

1983 BILL 38

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 38

HEALTH CARE STATUTES AMENDMENT ACT, 1983

THE MINISTER OF HOSPITALS AND MEDICAL CARE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 38

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HEALTH CARE STATUTES AMENDMENT ACT, 1983

(Assented to _____, 1983)

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

Alberta Health Care Insurance Act

1(1) The Alberta Health Care Insurance Act is amended by this section.

(2) Section 1 is amended

(a) in clause (l) by striking out "28" and substituting "31";

(b) in clause (n) by adding "Workers' Compensation Act or" before "any law";

(3) The following is added after section 4:

4.1 If a registrant is in default of paying his premiums under the *Health Insurance Premiums Act*, the Minister shall withhold the payment of benefits to or on behalf of the registrant in respect of health services for the registrant and his dependants.

(4) Section 5(2) is repealed.

(5) Section 6 is amended by adding the following after clause (e):

(e.1) determining when, for the purposes of this Act, a registrant is in default of paying his premiums under the *Health Insurance Premiums Act*;

Explanatory Notes

Alberta Health Care Insurance Act

1(1) This section will amend chapter A-24 of the Revised Statutes of Alberta 1980.

(2) Section 1 presently reads in part:

(l) *“Fund” means the Health Care Insurance Fund established under section 28;*

(n) *“insured services” means*

(i) all services provided by physicians that are medically required,

(ii) those services that are provided by a dental surgeon in the field of oral surgery and are specified in the regulations and that are also deemed to be services provided by a physician that are medically required under subsection 4(3) of the federal Act, and

(iii) any other services that are declared to be insured services pursuant to section 2,

but does not include any services that a person is eligible for and entitled to under any Act of the Parliament of Canada or under the any law of any jurisdiction outside Alberta relating to workers’ compensation;

(3) Withholding of benefits.

(4) Corrects error in Revised Statutes of Alberta 1980.

(5) The Lieutenant Governor in Council may make regulations.

(6) *Section 13 is amended*

(a) *by adding the following after subsection (3):*

(3.1) Notwithstanding subsection (3), the Minister or a person employed in the administration of this Act who is authorized by the Minister may disclose to the Director of Medical Services for the Workers' Compensation Board or the Director of Medical Services appointed under the *Occupational Health and Safety Act* any diagnosis given by a person who has provided health services to another person if

(a) the Director makes a written request for the diagnosis, and

(b) the health services provided relate to or likely relate to the occupation or former occupation of the person for whom the health services were provided or to a disease that is related to his occupation or former occupation.

(b) *by repealing subsection (4)(e) and substituting the following:*

(e) to the registrant or his dependant who received the services or to any other person with the written consent of the registrant or dependant who received the services, or

(e.1) to the solicitor, personal representative, guardian or other legal representative of the registrant or dependant referred to in clause (e), or to the committee or guardian of his estate,

(7) *Section 21 is amended by adding the following after clause (e):*

(e.1) permitting the spouse and any dependant of a registrant, when the registrant is in default of paying premiums under the *Health Insurance Premiums Act*, to register with the Minister;

(e.2) governing the terms subject to which a registration referred to in clause (e.1) is permitted;

(8) *Section 25(8)(b) is repealed and the following is substituted:*

(b) the spouse is liable for payment of the premiums under the *Health Insurance Premiums Act* in respect of herself and her dependants during the period that the election is in effect.

(9) *Section 30 is amended by adding the following after clause (e):*

(e.1) respecting and authorizing the types of recoverable payments that may be made out of the Fund;

(6) Disclosure of diagnosis. Section 13(4)(e) presently reads:

(4) The Minister or a person employed in the administration of this Act authorized by the Minister may furnish information pertaining to the date on which health services were provided and a description of those services, the name and address of the person who provided the services, the registration number of the person who received the services, the benefits paid for those services and the person to whom they were paid, but the information may be furnished only

(e) to the registrant or his dependant who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that registrant or dependant,

(7) The Lieutenant Governor in Council may make regulations.

