of a majority of the members present at any meeting of the Commission at which a quorum is present are sufficient to pass any resolution or by-law to bind all the members.

(5) Where one or more vacancies occur on the Commission, the remaining members may exercise all the powers of the Commission so long as a quorum remains in office.

(6) At its meetings, the Commission may exercise any of its powers by resolution except where some other mode of exercising any power is prescribed in this Act.

**7.** (1) The Commission is for all purposes an agent of the Crown in right of Alberta and its powers may be exercised only as an agent of the Crown in right of Alberta.

(2) The Commission may, on behalf of the Crown in right of Alberta, enter into contracts in the name of the Crown or in its own name.

**5. Executive Committee of the Commission.**

**6. Commission meetings.**

**7. The Commission is an agent of the Crown.**

(3) Property acquired by the Commission is the property of the Crown in right of Alberta and title thereof may be vested in the name of the Crown or in its name.

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Commission on behalf of the Crown in right of Alberta, whether in its name or in the name of the Crown, may be brought or taken by or against the Commission in the name of the Commission in any court that would have jurisdiction if it were not an agent of the Crown.

**8.** The head office of the Commission shall be at Edmonton.

**9.** (1) The Commission may make by-laws respecting the calling of meetings of the Commission and the conduct of business thereat, the duties and conduct of members and generally as to the conduct of the business and affairs of the Commission.

(2) The Regulations Act does not apply to by-laws of the Commission.

**10.** (1) The Commission may appoint such employees as it considers necessary and prescribe their duties and their salaries or remuneration.

(2) The appointment of employees of the Commission shall be during pleasure unless otherwise agreed between the Commission and the employee.

(3) The Commission may make by-laws

- (a) establishing job classifications and salary ranges for its employees and governing the application of salary ranges;
- (b) authorizing the payment of supplementary benefits to or for the credit of an employee in addition to his salary or remuneration;
- (c) governing the attendance and hours of work of its employees;
- (d) governing the granting of holidays;
- (e) governing overtime;
- (f) governing annual vacations, sick leave, educational leave and any other form of leave of absence;
- (g) governing the settlement of employee grievances;
- (h) regulating the transfer, promotion or demotion of its employees;
- (i) governing the conduct, discipline, dismissal or suspension of its employees;



**8.** Head office.

**9.** By-laws re meetings, business.

**10.** Appointment of employees and terms and conditions of employment.

- (j) governing any other matters relating to the terms and conditions of employment of its employees.
- (4) The Commission may obtain the services of any agents or of advisers or persons providing technical or professional services of a kind required by the Commission in connection with its business and affairs.
- (5) The salaries and other remuneration payable to the employees of the Commission shall be paid by the Commission from its own funds.
- (6) Subsections (1) to (3) are subject to The Crown Agencies Employee Relations Act and any agreement made pursuant to that Act by the Commission.

**11.** The Public Service Pension Act applies, with the necessary modifications, to the chairman, the Commissioner for Finance, the Commissioner for Hospitals and the employees of the Commission and the Commission shall pay into the General Revenue Fund the contributions required to be made under section 5 of that Act together with an equal amount from the funds of the Commission as its contribution.

#### **General Powers and Functions**

- 12.** It is the function of the Commission and it has power
- (a) to ensure the development throughout Alberta of a balanced and integrated system of hospitals and related health facilities, and
  - (b) to conduct a continuing review of the financial needs of the hospitals, nursing homes and foundations in Alberta and advise the Government with regard to the granting of financial assistance for hospitals, nursing homes and foundations.
- 13.** In addition to the powers vested in the Commission by section 14 of The Interpretation Act and by this Act, the Commission may
- (a) subject to the approval of the Lieutenant Governor in Council, purchase and hold any estate or interest in land required for its purposes;
  - (b) acquire by gift or devise, any estate or interest in land and hold and alienate it, subject to the terms of any trust upon which it may be held;
  - (c) sell or otherwise dispose of any estate or interest in land no longer required for its purposes;
  - (d) make such banking arrangements as are necessary for the carrying out of its duties and functions;
  - (e) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;

**11.** Pension plans for full-time members and employees of the Commission.

**12.** General functions of the Commission.

**13.** General powers as to property, etc.

- (f) subject to the terms of any trust upon which it may be held, invest in such manner as the Commission considers proper, all moneys that come into the hands of the Commission and that are not then required to be expended;
- (g) act as trustee of any moneys or property given or bequeathed to the Commission for or in connection with hospitals;
- (h) establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of hospital and related personnel;
- (i) conduct surveys and research programs and obtain statistics for its purposes;
- (j) approve the establishment of new and additional hospitals and related health facilities;
- (k) determine the amount of and pay grants to hospitals for the purposes of their approved capital and operating budgets;
- (l) perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.

**14.** The Commission may enter into any contracts or arrangements with any government or person as it considers necessary for its purposes, in addition to any other contracts that it is empowered to enter into under this or any other Act.

#### **Financial**

**15.** The fiscal year of the Commission is the calendar year.

**16.** The Commission is subject in respect of its accounts and financial transactions to audit by the Provincial Auditor from time to time and at least once every year.

**17.** The Commission shall, before the first day of January each year, prepare and present to the Minister its budget for the Commission's next ensuing fiscal year.

