

1974 Bill 76

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 76

THE CANCER TREATMENT AND PREVENTION AMENDMENT ACT,
1974

THE MINISTER OF HEALTH AND SOCIAL DEVELOPMENT

First Reading

Second Reading

Third Reading

BILL 76

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THE CANCER TREATMENT AND PREVENTION AMENDMENT ACT, 1974

(Assented to _____, 1974)

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

1. *The Cancer Treatment and Prevention Act is hereby amended.*

2. *The following section is added after section 2:*

3. The Lieutenant Governor in Council may provide financial assistance to promote and encourage programs and measures for the prevention of cancer or for cancer research.

3. *The following section is added after section 12:*

12.1 (1) For the purposes of assessing and improving the standards of care furnished to patients suffering from cancer, compiling statistics with respect to cancer, conducting cancer research, or for any purpose relating to cancer which is considered by the board to be in the public interest, the board may require a duly qualified medical practitioner to furnish it with the following information:

- (a) a report containing the information required by the regulations and the name and address of and a description of the diagnostic and treatment services provided with respect to, any patient of that practitioner who is, was, may be or may have been suffering from cancer;
- (b) subject to the consent of the patient involved or his legal representative, medical and other records, or extracts or copies thereof, in respect of that patient and in the possession of the medical practitioner.

(2) Information obtained by the board pursuant to this section, *The Alberta Health Care Insurance Act* or *The Alberta Hospitals Act* shall be treated as private and confidential information in respect of any individual patient and, except as provided in subsection (5), no person shall

Explanatory Notes

1. This Bill will amend chapter 38 of the Revised Statutes of Alberta 1970.

2. Financial Assistance.

3. Information and confidentiality.

- (a) use that information for any purpose or in any manner, or
 - (b) unless that patient or his legal representative consents, publish, release or disclose that information if the publication, release or disclosure would be detrimental to the personal interests, reputation or privacy of a patient or the patient's attending physician.
- (3) Notwithstanding the consent of the patient or his legal representative pursuant to subsection (2), clause (b), the board shall not publish, release or disclose any information to the patient, his legal representative or the solicitor of either, unless the consent of the physician concerned is first obtained.
- (4) Any person who knowingly publishes, releases, discloses or otherwise uses information obtained by the board pursuant to this section, *The Alberta Health Care Insurance Act* or *The Alberta Hospitals Act* in contravention of subsection (2) or (3) is guilty of an offence and liable on summary conviction to a fine of not more than \$500 and in default of payment to a term of imprisonment not exceeding 30 days.
- (5) Where information is obtained by the board pursuant to this section, *The Alberta Health Care Insurance Act* or *The Alberta Hospitals Act*, the board or an employee of the board authorized by the board to do so, may
- (a) disclose that information to The Alberta Health Care Insurance Commission, The Alberta Hospital Services Commission or the board of an approved hospital under *The Alberta Hospitals Act* if that disclosure is
 - (i) requested in writing by a member or officer of the board of the approved hospital or the Commission concerned, and
 - (ii) necessary and relevant to a matter being dealt with by that board or Commission,or
 - (b) publish that information in statistical form if the individual names of persons are not thereby revealed or made identifiable, or
 - (c) disclose that information to any person to be used by that person in bona fide research or in medical review and where the disclosure is made in such a manner as to ensure confidentiality, or
 - (d) divulge that information when required to do so pursuant to *The Medical Profession Act*.
- (6) In this section "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.

4. The following section is added after section 17:

18. (1) The board may with the approval of the Minister appoint one or more advisory committees as it considers advisable for the administration of this Act.

(2) The members of an advisory committee appointed under this section

- (a) shall be paid fees by the board for their services at the rates prescribed by the by-laws of the board, and
- (b) shall be paid by the board their reasonable travelling and living expenses while absent from their ordinary places of residence and in the course of their duties as members of the committee, in accordance with the by-laws of the board.

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

4. Advisory committees.