

1972 Bill 65

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 65

The Alberta Hospitals Amendment Act, 1972

MR. ASHTON

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 65

1972

THE ALBERTA HOSPITALS AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Alberta Hospitals Act is hereby amended.*

2. *Section 3, subsection (2.3), clause (a) is amended by adding after the words "as a ward" the words "or wards".*

3. *Section 28, clause (b) is amended by striking out the words "the College of Physicians and Surgeons of Alberta or the Canadian Medical Association — Alberta Division," and by substituting the words "The Alberta Medical Association (C.M.A. — Alberta Division),".*

4. *The following section is added after section 30:*

30.1 The medical staff of an approved hospital

- (a) is responsible to the board of the hospital for the clinical and scientific work of the hospital and for advising the board on all matters relating to patient care;
- (b) is responsible for reviewing professional practices of the medical staff and other members of the treatment team at the hospital;
- (c) is responsible for the improvement of the care of patients in the hospital;
- (d) is responsible for making recommendations to the board respecting utilization of the hospital.

5. *Section 35 is amended by adding the following subsections:*

- (6) Notwithstanding subsection (3) or any other law, where a board, an employee of the board, the Commission or a person authorized by the Commission, or a physician

Explanatory Notes

1. This Bill will amend chapter 174 of the Revised Statutes of Alberta 1970.

2. Section 3(2.3) (a) presently reads:

(2.3) Where the hospital district includes one or more Indian reserves
(a) the order under subsection (2) may, if the Indian band councils concerned so request, show the reserve or reserves as a ward,
and

3. Section 28(b) presently reads:

28. In this Part,
(b) "Associations" means the Alberta Hospital Association, the College of Physicians and Surgeons of Alberta or the Canadian Medical Association — Alberta Division, the Alberta Association of Registered Nurses and the Alberta Pharmaceutical Association, or any of them;

4. The new section 30.1 is aimed at clarifying the relationship between hospital boards and hospital medical staff and to more specifically establish medical staff responsibility as a means of minimizing medical staff problems in smaller hospitals.

5. Section 35 deals generally with the confidentiality of records relating to hospital patients. Subsection (3) contains the main prohibition against the release of such records. Subsection (5) allows for the divulging of the information with the consent of the patient or, without his consent in certain cases. The new subsections will allow for release of the records by order of the court where the person or body having the records cannot do so without contravening subsection (3) or refuses to do so even though the release is otherwise allowed under subsection (5). At the court hearing, the onus of showing why the order should not be made is on the respondent to the motion.

- (a) is unable to divulge any diagnoses, record or information relating to a patient by reason of subsection (3), or
- (b) refuses to divulge any diagnoses, record or information relating to a patient pursuant to subsection (5),

the patient or his legal representative may apply to the court for an order directing the person having such diagnoses, records or information to release them or a copy of them to the patient or his legal representative or to such other person named in the order.

(7) An application under subsection (6) shall be made

- (a) on motion in the course of any action or proceedings to which the patient or his legal representative is a party, to a judge of the court in which the action or proceeding is taken, or
- (b) by way of originating notice of motion to the Supreme Court of Alberta or a district court, in any other case.

(8) An application under subsection (6) shall be heard in camera and on the hearing of the motion the onus of showing why the order should not be made for the release of the diagnoses, records or information, or a copy thereof, is on the respondent to the motion.

(9) In subsections (6) and (7), "legal representative" means an executor or administrator of the estate of a deceased patient, the committee of the estate of a patient who is a mentally incompetent person or the guardian of the person or estate of a patient who is a minor.

6. Section 57, clause (e) is amended by striking out the words " , but excluding the cost of land".

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

6. Section 57(e) presently reads:

57. The Lieutenant Governor in Council may make regulations:

- (e) providing for the payment of sums for capital costs to the owners of approved hospitals in the Province including the payment of sums required under approved lease-back arrangements, but excluding the cost of land;

The amendment is intended to facilitate the negotiation of agreements between hospital districts and the owners of non-district hospitals withdrawing from the hospital services field in Alberta and to permit the Commission to assist a municipality in providing service to sites in special circumstances.