**18. (1)** The Provincial Treasurer shall pay to the Commission the moneys appropriated by the Legislature for the purposes of the Commission in equal monthly instalments unless otherwise agreed between the Commission and the Provincial Treasurer.

**(2)** If the moneys appropriated by the Legislature for the purposes of the Commission are not sufficient in order for the Commission to meet its obligations as they become

**14.** General power of contract.

**15.** Fiscal year.

**16.** Audit by Provincial Auditor.

**17.** Annual budget.

**18.** Payments of appropriated funds to the Commission.

due, the Lieutenant Governor in Council may authorize the Provincial Treasurer to make payments to the Commission for that purpose from the General Revenue Fund.

**19.** The Commission, with the approval of the Lieutenant Governor in Council and to the extent permitted by the Minister,

- (a) may from time to time borrow money from any person or enter into overdraft arrangements with a chartered bank or treasury branch, for the purpose of meeting its obligations as they become due, and
- (b) may give security for the repayment of such moneys.

**20.** (1) The Commission

- (a) for any of the purposes of the Commission, and
- (b) with the approval of the Lieutenant Governor in Council,

may from time to time borrow such sums of money as the Commission may require and may from time to time issue notes, bonds, debentures or other securities which

- (c) shall bear interest at such rate or rates as may be determined by the Commission,
- (d) shall be in such denomination or denominations as may be determined by the Commission,
- (e) shall be payable as to principal and interest
  - (i) in such currency or currencies of such country or countries,
  - (ii) at such place or places,
  - (iii) at such time or times, and
  - (iv) in such manner, as may be determined by the Commission,
- (f) may be made redeemable in whole or in part in advance of maturity
  - (i) at such time or times,
  - (ii) on such terms, and
  - (iii) at such price or prices, either with or without premium, as may be determined by the Commission, and
- (g) may be issued in such amounts as will realize the net sum required by the Commission.

(2) The purposes of the Commission, without limiting the generality thereof, include

- (a) the carrying out by the Commission of the powers and duties given to it by or pursuant to this or any other Act and the provision in whole or in part for expenditures made or to be made by the Com-

**19.** General powers for temporary borrowing.

**20.** Debenture borrowing.

mission in connection with the carrying out of those powers and duties,

- (b) the payment, refunding or renewal from time to time of the whole or any part of any loan raised or any notes, bonds, debentures or other securities issued by the Commission, and
- (c) the payment of any other liability or indebtedness of the Commission.

(3) Where the authorizing resolution of the Commission made under subsection (1) contains a recital or declaration that the amount of the notes, bonds, debentures or other securities authorized by the resolution is necessary to realize the net sum required, the recital or declaration is conclusive proof of the facts stated therein.

(4) Subject to the approval of the Lieutenant Governor in Council, the Commission may sell or otherwise dispose of any notes, bonds, debentures or other securities on such terms and conditions as it deems advisable, either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or deal with any such securities as collateral security.

(5) Any notes, bonds, debentures or other securities and the coupons, if any, attached thereto, shall be in such form and shall be executed in such manner and by such persons as may be determined by the Commission.

**21.** (1) The principal and interest of any borrowings by or notes, bonds, debentures and other securities issued by the Commission may be guaranteed by the Province of Alberta.

(2) The guarantee, in such form and manner as the Lieutenant Governor in Council may approve, may be endorsed upon any notes, bonds, debentures or other securities issued by the Commission and may be signed on behalf of the Province of Alberta by the Provincial Treasurer, the Deputy Provincial Treasurer or by such other person as the Lieutenant Governor in Council may designate.

(3) The signature of the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council, upon the guarantee is conclusive proof that the relevant provisions of this Act have been complied with.

(4) Where in respect of any notes, bonds, debentures or other securities issued by the Commission it becomes necessary or desirable under the terms of any guarantee given on behalf of the Province of Alberta to make payment under the guarantee, such payment may be made upon the order of the Lieutenant Governor in Council



**21. Guarantee of debentures by the Government.**

- (a) out of the General Revenue Fund, without further appropriation, or
- (b) from the proceeds of any loan made under The Financial Administration Act or the sale of securities owned by the Province.

**22.** (1) The seal of the Commission on any notes, bonds, debentures or other securities of the Commission and the signature of

- (a) any person authorized by the Commission to execute the notes, bonds, debentures or other securities or any coupon attached thereto, or
- (b) the Provincial Treasurer, the Deputy Provincial Treasurer or the person designated by the Lieutenant Governor in Council to sign a guarantee that is endorsed on the notes, bonds, debentures or other securities,

may be engraved, lithographed, printed or otherwise reproduced on the notes, bonds, debentures or other securities of the Commission or on the guarantee endorsed thereon, as the case may be.

(2) The reproduced signature of any person referred to in subsection (1) is for all purposes deemed to be the signature of that person and is binding on the Commission and the Province of Alberta notwithstanding that the person whose signature is reproduced did not hold office at the date of the notes, bonds, debentures or other securities or at the date of delivery thereof.

**23.** Subject to the approval of the Lieutenant Governor in Council, the Commission may provide for creation, management and application of sinking funds or other means of securing the repayment of any loan or other means of securing the repayment of any loan raised or notes, bonds, debentures or other securities issued by the Commission, including the redemption by call of any such securities issued subject to redemption in advance of maturity.

