

1980 BILL 94

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 94

**THE ALBERTA HEALTH CARE INSURANCE
AMENDMENT ACT, 1980**

THE MINISTER OF HOSPITALS AND
MEDICAL CARE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 94

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1980

THE ALBERTA HEALTH CARE INSURANCE 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 Care Insurance Act is amended by this Act.

*2 Section 2(a) is amended by striking out “and” at the end of
subclause (v) and adding “and” at the end of subclause (vi) and by
adding the following after subclause (vi):*

*(vii) services classified as basic health services by the regula-
tions;*

3 Section 21(1) is amended by repealing clause (d).

4 Section 22 is amended by adding the following after clause (a):

Explanatory Notes

1 This Bill will amend chapter 166 of the Revised Statutes of Alberta 1970.

2 Section 2 presently reads in part:

2 In this Act,

(a) "basic health services" means

(i) insured services,

(ii) those services that are provided by a dental surgeon in the field of oral surgery and are specified in the regulations but are not within the definition of insured services,

(iii) optometric services,

(iv) chiropractic services,

(v) services and appliances provided by a podiatrist, and

(vi) services provided by an osteopath;

3 Section 21(1) presently reads in part:

21(1) The Lieutenant Governor in Council may make regulations

(d) governing the manner in which benefits are to be paid, the conditions of payment and the information required to be submitted in connection with claims for benefits;

4 Section 22 presently reads:

(a.1) governing the manner in which benefits are to be paid, the conditions of payment and the information required to be submitted in connection with claims for benefits;

5 *The following is added after section 22.2:*

22.3(1) For the purposes of this section and section 22.4,

(a) “assessment” means the assessment of a physician’s bill, account or claim under this section;

(b) “committee” means a committee appointed by the College under *The Medical Profession Act, 1975* for the purpose of carrying out assessments.

(2) Notwithstanding any agreement between a physician and a resident or registrant, a resident or registrant who receives a bill, account or claim for goods or services provided by a physician, or the Minister or the College may have the bill, account or claim assessed by a committee.

(3) If a person has been served in accordance with the regulations and fails to attend an assessment, the committee may proceed with the assessment in his absence.

(4) Any person who in the opinion of the committee is required shall submit to examination by the committee in respect of the bill, account or claim being assessed, and shall produce any book, record or document within his possession or control that may be requested by the committee.

(5) A person who gives evidence related to the bill, account or claim being assessed shall, if the committee thinks fit, be examined on oath or affirmation and for the purposes of an assessment any member of the committee is conferred with the power of a commissioner for oaths under *The Commissioners for Oaths Act*.

(6) The committee may refuse to allow a bill, account or claim or part of a bill, account or claim that in its opinion is excessive having regard to the circumstances of the matter.

(7) The costs of the assessment and determination under subsection (6) are in the discretion of the committee, and it may direct to and by whom and in what manner the costs or any part of them shall be paid.

(8) The costs of the assessment and determination under sub-

22 *The Minister may make regulations*

(a) prescribing the rates of benefits in respect of basic health services or extended health services;

(b) specifying, within the classes prescribed by the Lieutenant Governor in Council, the goods and services that are basic health services or extended health services for the purpose of the Plan.

5 Assessment procedure for physicians' bills, accounts or claims.

section (6) made by the committee is final and binding and shall not be questioned or reviewed by any court.

(9) A physician served in accordance with the regulations who

- (a) fails to attend an assessment,
- (b) fails to produce a book, record or document requested by the committee, or
- (c) refuses to be sworn or affirmed or to answer a question

is liable to attachment on application to a judge of the Court of Queen's Bench.

22.4 The Lieutenant Governor in Council may make regulations

- (a) respecting the procedure for carrying out an assessment;
- (b) respecting service of documents;
- (c) respecting attendance at an assessment;
- (d) respecting composition of the committee;
- (e) governing payment of remuneration and expenses to committee members.

6 Section 24(1)(b) is amended by adding "subject to sections 22.3 and 22.4," before "interferes".

7 Section 25 is amended by adding the following after subsection (2):

(2.1) The Minister or a person employed in the administration of this Act and authorized by the Minister may disclose or communicate information pertaining to the date on which health services were provided, a description of those services, any diagnosis given by a person who provided the services, the name and address of the person who provided the services, the benefits paid for those services and the person to whom they were paid,

6 Section 24(1) presently reads in part:

24(1) Nothing in this Act or the regulations

(b) interferes with the right of any practitioner to make an agreement or arrangement with any person to collect from that person an amount in addition to the benefits payable by the Minister with respect to goods or services provided by the practitioner, if the agreement or arrangement is made before the goods or services are provided, or

7 Release of information authorization.

the name and address of the person to whom the services were provided and any other information pertaining to the nature of the health services provided, to a committee as defined in section 22.3, if a member of the committee makes a written request for it stating that the information is required for the purposes of an assessment under section 22.3.

8 *Section 39(c) is amended by adding “and expenses” after “remuneration”.*

9 *The Medical Profession Act, 1975 is amended in section 13 by renumbering it as section 13(1) and by adding the following after subsection (1):*

(2) The Council may appoint annually a committee in accordance with the regulations under *The Alberta Health Care Insurance Act* to assist it in carrying out its duties under sections 22.3 and 22.4 of that Act.

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

8 Section 39 presently reads in part:

39 The Lieutenant Governor in Council may make regulations

(c) prescribing the remuneration to be paid to committees appointed under clause (b);

9 Section 13 of The Medical Profession Act, 1975 presently reads:

13 The Council may appoint annually such committees from among members of the council or the College as the council considers necessary to assist it in carrying out its duties under this Act.