

1974 Bill 202

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 202**

**The Community Health and Social Services Centres Act**

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DR. PAPROSKI

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 202*  
*Dr. Paproski*

## **BILL 202**

1974

### **THE COMMUNITY HEALTH AND SOCIAL SERVICES CENTRES ACT**

*(Assented to* \_\_\_\_\_ *, 1974)*

**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) "authorizing Act" means an Act under or pursuant to which a local authority is authorized to provide any services, money, supplies or things in the fields of health and social development and, without limitation, includes the following enactments, namely:
  - (i) *The Health Unit Act*;
  - (ii) *The Homes for the Aged Act*;
  - (iii) *The Alberta Hospitals Act*;
  - (iv) section 20 of *The Improvement Districts Act*;
  - (v) sections 199 to 206 of *The Municipal Government Act*;
  - (vi) *The Nursing Homes Act*;
  - (vii) *The Preventive Social Services Act*;
  - (viii) *The Public Health Act*;
  - (ix) section 147 of *The School Act*;
  - (x) *The Social Development Act*;
  - (xi) section 8, clause 14 of *The Special Areas Act*;
  - (xii) *The Treatment Services Act*;
  - (xiii) *The Venereal Diseases Prevention Act*;
  - (xiv) section 12 of *The Welfare Homes Act*;
  - (xv) *The Nursing Services Act*;
  - (xvi) *The Tuberculosis Act*;
- (b) "Community Health and Social Services Centre Area" or "Area" means the Community Health and Social Services Centre Area established by a Plan;
- (c) "Community Health and Social Services Centre Board" or "Community Board" means a Community Health and Social Services Centre Board incorporated by a Plan;

## Explanatory Notes

### General.

This Bill is part of a broad legislative plan to bring about co-ordinated community health and social services.

It will define broadly Community Health and Social Services Centres with regard to administrative structure, health and social facilities and services, and areas to be served by such centres.

This Bill will make provision for the administrative structure, type of facility and health and social services that may be provided and will authorize the implementation of plans that may be used by the communities to co-ordinate public health and social services.

The purpose and objectives of this Bill are:

1. To elevate total health of individuals and families to optimal level in Alberta.
2. To provide an alternative to institutional care in communities with local autonomy with emphasis on outpatient care or non-institutional care.
3. To promote health rather than sickness by emphasizing total health with special reference to preventive and rehabilitative health and social service in addition to diagnosis, treatment, and teaching of health.
4. To provide through community health and social services programs emphasis on quality of life which is a community concern.
5. To allow the community (consumers) of health and social services to express their needs and set their priorities with guidelines set down by communities and the Department of Health and Social Development.
6. To furnish a key-link mechanism via such centres to provide total health delivery systems.
7. To provide ongoing evaluation of needs (health and social accounting) in order that response can be quicker (with less lag time between need and service).
8. To minimize bureaucracy with regards to health and social services.
9. To help avoid fragmentation and overlapping of health and social services.

- (d) "Community Health and Social Services Centre Plan" or "Plan" means an order of the Lieutenant Governor in Council under section 2, subsection (5);
- (e) "Department" means the Department of Health and Social Development;
- (f) "health and social services" means services, money, supplies or things provided pursuant to an authorizing Act;
- (g) "hospital district" means 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 under *The Alberta Hospitals Act*;
- (h) "local health and social services authority" or "local authority" means
  - (i) the Minister, with reference to health and social services provided under programs administered by the Department, or
  - (ii) a health unit incorporated under *The Health Unit Act*, or
  - (iii) a foundation under *The Homes for the Aged Act*, or
  - (iv) a hospital district, or
  - (v) the owner of a non-district hospital, or
  - (vi) a nursing home district or an auxiliary hospital and nursing home district under *The Nursing Homes Act*, or
  - (vii) a city, town, new town, village, municipal district or county, or
  - (viii) the Minister of Municipal Affairs, in the case of an improvement district or special area, or
  - (ix) a local board of health under *The Public Health Act*, or
  - (x) the board of trustees of a school district or school division;
- (i) "Minister" means the Minister of Health and Social Development;
- (j) "non-district hospital" means a hospital owned by a person other than a hospital district;
- (k) "participating local authority" means a local health and social services authority that is specified in a Plan as a participating local authority.

(2) Where a local health and social services authority is empowered under this Act or a Plan to approve any document, action or proposed action, the approval shall be given by way of

10. To provide optimal health and social services per dollar cost.
11. To encourage a team approach for community health and social services, recognizing voluntary aid and professionals as both important in provision of health and social services.
12. To provide a point of entry and referral for community health and social services.