#### **General**

**24.** (1) The Commission after the end of each fiscal year shall prepare and submit to the Minister a general report summarizing its transactions and affairs during its last fiscal year, and showing its revenues and the application of its expenditure during that period, together with an audited balance sheet of its accounts and financial transactions during that period, together with such other information as the Lieutenant Governor in Council may require.

**22.** Seal on debentures.

**23.** Sinking funds for debenture borrowing.

**24.** Annual report of the Commission.

(2) The Minister shall lay a copy of the report of the Commission before the Legislative Assembly if it is then in session and if not, during the next ensuing session.

**25.** The members and employees of the Commission and persons acting under the instructions of any of them or under the authority of this Act or the by-laws of the Commission are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise of any powers given by this or any other Act or the regulations under any of them or the by-laws of the Commission.

**26.** (1) Subject to this section and section 35, subsection (5) of The Alberta Hospitals Act, every member and employee of the Commission and every other person employed in the administration of this Act or The Alberta Hospitals Act shall not disclose or be compelled to disclose information with respect to any matter that comes to his knowledge in the course of his employment and which consists of hospital records made by a hospital in respect of any of its patients or records pertaining to payments made by the Commission in respect of hospital services provided to any person.

(2) A person referred to in subsection (1) may furnish information pertaining to the date on which insured services were provided and the general nature of those services, the name and address of the person who provided the service, the benefits paid by the Commission for that service and the person to whom they were paid, but such information may be furnished only

- (a) in connection with the administration of this Act and The Alberta Hospitals Act or the regulations under that Act, or
- (b) in proceedings under The Alberta Hospitals Act or the regulations thereunder, or
- (c) to the person who provided the service, his solicitor or personal representative, the committee or guardian of his estate or other legal representative, or
- (d) to the person who received the service, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative.

(3) Information in the hands of the Commission may be published by the Commission or the Government in statistical form if the individual names of persons are not thereby revealed or made identifiable.

(4) No report, form, return or other record required to be filed with the Commission under The Alberta Hospitals

**25.** Protection of members and employees from personal liability.

**26.** Confidentiality of information in the hands of the Commission.

Act or any other Act shall be admitted in evidence in any judicial proceeding, other than a judicial proceeding under any of those Acts, to adversely affect the interest of the person making the report, form, return or other record.

**27.** (1) The Commission may review any decision made by it, and may thereafter vary or revoke that decision.

(2) A decision made by a member or employee that the member or employee is empowered to make pursuant to this or any other Act or the by-laws of the Commission may be appealed to the Commission.

(3) The Commission may make by-laws governing procedures with respect to the conduct of reviews or appeals under this section.

(4) Subject to subsection (1), a decision of the Commission is final and there is no appeal therefrom.

**28.** (1) An order, direction, approval, consent or other instrument that the Commission is permitted or required to make may be made on its behalf by the chairman, vice-chairman or any other member of the Commission.

(2) An order, direction, approval, consent or other instrument purporting to be signed by the chairman, vice-chairman or a member of the Commission on behalf of the Commission shall be admitted in evidence as prima facie proof

(a) that the order, direction, approval, consent or instrument is the Act of the Commission or quorum thereof, and

(b) that the person signing it was duly authorized to do so,

without proof of the appointment of the person signing it as chairman, vice-chairman or as a member of the Commission, as the case may be, or of that person's signature.

#### **Transitional and Consequential**

**29.** (1) In this section

(a) "Act now under the Commission's administration" means The Alberta Hospitals Act, The Nursing Homes Act, The Homes for the Aged Act, The Cancer Treatment and Prevention Act, The Provincial General Hospitals Act, The University of Alberta Hospital Act or The Lloydminster Hospital Act and the regulations made under any of them;

(b) "agreement" does not include an agreement made between

**27.** Review of decisions and appeals to the Commission from decisions of Commission members or employees.

**28.** Orders, directions etc. of the Commission may be signed by the chairman, vice-chairman or a member.

**29.** Transitional provision.

- (i) the Crown in right of Alberta, the Minister of Health or the Minister of Social Development or the Minister of Public Welfare, and
- (ii) the Government of Canada or the government of any province or territory of Canada, or any Minister of the Crown or agency acting on behalf of any of those governments.

(2) Every order, decision, direction, instrument, approval, consent or undertaking made or given before the commencement of this Act by the Minister of Health, the Minister of Social Development or the Deputy Minister of Hospital Services of the Department of Health under an Act now under the Commission's administration shall be deemed to have been made or given by the Commission.

(3) Any agreement made under an Act now under the Commission's administration before the commencement of this Act to which the Minister of Health or the Minister of Social Development or the Minister of Public Welfare is a party or a signatory on behalf of the Crown in right of Alberta shall be deemed to be amended so that the Commission is a party or signatory to the agreement in the place of the Minister of Health, the Minister of Social Development or the Minister of Public Welfare, as the case may be.

(4) A reference to the Minister of Health, the Minister of Social Development, the Minister of Public Welfare or the Deputy Minister of Hospital Services in any agreement, regulation, order, decision, instrument, approval, consent or undertaking made before the commencement of this Act pursuant to any Act now under the Commission's administration shall be deemed to be a reference to the Commission unless the context otherwise requires.

