

1980 BILL 28

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 28

**THE ALBERTA HEALTH FACILITIES REVIEW COMMITTEE
AMENDMENT ACT, 1980**

MRS. CHICHAK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 28
Mrs. Chichak

BILL 28

1980

THE ALBERTA HEALTH FACILITIES REVIEW COMMITTEE AMENDMENT ACT, 1980

(Assented to , 1980)

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

*1 The Alberta Health Facilities Review Committee Act is amended
by this Act.*

*2 Section 1(b) is amended by adding “and includes a sub-
committee established under section 2.1” after “Review
Committee”.*

3 The following is added after section 2:

2.1(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.

Explanatory Notes

1 This Bill will amend chapter 49 of the Statutes of Alberta, 1972.

2 Section 1(b) presently reads:

1 In this Act

(b) "Committee" means the Alberta Health Facilities Review Committee;

3 Sub-committees.

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

4 Section 4 is repealed and the following is substituted:

4(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.

5 Sections 6 and 7 are repealed and the following is substituted:

6(1) The Committee shall from time to time visit all hospitals 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 hospital for the purposes of reporting to the Minister on any matter that the Minister may specify in his request.

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

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

4 Section 4 presently reads:

4 The Minister shall provide to the Committee the services of employees and supplies, for the purpose of carrying out secretarial, clerical and related work that the Committee may reasonably require to enable it to perform its functions under this Act.

5 Sections 6 and 7 presently read:

6(1) The Committee shall from time to time visit all hospitals for the purpose of reviewing and inspecting them and the manner in which they are operated.

(2) Without restricting the generality of subsection (1), the Committee may in the course of visiting a hospital inquire into

(a) the care, treatment, rehabilitation and general attitudes of patients in the hospital,

(b) general attitudes of the hospital's employees, and

(c) the planning and general programs, and the co-ordination of planning and programs, for the care, treatment and rehabilitation of patients and the prevention of disease.

(2.1) Without restricting the generality of subsection (1), the Committee may, upon receipt of a complaint made by or on behalf of a patient in a contract nursing home as defined in The Nursing Homes Act, investigate the operation of the contract nursing home or the care and treatment received by that patient or any other patient in the contract nursing home.

7(1) The Committee, with respect to a visit or an investigation under this Act, is entitled to access to the records of the hospital 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 hospital that relate to the operation of the hospital, or

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

7.1 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 hospital that relate to the operation of the hospital.

7.2(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.

7.3(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

(a) make preliminary inquiries, or

(b) if directed to do so by the chairman of the Committee, make investigations

into complaints received under section 6.1 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.

7.4 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.

7.5(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 hospital 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 hospital at any reasonable hour and conduct the visit or investigation, and

(b) require the production of any records of the hospital, other than those referred to in section 7(2).

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

6 The following is added after section 8:

8.1 This Act binds the Crown.

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

(3) If authorized to do so by a resolution of the Committee, one or more members of the Committee may visit a hospital or make an investigation in respect of a contract nursing home and where a visit or investigation is made by that member or those members

(a) the visit or investigation shall, for the purposes of this Act, be treated as being a visit or investigation by the whole Committee, and

(b) the member or members conducting the visit or investigation have the same powers as the Committee itself.

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

(5) The Committee may, subject to the approval of the Minister, authorize an employee of the Government to carry out any specific inquiry on the Committee's behalf and to report to the Committee thereon, and for that purpose the employee has the same powers as the Committee itself under section 7.

(6) Nothing in this section shall be construed as empowering the Committee or any other person to inquire into the financial affairs of a hospital.

7(1) For the purposes of carrying out its duties under section 6, the Committee is entitled to access to the records of the hospital for the purpose of inspecting them, making copies of them or taking extracts from them.

(2) Subsection (1) does not apply to

(a) financial records of the hospital, or

(b) records relating to diagnoses, treatment or care provided in respect of an individual patient.

6 Act binds the Crown.