This Bill will repeal and replace the provisions of The Department of Health and Social Development Act dealing with "composite health and social services plans." The Bill is a substantially different approach from that Act, however, on these counts. Firstly, a community Plan under this Bill must include at least community health services provided by health units and municipally-administered social services, although the Plan may include other services in addition. Secondly, an active or auxiliary hospital or a nursing home cannot be initially included in an initial Community Plan although it may at a later stage be included if the Community Health and Social Services Centre Board consents to its inclusion into the Plan. Thirdly, a privately owned or "non-district" hospital may be included in a Plan where The Department of Health and Social Development Act contemplates only the inclusion of district hospitals.

**1. Definitions and manner of giving approvals.**

- (a) an order, in the case of the Minister of Health and Social Development or the Minister of Municipal Affairs, or
  - (b) a by-law of its council, in the case of a city, town, village, municipal district or county, or
  - (c) a resolution, in any other case,
- and any approval, once given, may not be revoked.

**2.** (1) Subject to subsections (2) to (4), the Minister and other local health and social services authorities may prepare a proposal for a Community Health and Social Services Centre Plan under this section.

(2) A proposal for a Plan under this section may not be prepared unless at least the following are parties to its preparation, namely,

- (a) the Minister,
- (b) any city, town, new town, village, municipal district or county that is wholly or partly included in the proposed Community Health and Social Services Centre Area,
- (c) the Minister of Municipal Affairs, if any improvement district or special area is wholly or partly included in the proposed Area, and
- (d) any health unit that is wholly or partly included in the proposed Area.

(3) Where any local authority, other than one referred to in subsection (2) or (4), is intended to be included as a participating local authority in a proposal for a Plan,

- (a) the Minister shall afford that local authority the opportunity of participating in a preparation of the proposal, and
- (b) that local authority may approve the proposal for the Plan, notwithstanding that its approval is not necessary for the purpose of making an order under subsection (5).

(4) The following kinds of local authorities, namely,

- (a) a hospital district, or
- (b) the owner of a non-district hospital, or
- (c) a nursing home district or an auxiliary hospital and nursing home district under *The Nursing Homes Act*,

shall not participate in the preparation of a proposal under this section and shall not be included as a participating local authority under the proposal for the Plan but may be

**2.** Preparation of proposal and establishment of a Community Health and Social Services Plan.

included as participating local authorities under the Plan subsequent to its effective date in accordance with section 7, subsection (5).

(5) Subject to subsection (6), the Lieutenant Governor in Council may make an order for the establishment of a Community Health and Social Services Centre Plan in accordance with the proposal prepared under subsection (1) and providing for the matters referred to in section 3.

(6) The Lieutenant Governor in Council shall not make an order under subsection (5) unless the participating local authorities referred to in subsection (2) have approved the proposal prepared pursuant to subsection (1).

**3. (1) A Community Health and Social Services Centre Plan shall**

- (a) specify the name of the Plan,
- (b) establish a part of Alberta as a Community Health and Social Services Centre Area and specify the name of the Area,
- (c) subject to subsection (2), incorporate as a body corporate a Community Health and Social Services Centre Board for the Area and specify the name of the Community Board,
- (d) provide for the composition of the Community Board, the manner of electing or appointing its members and its chairman and the terms of office of its members,
- (e) prescribe the rates of the remuneration payable to members of the Community Board and by whom it is payable,
- (f) specify the participating local authorities which shall include those local authorities referred to in section 2, subsection (2),
- (g) specify the effective date of the Plan,
- (h) specify a period of not less than four years, commencing on the effective date of the Plan, as the initial term of the Plan,
- (i) specify the health and social services that are to be provided by the Community Board which shall include at least the following, namely,
  - (i) public health services normally provided by a health unit, and
  - (ii) social services required to be provided by municipalities,



**3. Mandatory provisions to be contained in a Plan.**

- (j) provide for the designation of, or manner of the appointment of the Community Board's auditor, and
  - (k) prescribe the Community Board's fiscal year.
- (2) Where the Area is wholly within one municipality, the Plan may provide that the municipal corporation concerned shall be the Community Board under the Plan and in that case a reference to the Community Board in this Act or the Plan shall be deemed to be a reference to the municipal corporation with respect to that Plan.
- (3) Where the Plan provides for the election of some or all of the members of the Community Board, the Plan may make any of the provisions of *The Municipal Election Act* apply for that purpose or may vary any of the provisions of that Act for the purposes of the election.