(5) Where a provision of any Act (other than an Act now under the Commission's administration) or any regulations thereunder refers to the Minister of Health and the provision confers or imposes on the Minister any power, duty or function in relation to hospitals or nursing homes, the reference shall be deemed to be to the Commission, unless the context otherwise requires, and in cases of doubt or dispute, the Lieutenant Governor in Council may by regulation declare whether the reference in any particular provision is to be read as a reference to the Minister of Health or to the Commission.

**30.** The Acts enumerated in the Schedule are amended in accordance with the Schedule.

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



**30. Consequential amendments.**

## SCHEDULE

### AMENDMENTS TO OTHER ACTS

#### THE CANCER TREATMENT AND PREVENTION ACT (R.S.A. 1970, c. 38)

- Section 2            *The following clause is added after clause (b):*  
                          (b1) "Commission means The Alberta Hospital Services Commission;
- Section 2            *Clause (c) is struck out and the following is substituted:*  
                          (c) "Minister" means the member of the Executive Council charged with the administration of The Hospital Services Commission Act;
- Section 3            *The whole section is struck out.*
- Section 4            *The whole section is struck out.*
- Section 5            *"Minister" is struck out and "Commission" is substituted therefor.*
- Section 5            *The words "for the purposes of section 3 or 4 or" are struck out.*
- Section 8            *"Lieutenant Governor in Council" is struck out and "Commission" is substituted therefor.*
- Section 9            *"Minister" is struck out and "Commission" is substituted therefor.*
- Section 10           *"Lieutenant Governor in Council" is struck out and "Commission" is substituted therefor.*
- Sections 11, 12, 13, 14 and 15   *"Minister" is struck out wherever it occurs and "Commission" is substituted therefor.*
- Section 16           *The words ", after consultation with the Commission," are added after "Minister".*
- Section 18           *The whole section is struck out.*
- Section 19           *The whole section is struck out.*

This Schedule contains amendments to other Acts. Most of them are consequential to the Bill and consist of changes of references to the Lieutenant Governor in Council, the Ministers of Health or Social Development or the Hospital Services Section to the new Commission. Others are made because existing provisions are inconsistent with or superfluous to the Bill itself. There are additional amendments that are not a direct consequence of the Bill and in each case the notes will provide a copy of the provision involved or an explanation of the amendment.

Section 3 presently reads:

3. The Minister may promote, encourage and give financial assistance for schemes, plans and measures for the diagnosis, treatment or prevention of cancer or for cancer research.

Section 4 presently reads:

4. The Lieutenant Governor in Council may authorize the Minister to provide all or part of the costs of services for the diagnosis, treatment and care of cancer, including outpatient hospital services, rendered in Alberta to residents of the Province and to persons who are not residents of the Province, in accordance with a schedule prescribed from time to time by the Lieutenant Governor in Council.

THE DEPARTMENT OF HEALTH ACT

(R.S.A. 1970, c. 97)

- Section 4                    *The word "and" is struck out at the end of clause (a) and all of clause (b) is struck out.*
- Section 5                    *The whole section is struck out.*
- Section 6, subsection (1)    *The words "deputy Ministers" are struck out and the words "Deputy Minister" are substituted therefor.*

THE ALBERTA EVIDENCE ACT

(R.S.A. 1970, c. 127)

- Section 10, subsection (2), clause (d) and subsection (3)    *The words "of Health" are struck out wherever they occur.*
- Section 10                    *The following subsection is added after subsection (3):*
- (3.1) In subsections (2) and (3), "Minister" means the member of the Executive Council charged with the administration of The Hospitals Services Commission Act.

THE ALBERTA HEALTH CARE INSURANCE ACT

(R.S.A. 1970, c. 166)

- Section 2                    *Clause (m) is struck out and the following is substituted:*
- (m) "Minister" means the member of the Executive Council charged with the administration of this Act;
- Section 4, subsection (1)    *The words "and the chairman of The Alberta Hospital Services Commission" are added at the end of the subsection.*

THE HOMES FOR THE AGED ACT

(R.S.A. 1970, c. 171)

- Section 2                    *Clause (a) is re-lettered as clause (a1) and the following clause is added as clause (a):*
- (a) "Commission" means The Alberta Hospital Services Commission;

The Minister charged with the administration of The Alberta Health Care Insurance Act will be designated by Order in Council.

