

1979 BILL 45

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 45

THE MENTAL HEALTH AMENDMENT ACT, 1979

THE MINISTER OF SOCIAL SERVICES
AND COMMUNITY HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 45

BILL 45

1979

THE MENTAL HEALTH AMENDMENT ACT, 1979

(Assented to , 1979)

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

1 The Mental Health Act, 1972 is amended by this Act.

2 Section 21(2)(b) is amended by striking out “, physician or therapist” and substituting “or physician”.

3 Section 26(2) is amended

(a) in clause (a) by striking out “therapists or”, and

(b) in clause (b) by striking out “or therapist”.

4 Section 27(a) and (c) is amended by striking out “therapist or”.

Explanatory Notes

1 This Bill will amend chapter 118 of the Statutes of Alberta, 1972.

2 Section 21(2) presently reads in part:

(2) No person who is

(b) a psychiatrist, physician or therapist who is treating or who has treated a person applying to a review panel, or

3 Section 26(2) presently reads:

(2) Where a person is conveyed to a facility pursuant to a conveyance and examination certificate, the conveyance and examination certificate is sufficient authority

(a) for one or more therapists or physicians who are members of the staff of the facility to observe and examine the person named therein, and

(b) to provide such treatment as in the opinion of the physician or therapist may be essential for the well-being of the person named therein, and

(c) to care for, detain and control the person named therein,

for a period of 24 hours from the time that person arrives at the facility.

4 Section 27 presently reads in part:

27 A conveyance and examination certificate shall show

(a) the name of the therapist or physician issuing it,

(c) the facts upon which the therapist or physician formed his opinion that the person

5 *Section 50.1 is amended*

(a) *in subsection (4) by striking out “or therapist”,*

(b) *in subsection (6) by striking out “, a physician or a therapist” and substituting “or a physician”,*

(c) *in subsection (6) by adding the following after clause (a):*

(a.1) with the written consent of the person to whom the diagnosis, record or information relates, to any person, if in the opinion of the person making the disclosure it is in the best interests of the person to whom the diagnosis, record or information relates to disclose that information, or

(d) *in subsection (6) by adding the following after clause (b):*

(b.1) to the Public Guardian, as defined in *The Dependent Adults Act*, if the diagnosis, record or information is, in the opinion of the person making the disclosure, relevant to the making of a guardianship order or a trusteeship order under *The Dependent Adults Act* in respect of the person to whom the diagnosis, record or information relates, or

6 *The following provisions are repealed:*

section 1(o) and (s);
sections 6 to 17;
section 29(1)(a) and (2);
section 31(1)(a);
section 32(1).

7 *In the following provisions, “a therapist or” is struck out:*

section 19(2)(b);
section 25;
section 45(1).

(i) was suffering from mental disorder, and

(ii) was in a condition presenting a danger to himself or others,

distinguishing the facts observed by him from the facts communicated to him by others, and

5 Section 50.1 presently reads in part:

(4) Information obtained from records maintained in a diagnostic and treatment centre or from persons having access thereto shall be treated as private and confidential information in respect of the person receiving diagnostic and treatment services in the centre and shall be used solely for the purposes described in subsection (3), and such information shall not be published, released or disclosed in any manner that would be detrimental to the personal interest, reputation or privacy of that person or that person's attending physician or therapist.

(6) Notwithstanding subsection (4) or any other law, the Minister, a person authorized by the Minister, a physician or a therapist may disclose any diagnosis, record or information relating to a person receiving diagnostic and treatment services in a centre

(a) to the person to whom the diagnosis, record or information relates or his legal representative, or

6 Repeals provisions establishing and governing the Therapists Registration Board and repeals provisions permitting therapists to perform certain functions.

7 Removes references to “therapist”.

8(1) The Dependent Adults Act is amended by this section.

(2) Section 1(p) is repealed.

(3) In the following provisions, “, psychologist or therapist” is struck out wherever it occurs and “or psychologist” is substituted:

section 2(2);

section 21(2).

(4) Section 50 is amended

(a) in subsection (1) by striking out “or” at the end of clause (a) and by repealing clause (b),

(b) in subsection (2) by striking out “or” at the end of clause (a)(i) and by repealing clause (a)(ii), and

(c) in subsection (2)(c) by striking out “the therapist, where appropriate and”.

(5) Section 54 is amended

(a) in subsection (1) by striking out “or” at the end of clause (a) and by repealing clause (b),

(b) in subsection (2) by striking out “or” at the end of clause (a)(i) and by repealing clause (a)(ii), and

(c) in subsection (2)(c) by striking out “the therapist, where appropriate and”.

(6) Section 59(2)(a) is amended by striking out “or one physician and one therapist”.

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

8 Amends The Dependent Adults Act by repealing provisions permitting therapists to perform certain functions and removes all references to “therapist”.