**4. (1) A Community Health and Social Services Centre Plan may**

- (a) provide for the circumstances under which the Plan may be amended by the Lieutenant Governor in Council only with the prior approval of
  - (i) the Community Health and Social Services Centre Board, or
  - (ii) all or any specified number or percentage of the participating local authorities, or
  - (iii) the Community Board and all or any specified number or percentage of the participating local authorities;
- (b) specify the powers and duties of the participating local health unit and social services authority or local authorities that are to be exercised and performed by the Community Board in the Area;
- (c) specify any provisions of the authorizing Acts that apply to the Community Health and Social Services Centre Area or to the Community Board, or both;
- (d) specify any provisions of an authorizing Act that do not apply to the Area or the Community Board, or both;
- (e) restrict or qualify the application of any provisions of an authorizing Act to the Area or to the Community Board or both;
- (f) specify the health and social services, in addition to those referred to in section 3, subsection (1), clause (i), that are to be provided by the Community Board, which, without limitation, may include
  - (i) child abuse action programs,
  - (ii) community mental health programs,

4. Additional matters that may be included in a Plan.

- (iii) programs for handicapped persons,
  - (iv) senior citizen programs, and
  - (v) voluntary help programs to provide any health and social services;
- (g) provide for the manner of financing the Plan from sources other than funds appropriated by the Legislature;
  - (h) confer any powers on the Provincial Auditor in relation to the inspection or audit of the books, records and accounts of the Community Board;
  - (i) transfer to the Community Board the property in all or any specified assets of a participating local authority;
  - (j) authorize the transfer, sale, or lease to the Community Board of any land or any equipment, supplies or other personal property owned by a participating local authority;
  - (k) provide for the assumption by the Community Board of all or any specified liabilities, obligations or responsibilities of a participating local authority;
  - (l) provide for the transfer of all or any of the employees of a participating local authority to the employment of the Community Board and any other matters related to the salary rates, conditions of employment and pension plans or arrangements applicable to those employees upon their transfer;
  - (m) prescribe any conditions with respect to any matters enumerated in section 3 or this section;
  - (n) adjust or authorize the adjustment of any grants or other payments by the Government to participating local authorities in respect of health and social services;
  - (o) restrict, qualify or prescribe exceptions to the application of any of the provisions of section 5;
  - (p) confer or impose on the Community Board any powers or duties in relation to the provision of health and social services by it in the Area or any other powers or duties in connection with or incidental to the carrying out of the Plan;
  - (q) confer or impose on a participating local authority any rights or duties in connection with or incidental to the carrying out of the Plan;
  - (r) provide for any other matter necessary for or in connection with or incidental to the Plan.
- (2) Except as otherwise provided in the Plan, the expenses incurred by a Community Health and Social Services Centre Board in the operation of a Plan shall be provided



from funds appropriated by the Legislature for the purposes of this Act and for that purpose, the Provincial Treasurer shall, in consultation with the Minister, pay any moneys so appropriated to the Community Board in instalments or otherwise as he may direct.

**5.** (1) Subject to the Community Health and Social Services Centre Plan and except as otherwise provided in the Plan, upon the effective date of the Plan

- (a) the Community Health and Social Services Centre Board has with respect to the Area the powers, duties, responsibilities, liabilities and obligations of each of the local authorities under their respective authorizing Acts,
- (b) the participating local authorities cease to have, with respect to the Area, the powers, duties, responsibilities, liabilities and obligations of the Community Board referred to in clause (a),
- (c) a reference in a provision of any authorizing Act to a participating local authority shall, with respect to the Area, be read as a reference to the Community Board,
- (d) a reference in an authorizing Act to the territorial limits or corporate area of a participating local authority shall be deemed to be, with respect to the Community Board, a reference to the Community Health and Social Services Centre Area, and
- (e) a reference in any enactment, other than an authorizing Act, to a participating local authority or its territory or corporate area shall, to the extent that it applies to a Community Health and Social Services Centre Area and relates to the provision of health and social services, be deemed to be a reference to the Community Board and the area respectively.

(2) The Plan operates according to its provisions and this Act, notwithstanding the authorizing Acts or any other Acts.

