

1980 BILL 27

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

THE SOCIAL CARE FACILITIES REVIEW COMMITTEE ACT

MR. GOGO

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE SOCIAL CARE FACILITIES REVIEW COMMITTEE ACT

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THE SOCIAL CARE FACILITIES REVIEW COMMITTEE ACT

(Assented to , 1980)

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

1 In this Act,

(a) “Committee” means the Social Care Facilities Review Committee and includes a sub-committee established under section 3;

(b) “facility” means a place that is operated by or receives its current operating funds or part of them directly or indirectly from the Government of Alberta and that is

(i) a place of care for persons who are aged or infirm or who require special care,

(ii) an institution or shelter as defined in Part 2 of *The Child Welfare Act*, or

(iii) a hostel or other establishment operated to provide accommodation and maintenance for not less than 4 unemployed or indigent persons,

other than one that is defined as a hospital under *The Alberta Health Facilities Review Committee Act* or a correctional institution under *The Corrections Act, 1976*;

(c) “Minister” means the Minister of Social Services and Community Health.

2(1) There is hereby established a committee called the “Social Care Facilities Review Committee” consisting of not more than 12 members appointed by the Lieutenant Governor in Council.

(2) The members of the Committee appointed under subsection (1) may include members of the Legislative Assembly who are not members of the Executive Council.

Explanatory Notes

1 Definitions.

2 Social Care Facilities Review Committee.

(3) An order under subsection (1) appointing a member of the Committee may provide for his term of office but in the absence of that provision, the term of office of a member is one year from the effective date of his appointment and thereafter until his successor is appointed.

(4) The Lieutenant Governor in Council shall designate one of the members of the Committee as chairman and another as a vice-chairman and, unless the order otherwise provides, the term of office of a chairman or vice-chairman so designated shall be one year from the effective date of the designation and until their respective successors are thereafter designated.

(5) The vice-chairman shall be the acting chairman of the Committee in the event of the absence or inability to act of the chairman or a vacancy in the office of chairman.

3(1) The Committee may,

(a) establish one or more sub-committees to perform those duties and functions and exercise those powers of the Committee as prescribed by the Committee, and

(b) appoint as members of a sub-committee not less than 3 members of the Committee.

(2) When a sub-committee is established, the Committee shall designate a member of a sub-committee to preside over the sub-committee.

(3) A member of the Committee may be appointed to more than one sub-committee.

(4) A majority of the members appointed to a sub-committee constitute a quorum of the sub-committee.

(5) A decision or other action made or taken by a sub-committee at which its quorum is present is the decision or action of the Committee and binds all members of the Committee.

(6) Two or more sub-committees may act simultaneously.

(7) If a sub-committee is performing a duty or function or exercising its powers and one or more members of the sub-committee is absent during a portion of the time that the sub-committee is performing a duty or function or exercising a power, the remaining members of the sub-committee that are present may, if they constitute a quorum of the sub-committee, perform the duty or function and exercise the power of the sub-committee.

(8) Notwithstanding that a sub-committee is established under this section, the Committee may also perform any duty or

3 Sub-committees.

function or exercise any power that it prescribed the sub-committee to perform or exercise.

4 The Lieutenant Governor in Council

(a) may prescribe the rates of remuneration payable to members of the Committee other than those who are employees of the Government or members or employees of an agency of the Government, and

(b) may authorize the payment of travelling and living expenses for members of the Committee while outside their normal place of residence in the course of performing their duties.

5(1) The Minister may appoint an employee of the Government under his administration as the Executive Director of the Committee who shall under the direction of the chairman of the Committee assist the Committee in carrying out its duties and functions and exercising its powers.

(2) The Minister shall provide to the Committee the services of employees of the Government under his administration and supplies for the purpose of carrying out secretarial, clerical and related work that the Committee may reasonably require to enable it to carry out its duties and functions and exercise its powers.

6 The Committee may, with the approval of the Lieutenant Governor in Council, make rules governing the calling of its meetings, the quorum required at its meetings, the procedures at its meetings and any other matter relating to the conduct of its business and affairs.