- Section 2 *Clause (g) is struck out and the following is substituted:*
- (g) "Minister" means the member of the Executive Council charged with the administration of The Hospitals Services Commission Act;
- Section 3, clause (a) *"Minister" is struck out and "Commission" is substituted therefor.*
- Section 4, subsection (1) and subsection (2), clause (f) *"Minister" is struck out wherever it occurs and "Commission" is substituted therefor.*
- Section 9, clause (a), subclause (i) *"Minister" is struck out and "Commission" is substituted therefor.*
- Section 11 *The following clause is added after clause (c):*
- (c1) prohibiting, without the consent of the Commission, the sale, lease or other disposition of any land, buildings, facilities or equipment by a foundation;
- Section 11 *The section is renumbered as subsection (1) and the following subsection is added:*
- (2) The Lieutenant Governor in Council may make regulations
- (a) requiring homes and units to be licensed by the Commission;
- (b) providing for the procedure for applying for licences and renewals thereof;
- (c) prescribing the fees to be paid to the Commission upon the application for or issue of a licence or a renewal thereof;
- (d) prescribing the powers and duties of the Commission in connection with the licensing of homes and units or in the event of a contravention of the regulations;
- (e) prescribing the circumstances under which a

The new section 11(2) will empower the making of regulations for the licensing of senior citizens homes by the Commission.

licence may be suspended or cancelled and the powers and duties of the Commission and the owners or operators of the homes or units upon suspension or cancellation of a licence;

- (f) generally, providing for any other matter pertaining to the licensing of homes and units, and the powers and duties of the Commission and other persons in connection therewith.

Section 14 *The whole section is struck out.*

THE ALBERTA HOSPITALS ACT  
(R.S.A. 1970, c. 174)

Section 2, clause (a) *“Minister” is struck out and “Commission” is substituted therefor.*

Section 2 *The following clauses are added after clause (c):*

- (c1) “board of management” means a board of management referred to in section 12;
- (c2) “Commission” means The Alberta Hospital Services Commission;

Section 2 *Clause (l) is struck out and the following is substituted:*

- (l) “Minister” means the member of the Executive Council charged with the administration of The Hospital Services Commission Act;

Section 3, subsection (1) *“Minister” is struck out and “Commission” is substituted therefor.*

Section 3, subsection (1) *The word “and” is struck out at the end of clause (a) and the following clauses are added:*

- (c) into areas which are now or may hereafter be served by one or more general hospitals and one or more auxiliary hospitals, for the purpose of establishing



Section 3(1) provides for the establishment of general or auxiliary hospital districts. The new clauses will permit the establishment of districts for general hospitals, auxiliary hospitals and nursing homes or any combination thereof.

general and auxiliary hospital districts,

- (d) into areas which are now or may hereafter be served by one or more general hospitals and one or more nursing homes, for the purpose of establishing general hospital and nursing home districts, and
- (e) into areas which are now or may hereafter be served by one or more general hospitals, one or more auxiliary hospitals and one or more nursing homes, for the purpose of establishing general and auxiliary hospital and nursing home districts.

Section 3,  
subsection (2)

“The Minister, after consultation with such bodies or persons as he deems competent to advise him thereon,” *is struck out and the following is substituted therefor:* “The Commission, after consultation with such bodies or persons as it considers competent to advise it thereon,”.

Section 3,  
subsection (2)

*Clauses (b), (c), (d) and (e) are struck out and the following are substituted:*

- (b) whether the district is a general hospital district, an auxiliary hospital district, a general and auxiliary hospital district, a general hospital and nursing home district or a general and auxiliary hospital and nursing home district;
- (c) the municipalities or parts of municipalities to be included in the district;
- (d) the number of wards in the district;
- (e) the allocation of the wards to the municipalities wholly or partly included in the district;

Section 3

*The following subsections are added after subsection (2):*

Section 3(2) clauses (b) to (e) presently read:

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

- (b) whether the district is a general hospital district or an auxiliary hospital district;
- (c) in the case of a general hospital district the municipalities or parts of municipalities to be included;
- (d) in the case of an auxiliary hospital district, the whole municipalities to be included;
- (e) the division of the district into wards;

Where two or more wards are allocated to a municipality by the plan, the municipality is entitled to fix the boundaries of the wards.

(2.1) Where a county, municipal district or improvement district or portions thereof is included in a hospital district and is entitled to more than one board member, the council shall determine the boundaries of the wards.

(2.2) A representative of a ward is not eligible to become or remain as a board member unless he resides in the ward.

Section 3,  
subsection (3)

*“Minister” is struck out and “Commission” is substituted therefor. “he” is struck out and “it” is substituted therefor.*

Section 3,  
subsection (6)

*“Minister” is struck out and “Commission” is substituted therefor.*

Section 3,  
subsection (6)

*The words “or operation” are added after the word “provision”.*

Section 4,  
subsection (2)

*“Minister” is struck out and “Commission” is substituted therefor.*

Section 5

*“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.*

Section 6, subsections  
(1) and (3)

*“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.*

Section 7,  
subsection (1)

*“Minister” is struck out and “Commission” is substituted therefor.*

Section 8

*The following subsection is added after subsection (2):*

(3) The Lieutenant Governor in Council may amend, rescind or replace an order under subsection (2), and, without limitation, the order may provide for any matter in conjunction with or ancillary to an amending or rescinding order of the Commission under section 3, subsection (3).

Section 10

*“Minister” is struck out and “Commission” is substituted therefor.*

Section 11

*“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.*

**Section 3(6) presently reads:**

(6) The Minister may require that a plebiscite be held in a hospital district or proposed hospital district by which the residents of the district, 19 years of age or over, may indicate their approval or disapproval to construct new facilities, disestablish existing facilities, amalgamate hospital boards within the district or other matters pertaining to the provision of hospital facilities in the district.

Section 8 deals with the incorporation of hospital districts by Order in Council. The new subsection (3) provides for the rescission, amendment and replacement of such orders.

