

1978 BILL 41

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 41

THE ALBERTA HOSPITALS AMENDMENT ACT, 1978

THE MINISTER OF HOSPITALS AND MEDICAL CARE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 41

BILL 41

1978

THE ALBERTA HOSPITALS AMENDMENT ACT, 1978

(Assented to , 1978)

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

1 The Alberta Hospitals Act is amended by this Act.

2 Section 2 is amended by renumbering clause (a) as (a.1) and by adding the following before clause (a.1):

(a) "Appeal Board" means the Hospital Privileges Appeal Board established under section 31.1;

3 The following is added after section 31:

31.1(1) There is hereby established the Hospital Privileges Appeal Board consisting of the following members appointed by the Lieutenant Governor in Council, each for a term of not more than 3 years:

(a) two physicians;

(b) one member of The Law Society of Alberta or of the judiciary;

(c) one member of a board of an approved hospital;

(d) one member of the Alberta Association of Registered Nurses;

(e) two other persons.

(2) The Lieutenant Governor in Council shall designate one of the members to be chairman.

Explanatory Notes

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

2 Definition.

3 Appeals to the Hospital Privileges Appeal Board.

(3) The Lieutenant Governor in Council may fill a vacancy in the Appeal Board by appointing a person as a member to fill the unexpired term of office of the former member, but no vacancy on the Appeal Board impairs the right of the remaining members to act until the vacancy is filled.

31.2 The members of the Appeal Board may be paid remuneration for their services and allowances for the expenses necessarily incurred by them in the performance of their duties at rates fixed by the Lieutenant Governor in Council.

31.3(1) The Appeal Board may make rules not inconsistent with this Act governing the hearing of appeals.

(2) A majority of the members then holding office constitutes a quorum at a hearing of the Appeal Board.

(3) In the event of the absence or inability to act of the chairman, the members present at a hearing of the Appeal Board may elect one of the members to be chairman for the purposes of that hearing.

(4) A party to an appeal to the Appeal Board may be represented by counsel at the hearing of the appeal.

31.4 A member of the medical staff of an approved hospital is entitled to apply to the board for re-appointment to the medical staff, and if he makes an application for re-appointment, within the time prescribed by the board, his appointment shall be deemed to continue

(a) until the re-appointment is granted, or

(b) if he is served with notice that the board has refused to grant the re-appointment,

(i) until the time for giving notice of appeal to the Appeal Board has expired without an appeal being made, or

(ii) if an appeal is made to the Appeal Board within the prescribed time, until the decision of the Appeal Board becomes final.

31.5(1) A member or former member of the medical staff of an approved hospital who considers himself aggrieved by a decision of the board of the approved hospital made before or after the coming into force of this section

(a) not to re-appoint him as a member of the medical staff or to re-appoint him with different hospital privileges than those that he had immediately prior to the re-appointment,

(b) terminating or suspending

(i) his appointment as a member of the medical staff, or

(ii) his hospital privileges,

or

(c) varying his hospital privileges,

may appeal the decision by giving written notice of appeal to the Appeal Board within 90 days of receiving notice of the board's decision, or in the case of an appeal from a decision made before the coming into force of this section, within 90 days after the coming into force of this section.

(2) The Appeal Board upon hearing an appeal under this section may, by order, either

(a) confirm the decision of the board,

(b) direct that the former member be re-appointed to the medical staff or that the member's hospital privileges on re-appointment be varied,

(c) direct the reinstatement of

(i) the former member's appointment as a member of the medical staff, or

(ii) the member's hospital privileges,

(d) remove or vary the suspension, or

(e) direct that the member's hospital privileges be varied.

(3) A person whose appeal is heard by the Appeal Board, or the board, may appeal an order of the Appeal Board on a matter of law only by filing an originating notice with the Supreme Court of Alberta within 30 days of being notified in writing of the order, and the Court may make any order that the Appeal Board may make under subsection (2) or may refer the matter back to the Appeal Board with any directions that the Court considers appropriate.

4 *Section 34 is amended by adding the following after subsection (5.2):*

(5.3) Notwithstanding subsection (3) or any other law, an Appeal Board is entitled, for the purposes of an appeal under section 31.5, to inspect and make copies of any diagnosis, record or information relating to a patient and may admit a copy of the diagnosis, record or information in evidence at the appeal, but all proceedings related to the diagnosis, record or information shall be held in camera.

5 *Section 38(1)(h) is repealed.*

6 *Section 57(i) is amended by striking out “Commission” wherever it occurs and substituting “Minister”.*

7 *The Cancer Treatment and Prevention Act is amended by adding the following after section 20:*

21 The provisions of *The Alberta Hospitals Act* respecting appeals to the Hospital Privileges Appeal Board apply in respect of a hospital under this Act, whether or not the hospital is an approved hospital under *The Alberta Hospitals Act*.

8 *The Alberta Health Care Insurance Act is amended in section 25(2) by adding “or” at the end of clause (f) and by adding the following after clause (f):*

(g) to the Hospital Privileges Appeal Board established under *The Alberta Hospitals Act* for the purposes of an appeal to that Board.

9 *The Provincial General Hospitals Act is amended by adding the following after section 19:*

20 The provisions of *The Alberta Hospitals Act* respecting appeals to the Hospital Privileges Appeal Board apply in respect of a hospital under this Act, whether or not the hospital is an approved hospital under *The Alberta Hospitals Act*.

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

4 Confidentiality of diagnoses, records or information relating to patients.

5 Section 38(1) presently reads, in part:

38.(1) The Lieutenant Governor in Council may make regulations:

(h) prescribing mediation procedures for use of members of the medical staff who have had their medical staff privileges altered, amended, suspended or revoked;

6 Corrects incorrect references.

7 Consequential. Amends chapter 38 of the Revised Statutes of Alberta 1970.

8 Consequential. Amends chapter 166 of the Revised Statutes of Alberta 1970 to allow the Appeal Board access to information obtained under that Act.

9 Consequential. Amends chapter 286 of the Revised Statutes of Alberta 1970.