7(1) The Committee shall from time to time visit all facilities for the purpose of reviewing and inspecting them and the manner in which they are operated.

(2) The Minister may from time to time request the Committee to conduct a visit to a facility for the purposes of reporting to the Minister on any matter that the Minister may specify in his request.

8 If a complaint is made to the Committee by or on behalf of a person in a facility, the Committee shall investigate the care and treatment and the standards of accommodation received by that person or any other person in the facility.

4 Remuneration and expenses.

5 Staff.

6 Meetings of the Committee.

7 Visits to facilities.

8 Investigation of complaints.

9 For the purpose of carrying out a visit or an investigation under this Act the Committee may enter a facility at any reasonable hour.

10(1) The Committee, with respect to a visit or an investigation under this Act, is entitled to access to the records of the facility for the purpose of inspecting them, making copies of them or taking extracts from them.

(2) Subsection (1) does not apply to

(a) the financial records of the facility that relate to the operation of the facility, or

(b) the medical or clinical records of a person unless that person or his guardian gives his consent to those records being inspected.

11 Nothing in this Act shall be construed as empowering the Committee or other person acting under this Act to inquire into the financial affairs of the facility that relate to the operation of the facility.

12(1) The Committee may authorize

(a) a member of the Committee to carry out a visit or investigation on behalf of the Committee, or

(b) subject to the approval of the Minister, an employee of the Government under the Minister's administration to carry out a specific inquiry on behalf of the Committee in respect of a visit or investigation.

(2) When a member of the Committee or other person has carried out a visit, investigation or specific inquiry on behalf of the Committee, that member or person shall report his findings to the Committee.

13(1) The Committee may designate

(a) a member of the Committee, or

(b) with the approval of the Minister, an employee of the Government who is under the administration of the Minister,

as a complaint officer.

(2) The complaint officer shall on behalf of the Committee

9 Right of entry.

10 Inspection of facility records.

11 Financial affairs of a facility.

12 Functions carried out on behalf of the Committee.

13 Complaint officer.

- (a) make preliminary inquiries, or
- (b) if directed to do so by the chairman of the Committee, make investigations

into complaints received under section 8 and report the results of the inquiry or investigation to the Committee.

(3) Members of the Committee at the request of the chairman of the Committee may assist the complaint officer in the carrying out of his duties.

14 A member of the Committee or an employee of the Government carrying out a visit, investigation or other matter on behalf of the Committee has the same powers that the Committee would have if it were carrying out the visit, investigation or other matter.

15(1) If the Committee, a member of the Committee or an employee of the Government acting on behalf of the Committee is refused entry to a facility for the purposes of conducting a visit or an investigation, the chairman of the Committee or a person designated by him may apply to the Court of Queen's Bench by originating notice for an order permitting the Committee, member or employee to

- (a) enter the facility at any reasonable hour and conduct the visit or investigation, and
- (b) require the production of any records of the facility, other than those referred to in section 10(2).

(2) An application under subsection (1) may be made ex parte, if the Court considers it proper to do so in the circumstances.

16(1) As soon as possible after the end of each year, the Committee shall prepare and submit to the Minister a report summarizing its activities in that year.

(2) On receiving a report under subsection (1), the Minister shall lay a copy of the report before the Legislative Assembly if it is then in session, and if not, within 15 days after the commencement of the next ensuing session.

17 This Act binds the Crown.

18 *The Alberta Health Facilities Review Committee Act is amended by repealing section 1(c)(ii) and (iii) and substituting the following:*

14 Powers of persons acting on behalf of the Committee.

15 Order of the Court.

16 Annual report.

17 Act binds the Crown.

18 Consequential amendment to chapter 49 of the Statutes of Alberta, 1972.

(iii) any other hospital, institution or other facility for the treatment and care of persons that is owned and operated by the Government of Alberta, except those operated under the administration of the Minister of Social Services and Community Health or those that receive their current operating funds or part of them from a supply vote that is under the administration of a member of the Executive Council other than the Minister of Hospitals and Medical Care, or

19 This Act comes into force on a date or dates to be fixed by Proclamation.