Section 14

*The following clauses are added after clause (e):*

- (f) require district boards and governing boards of non-district hospitals to submit annual budgets to the Commission in the form prescribed by the Commission and at the times prescribed in the regulations;
- (g) prescribe procedures with respect to the submission of requisitions by district boards to municipalities and the powers and duties of municipalities, district boards and, where the district owns two or more hospitals, the boards of those hospitals, in connection therewith;
- (h) prescribe which year's equalized assessment is to be used for the purposes of the requisitioning of money in any year by district boards on municipalities;
- (i) prescribe the method of determining the amounts that may be requisitioned by district boards on municipalities in any year;
- (j) limit the amounts that may be requisitioned by a district board on municipalities in any year without the necessity of the approval of the proprietary electors referred to in clause (k);
- (k) require, in any case where the amount of a requisition by a district board on a municipality exceeds the amount limited pursuant to regulations under clause (j) that the municipality is liable to pay the excess amount only if the municipality conducts a vote pursuant to The Municipal

Section 14 permits the making of regulations by the Lieutenant Governor in Council. The added clauses will allow for regulations dealing generally with the control of budgets by hospital district boards and the amounts they can obtain from municipalities by requisition.

Election Act on the question of whether or not it should pay the excess amount and the majority of the proprietary electors of the municipality residing within the hospital district vote in favour of the payment;

- (l) require a municipality to conduct a vote referred to in clause (k) at the expense of the district board within the time prescribed in the regulations and to provide for any procedure or matter relating to the vote not provided for in, or inconsistent with, The Municipal Election Act;
- (m) prescribe any procedures relating to the provision of financial assistance to a board of management or the owner of a non-district hospital by a district board pursuant to a plan under section 11.

Section 18

*The whole section is struck out and the following is substituted therefor:*

**18.** (1) The Alberta Assessment Equalization Board shall in each year apportion among the hospital districts lying wholly or partly within a municipality the equalized assessment established in respect of the municipality for that year and thereupon the Alberta Assessment Equalization Board shall advise the municipality of the apportionment.

(2) After being advised by the Alberta Assessment equalization Board of an apportionment under subsection (1), the proper officer of a municipality within which a hospital district is situated in whole or in part shall as soon as possible provide a certificate to the secre-



**Section 18 presently reads:**

18. (1) The Alberta Assessment Equalization Board, subject to section 93 of The Municipal Taxation Act, shall apportion in each year among the hospital districts lying wholly or in part within the municipality, the equalized assessment established in respect of a municipality for that year and thereafter the Board shall advise the municipality of such apportionment.

(2) The apportionment of an equalized assessment determined pursuant to subsection (1) shall be calculated by multiplying such equalized assessment by the total assessment and valuation of those properties lying within a hospital district which are represented in such equalized assessment and dividing the product thereof by the total assessment and valuation of those properties lying within the municipality and which are represented in such equalized assessment of the municipality.

(3) On or before the first day of April in each year the proper officer of each included municipality shall provide a certificate to the district board showing the equalized assessment or portion thereof of the municipality as determined pursuant to subsection (1) that is applicable to the area included in the hospital district.

	tary of the district board showing the portion of the equalized assessment of the municipality as determined pursuant to subsection (1) that is applicable to that part of the municipality that is within the hospital district.
	(3) This section applies to the 1971 and subsequent taxation years.
Section 19, subsection (1)	<i>The words “, subject to and in accordance with the regulations,” are added after the words “a district board shall”.</i>
	<i>The words “approved by the Minister” are struck out and the words “certified by the Commission as being in compliance with the regulations” are substituted therefor.</i>
Section 19, subsections (2), (3) and (4)	<i>“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 19, subsection (4)	<i>“his” is struck out and “its” is substituted therefor.</i>
Section 20, subsection (1)	<i>The words “The sum requisitioned” are struck out and the words “Subject to the regulations, the sum requisitioned” are substituted therefor.</i>
Section 20, subsection (2)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 24, subsections (1) and (5)	<i>“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
	<i>“he” is struck out wherever it occurs and “it” is substituted therefor.</i>
Section 26, subsections (1) and (3)	<i>The words “, after consultation with the Commission,” are added after the word “Minister” wherever it occurs.</i>
Section 26, subsection (2), clause (c)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 27	<i>The whole section is struck out.</i>
Section 30, subsection (2)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>

**Section 20(1) presently reads:**

**20. (1) The sum requisitioned pursuant to section 19 shall be paid to the district board by each included municipality before the first day of July of the year in which the requisition was received.  
See amendments to section 14 above.**

Section 31

*Subsection (1) is struck out and the following is substituted therefor:*

**31.** (1) The board of each approved hospital

- (a) shall require the preparation and adoption of by-laws by its medical staff governing the organization and conduct of the physicians practising in the hospital and the procedures whereby the medical staff shall make recommendations to the board concerning the appointment, re-appointment, termination or suspension of appointment of, and the delineation of hospital privileges of, members of the medical staff,
- (b) may from time to time require the amendment or repeal of the by-laws of the medical staff, and
- (c) may approve or disapprove of such by-laws or amendments.