**6.** (1) In addition to the powers conferred on it by section 14 of *The Interpretation Act* and by the Plan, the Community Health and Social Services Centre Board may, subject to the Plan and except as otherwise provided in the Plan,

- (a) make rules respecting the calling of its meetings and the conduct of business thereat, and generally as to the conduct of its business and affairs;

**5. Effect of a Plan.**

**6. Powers of a Community Health and Social Services Centre Board.**

- (b) appoint such employees as it considers necessary and prescribe their duties and their salaries or remuneration and conditions of employment;
- (c) obtain the services of any agents or of any advisers or persons providing technical or professional services of a kind required by the Community Board in connection with its business and affairs;
- (d) purchase, hold, sell or otherwise dispose of any estate or interest in land;
- (e) 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;
- (f) make such banking arrangements as are necessary for the carrying out of its duties and functions;
- (g) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
- (h) subject to the terms of any trust upon which it may be held, invest in such manner as the Community Board considers proper, all moneys that come into the hands of the Community Board and that are not then required to be expended;
- (i) act as trustee of any moneys or property given or bequeathed to the Community Board or a participating local authority for or in connection with the provision of health and social services;
- (j) 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 may give security for the repayment of such moneys;
- (k) enter into any agreement with any other local authority necessary or incidental to the operation of the Plan;
- (l) exercise or perform any power or duty conferred or imposed on it by the Plan.

(2) A Community Board may exercise and perform the powers and duties of a participating local authority in accordance with a Plan notwithstanding that the participating local authority ceases to exist on or after the effective date of the Plan or of an amendment to the Plan pursuant to section 7, as the case may be.

7. (1) Subject to subsections (2) and (3), the Lieutenant Governor in Council may from time to time by order amend a Community Health and Social Services Centre Plan.



**7. Amendments to Plans.**

(2) An order shall not be made under subsection (1) to amend a Plan unless any prior approvals required under the Plan for that amendment and referred to in section 4, subsection (1), clause (a) have been obtained.

(3) A Plan shall not be amended during the initial term of the Plan where the effect of the amendment would be to remove a then existing participating local authority from the operation of the Plan,

(a) unless a vote of the electors in the Community Health and Social Services Centre Area is conducted by the Community Board on the question of whether the amendment should be made or not and the electors vote in favor of the amendment, or

(b) unless an amendment is approved by an unanimous vote of the Community Board.

(4) *The Municipal Election Act* applies with the necessary modifications to a vote conducted by a Community Health and Social Services Centre Board under subsection (3).

(5) The Lieutenant Governor in Council may not amend a Plan to include as a participating local authority

(a) a hospital district, or

(b) the owner of a non-district hospital, or

(c) a nursing home district or an auxiliary hospital and nursing home district under *The Nursing Homes Act*,

unless the amendment is approved by the Minister and the Community Board in addition to any other approvals that may be required pursuant to the Plan.

(6) Nothing in this section shall be construed as precluding the amendment of a Plan during or after its initial term in order to include additional participating local authorities other than those mentioned in subsection (5).

(7) Notwithstanding subsections (1) to (4), the Lieutenant Governor in Council may make an order

(a) establishing a new Community Health and Social Services Centre Plan for the purpose of consolidating an existing Plan and subsequent amendments to it, or

(b) amending a Plan to correct a typographical error or drafting error.

8. (1) Subject to subsections (2) and (3), the Lieutenant Governor in Council may terminate a Community Health and Social Services Centre Plan.

(2) An order shall not be made under this section for the termination of a Plan as of a date during the initial

**8. Termination of a Plan.**

term of the Plan unless the then existing participating local authorities unanimously approve of the termination.

(3) An order shall not be made under this section for the termination of a Plan as of a date subsequent to the initial term of the Plan unless the Community Board conducts a vote of the electors in the Community Health and Social Services Centre Area on the question of whether the Plan should be terminated or not, and the electors vote in favour of terminating the Plan.

(4) *The Municipal Election Act* applies with the necessary modifications to a vote conducted by a Community Board under subsection (3).

(5) Where the Lieutenant Governor in Council makes an order terminating a Plan, the order may provide for

- (a) any matter in connection with the dissolution of the Community Board and the winding up of its affairs,
- (b) the transfer, sale or other disposition of the assets of the Community Board and the assumption of its liabilities and responsibilities,
- (c) the transfer of all or any of the Community Board's employees to any of the participating local authorities,
- (d) any matter pertaining to the pension plan or arrangements for the Community Board's employees, and
- (e) any other matter in connection with or incidental to the termination of the Plan.

**9.** The Lieutenant Governor in Council may make regulations

- (a) prescribing limits, on the basis of population or size, or any combination thereof, of a Community Health and Social Services Centre Area;
- (b) prescribing terms and conditions that shall be contained in any Plan established under this Act;
- (c) respecting any other matter necessary to carry out this Act in accordance with its intent.

**10.** *The Department of Health and Social Development Act* is amended by striking out sections 12 to 17 and the heading preceding them.

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

**9. Regulations.**

**10.** This will amend chapter 25 of the Statutes of Alberta, 1971 to remove the provisions under the heading “Composite Health and Social Services Plans”.