

1978 BILL 257

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 257

THE SPECIAL MEDICAL SERVICES ACT

MR. CLARK

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 257
Mr. Clark

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THE SPECIAL MEDICAL SERVICES ACT

(Assented to _____, 1978)

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

1. (a) "Fund" means the Independent Living Fund established by section 2;
- (b) "Minister" means the Minister of Hospitals and Medical Care;
- (c) "rehabilitation service" means
 - (i) a prosthetic device;
 - (ii) the modification of the structure or facilities of a dwelling for the purpose of enabling or facilitating a person with a physical handicap or medical condition to live there with increased independence;
 - (iii) an appliance, vehicle or device which has as its purpose the training or enabling of a person with a physical or mental handicap or medical condition to live without or with less dependence on hospital, institutional or home care;
 - (iv) training or rehabilitation to the use of any thing mentioned in subclause (i), (ii), or (iii);
 - (v) training of an individual to enable him to assist or train a person with a physical or mental handicap or medical condition to live without or with less dependence on hospital, institutional or home care; or
 - (vi) the reasonable living and travelling expenses of the person or individual incurred during and for the purpose of receiving or being counselled, trained or rehabilitated as to the use of a special service or rehabilitation service mentioned in subclauses (i) to (v);that is not a basic health service within the meaning of *The Alberta Health Care Insurance Act*;
- (d) "special service" means
 - (i) any service, drug, equipment or treatment recommended by a physician appointed by a person and

Explanatory Notes

1. Definitions.

by a physician appointed by the Minister, for the treatment of that person for

- (A) chronic renal disease;
- (B) cystic fibrosis;
- (C) ostomy;
- (D) congenital limb deformity; or
- (E) any other physical or mental disease or condition that is designated for the purpose of this clause by the regulations; or

(ii) any other service, drug, equipment or treatment designated as a special service by the regulations; that is not a basic health service within the meaning of *The Alberta Health Care Insurance Act*.

2. There is hereby established a fund to be known as the Independent Living Fund into which the Provincial Treasurer may from time to time pay such money as the Legislature may appropriate to the purpose of this Act.

3. (1) Every person who, in the opinion of a physician appointed by him and a physician appointed by the Minister, needs a special service or a rehabilitation service may apply to the Minister and the Minister may make available to that person

- (a) the special service, or
- (b) the rehabilitation service, or
- (c) where the service is not available in the Province, a grant or loan to enable the person to obtain the service elsewhere,

whichever is more appropriate in the opinion of the Minister, and where, in the opinion of the Minister the cost of the service, grant or loan will be less than the provision of hospital, institutional or home care or the provision of the service, grant or loan will be more beneficial to the person than the hospital, institutional or home care it will replace.

(2) The cost of any service, grant or loan provided pursuant to subsection (1) shall be paid out of the Fund.

4. (1) There is hereby established the Independent Living Fund Appeal Board consisting of a chairman and 2 members to be appointed by the Minister and 6 members to be appointed by the Minister on the recommendation of the Alberta Medical Association.

(2) Where

- (a) the 2 physicians mentioned in subsection 3(1) disagree to a material extent as to whether a person needs a special service or a rehabilitative service or as to what service the person needs or,

2. Independent Living Fund established.

3. Services made available or grant or loan in lieu.

4. Appeal Board.

- (b) after the recommendation of 2 physicians pursuant to subsection 3(1) that a person needs a special service or a rehabilitation service, the Minister refuses or fails to provide the service or a grant or loan for it within 30 days of the recommendation,

the person may appeal to the Board by registered mail and the Board shall, within 30 days of receipt of the appeal hold a hearing and hear representations by or on behalf of the person, the physicians and the Minister and may confirm, reverse or vary the decision of the Minister or may confirm the recommendation of one of the 2 physicians or substitute a different recommendation as the case may be.

- (3) The Board shall render its decision on the appeal within 30 days of the hearing.

5. The Minister may establish facilities and services, enter into contracts, and employ persons under *The Public Service Act* to provide and maintain special services and rehabilitation services and carry out the purposes of this Act, providing that money has been appropriated to the Fund for that purpose by the Legislature.

6. The Lieutenant Governor in Council may make regulations

- (a) prescribing any device, modification, appliance, vehicle, training, rehabilitation or expense to be a rehabilitation service within the meaning of section 1(c);
- (b) prescribing any service, equipment or treatment to be a special service within the meaning of section 1(d);
- (c) establishing what physical or mental handicaps or medical conditions may entitle a person to benefits hereunder;
- (d) prescribing forms and procedures for the purposes of this Act;
- (e) prescribing the terms and conditions consistent with the purposes of this Act, on which persons are provided with special services or rehabilitation services.

7. This Act comes into force on a date to be fixed by Proclamation.

5. Facilities, services and contracts.

6. Regulations.