Section 31,  
subsection (2)

*“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.*

Section 32

*Subsection (1) is struck out and the following is substituted therefor:*

**32.** (1) After consultation with the Associations, the Commission may prescribe

- (a) model general by-laws for the guidance of boards of approved hospitals, and
- (b) model by-laws of the medical staff for the guidance of physicians practising in an approved hospital and for the guidance of the board of an approved hospital.

**Section 32(1) presently reads:**

32. (1) After consultation with the Associations, the Minister may prescribe

- (a) model general by-laws governing the organization, management and operation of hospitals for the guidance of hospital boards, and physicians practising in an approved hospital and for the guidance of the board of such a hospital.
- (b) model by-laws of the medical staff governing the appointment, organization and conduct of physicians for the guidance of

Section 32, subsection (2)	<p><i>“Minister” is struck out and “Commission” is substituted therefor.</i></p> <p><i>“he” is struck out and “it” is substituted therefor.</i></p>
Section 32, subsection (3)	<p><i>“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.</i></p> <p><i>“his” is struck out and “its” is substituted therefor.</i></p>
Section 32, subsection (4)	<p><i>“Minister” is struck out and “Commission” is substituted therefor.</i></p>
Section 34, subsection (1)	<p><i>“Minister” is struck out and “Commission” is substituted therefor.</i></p>
Section 35	<p><i>“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.</i></p>
Section 35, subsection (2)	<p><i>“him” is struck out and “it” is substituted therefor.</i></p>
Section 36	<p><i>“Deputy Minister of Hospital Services” and “Minister” are struck out and “Commission” is substituted therefor in each case.</i></p>
Section 37	<p><i>“Deputy Minister of Hospital Services and inspectors or other persons appointed for the purpose” is struck out and the words “Commission and officers of the Commission appointed by it for the purpose,” are substituted therefor.</i></p>
Section 38 subsection (1)	<p><i>The following clause is added after clause (f):</i></p> <p style="padding-left: 40px;">(f1) prescribing the powers and duties of hospital boards concerning the appointment, re-appointment, suspension and termination of appointment and the delineation of hospital privileges of members of medical staffs;</p>
Section 38, subsection (2)	<p><i>“Minister” is struck out and “Commission” is substituted therefor.</i></p>
Section 42, subsection (1)	<p><i>“Deputy Minister of Hospital Services” is struck out and “Commission” is substituted therefor.</i></p>

Section 38(1) provides for the making of regulations by the Lieutenant Governor in Council.

Section 43, subsection (4)	<i>“Hospital Services Section of the Department of Health” is struck out and “Commission” is substituted therefor.</i>
Section 43, subsection (6)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 45	<i>“Deputy Minister of Hospital Services” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 46	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 52	<i>“Deputy Minister of Hospital Services” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 52, subsections (1), (5) and (6)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 52, subsection (1), clause (b)	<i>“his” is struck out and “its” is substituted therefor.</i>
Section 52, subsection (3)	<i>“he” is struck out and “it” is substituted therefor.</i> <i>The words “on behalf of the Minister” are struck out.</i>
Section 52, subsection (5)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 54	<i>“his” is struck out and “its” is substituted therefor.</i>
Section 55	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 55, subsection (1)	<i>“Minister” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 56	<i>“Minister may on behalf of the Province and” is struck out and “Commission may” is substituted therefor.</i>
Section 57, clause (a)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>
Section 57, clauses (d), (f), (g) and (h)	<i>“Minister” is struck out and “Commission” is substituted therefor.</i>



Section 57 provides for the making of regulations by the Lieutenant Governor in Council.

Section 57,  
clause (i)                    *“Hospital Services Section” is struck out wherever it occurs and “Commission” is substituted therefor.*

Section 57                    *The following clauses are added after clause (j):*

(k) prohibiting or regulating changes in existing services or educational programs in approved hospitals or the introduction of new services or educational programs in approved hospitals;

(l) prohibiting, except with the consent of the Commission, the sale, lease or other disposition of any land, buildings, facilities or equipment by a hospital district or board of an approved hospital.

Section 60                    *The words “by the Commission from its funds” are added after the words “shall be paid out”.*

Section 62,  
clause (b)                    *The words “or the Commission” are added after the word “Crown”.*

THE LEGISLATIVE ASSEMBLY ACT  
(R.S.A. 1970, c. 204)

Section 12,  
clause 26                    *The words “the Department of Health in respect of collections carried out for that Department” are struck out and the words “The Alberta Hospital Services Commission in respect of collections carried out for that Commission” are substituted therefor.*

THE LLOYDMINSTER HOSPITAL ACT  
(S.A. 1948, c. 19)

Section 2                    *The following clause is added after clause (b):*

(b1) “Commission” means The Alberta Hospital Services Commission;

Section 2                    *Clause (e) is struck out and the following is substituted:*

(e) “Minister” means the member of the Executive Coun-



	<p style="text-align: center;">cil of Alberta charged with the administration of The Hospital Services Commission Act;</p>
Section 8	<p>“Minister” <i>is struck out and</i> “Commission” <i>is substituted therefor.</i></p> <p>“Department of Public Health” <i>is struck out and</i> “Commission” <i>is substituted therefor.</i></p> <p>“The Hospitals Act” <i>is struck out wherever it occurs and</i> “The Alberta Hospitals Act” <i>is substituted therefor.</i></p>
Section 9	<p>“The Hospitals Act, The Municipal Hospitals Act” <i>is struck out and</i> “The Alberta Hospitals Act” <i>is substituted therefor.</i></p>
Section 17	<p>“Board of Public Utility Commissioners of the Province of Alberta” <i>is struck out and</i> “Commission” <i>is substituted therefor.</i></p>
Section 25, subsection (3)	<p><i>The whole subsection is struck out.</i></p>
Section 54	<p>“The Controverted Municipal Elections Act shall apply” <i>is struck out and</i> “Part 2 of The Municipal Election Act of Alberta” <i>is substituted therefor.</i></p>
Section 56	<p>“The Controverted Municipal Elections Act shall apply” <i>is struck out and</i> “Part 2 of The Municipal Election Act of Alberta applies” <i>is substituted therefor.</i></p>

#### THE NURSING HOMES ACT

(R.S.A. 1970, c. 264)

Section 2, subsection (1), clause (a)	<p>“Province” <i>is struck out and</i> “Commission” <i>is substituted therefor.</i></p>
Section 2, subsection (1)	<p><i>The following clause is added after clause (a):</i></p> <p style="padding-left: 40px;">(a1) “Commission” means The Alberta Hospital Services Commission;</p>
Section 2, subsection (1), clause (b)	<p>“Minister” <i>is struck out and</i> “Commission” <i>is substituted therefor.</i></p>



Section 2, subsection (1)	<i>Clause (d) is struck out and the following is substituted therefor:</i> (d) "Minister" means the member of the Executive Council charged with the administration of The Hospital Services Commission Act;
Sections 3, 4 and 5	"Minister" is struck out wherever it occurs and "Commission" is substituted therefor.
Section 7	"Minister" is struck out wherever it occurs and "Commission" is substituted therefor. "he" is struck out wherever it occurs and "it" is substituted therefor.
Section 10, subsection (1)	"Minister" is struck out and "Commission" is substituted therefor. "Province" is struck out and "Commission" is substituted therefor.
Section 10, subsection (2)	<i>The whole subsection is struck out.</i>
Section 11, subsections (1) and (2)	"Minister" is struck out wherever it occurs and "Commission" is substituted therefor.
Section 13	"Minister or any person authorized by him" is struck out and "Commission or any person authorized by it" is substituted therefor.
Section 14, subsection (1)	"Minister" is struck out and "Commission" is substituted therefor.
Section 16, clauses (b) and (m)	"Minister" is struck out and "Commission" is substituted therefor.

#### THE PROVINCIAL GENERAL HOSPITALS ACT

(R.S.A. 1970, c. 286)

Section 2	<i>The following clause is added after clause (a):</i> (a1) "Commission" means The Alberta Hospital Services Commission;
Section 2	<i>Clause (c) is struck out and the following is substituted therefor:</i>



- (c) "Minister" means the member of the Executive Council charged with the administration of The Hospital Services Commission Act.

Sections 9 to 18      "*Minister*" is struck out wherever it occurs and "*Commission*" is substituted therefor.

THE ALBERTA GOVERNMENT PURCHASING  
AGENCY ACT

(R.S.A. 1970, c. 304)

Section 8,  
subsection (2)      *The words "The Alberta Hospital Services Commission" are added after the words "The Alberta Health Care Insurance Commission".*

THE UNIVERSITY OF ALBERTA HOSPITAL ACT

(R.S.A. 1970, c. 379)

Section 2,  
subsection (1)      *The following clause is added after clause (a):*

- (a1) "Commission" means The Alberta Hospital Services Commission;

*Clause (b) is struck out and the following substituted:*

- (b) "hospital" means the University of Alberta Hospital and all other institutions or facilities owned or operated by the Board;

Section 5,  
subsection (1),  
clause (a)      "*the vice-president or senior vice-president*" is struck out and "*a vice-president of the University designated by the president*" is substituted therefor.

Section 5,  
subsection (1),  
clause (b)      "*the assistant dean*" is struck out and "*an associate dean or assistant dean of that Faculty designated by the dean*" is substituted therefor.

Section 6,  
subsection (1),  
clause (h)      "*Minister of Health*" is struck out and "*Commission*" is substituted therefor.





Section 7	<i>“Minister of Health is struck out out wherever it occurs and “Commission” is substituted therefor.</i>
Section 8	<i>“Lieutenant Governor in Council” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 10, subsection (1)	<i>“Lieutenant Governor in Council” is struck out and “Minister” is substituted therefor.</i>
Section 12, subsection (1)	<i>“Lieutenant Governor in Council” is struck out and “Commission” is substituted therefor.</i>
Section 13	<i>The whole section is struck out.</i>
Section 14, subsection (1)	<i>“Lieutenant Governor in Council” is struck out wherever it occurs and “Commission” is substituted therefor.</i>
Section 14, subsection (2)	<i>The whole subsection is struck out.</i>

#### THE WELFARE HOMES ACT

(R.S.A. 1970, c. 390)

Section 4	<i>Subsection (3) is struck out and the following is substituted:</i>
	(3) This Act does not apply to
	(a) a contract nursing home under The Nursing Homes Act, or
	(b) homes or units under The Homes for the Aged Act.