(8) Section 25(8) presently reads:

(8) If a spouse files an election under subsection (7)(a),

(a) the declaration does not extend to or apply to the spouse and dependants of the registrant during the period that the election is in effect, and

(b) the registrant is liable for the payment of premiums under the Health Insurance Premiums Act in respect of the spouse and dependants during the period that the election is in effect.

(9) The Lieutenant Governor in Council may make regulations.

(10) *The following is added after section 30:*

30.1 A regulation made under section 30(e.1) may be effective as of any date not earlier than November 1, 1981 and may validate recoverable payments referred to in the regulation that were made out of the Fund since that effective date.

(11) *Section 31 is amended*

(a) *in subsection (3) by adding the following after clause (b):*

(c) all money recovered in respect of recoverable payments made out of the Fund pursuant to regulations under section 30(e.1);

(d) reimbursements made by the Workers' Compensation Board pursuant to section 82.1(3) of the *Workers' Compensation Act*.

(b) *in subsection (4) by adding the following after clause (c):*

(d) recoverable payments pursuant to regulations under section 30(e.1);

(e) payments required to be made by the Minister pursuant to an arrangement made pursuant to section 82.1 of the *Workers' Compensation Act*.

Hospitals Act

2(1) *The Hospitals Act is amended by this section.*

(2) *Section 2(2)(g) is amended by striking out "ratepayers as":*

(3) *Section 55 is amended*

(a) *in subsection (1)(b) by striking out "law of any jurisdiction outside of Alberta relating to workers' compensation" and substituting "workers' compensation statute of any province";*

(b) *in subsections (2)(a) and (b) and (3) by striking out "Part 3" and substituting "Part 2".*

(4) *Section 58(8) is repealed.*

(10) Retroactive regulation.

(11) Section 31 presently reads in part:

(3) *The following shall be paid into the Fund:*

(a) *all money received from the Government of Canada under the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977 (Canada) as contributions to Alberta with respect to the medical care program under the federal Act;*

(b) *all money received as premiums pursuant to the Health Insurance Premiums Act.*

(4) *The following may be paid out of the Fund:*

(a) *benefits;*

(b) *payments by the Minister to the Alberta Hospital Association pursuant to the Blue Cross agreement;*

(c) *the costs of insured services (as defined in Part 3 of the Hospitals Act) provided by a hospital outside Alberta.*

Hospitals Act

2(1) This section will amend chapter H-11 of the Revised Statutes of Alberta 1980.

(2) Section 2(2)(g) presently reads:

(2) *The Minister, after consultation with any bodies or persons he considers competent to advise him, may by order establish any area referred to in subsection (1) as a hospital district and the order shall set out all pertinent particulars, including:*

(g) *the appointment or election of ratepayers as ward representatives.*

(3) Section 55(1)(b) presently reads:

55(1) *Subject to the following exclusions, a resident of Alberta is entitled to receive insured services under this Part except when, in respect of those services,*

(b) *he is entitled to receive hospital services pursuant to any law of any jurisdiction outside of Alberta relating to workers' compensation,*

(4) Section 58(8) presently reads:

(8) *This section is subject to sections 16, 17 and 18 of the Workers' Compensation Act.*

Workers' Compensation Act

3(1) The Workers' Compensation Act is amended by this section.

(2) Section 27 is amended

(a) in subsection (1)(b) by striking out "that is not covered by the Alberta Health Care Insurance Act";

(b) in subsection (3) by adding "or (2)" after "subsection (1)".

(3) Section 33(1) and (3) are amended by striking out "to the extent that they are not paid for under the Alberta Health Care Insurance Act".

Workers' Compensation Act

3(1) This section will amend chapter W-16 of the Statutes of Alberta, 1981.

(2) Section 27 presently reads:

27(1) If a worker

(a) suffers personal injury by an accident, or

(b) regardless of whether he is injured, is, as a result of an accident, entitled to medical aid under Part 4 that is not covered by the Alberta Health Care Insurance Act,

the worker shall, as soon as practicable after the accident, give notice of the accident in accordance with the regulations

(c) to the employer, and

(d) to the Board, if the injury disables or is likely to disable the worker for more than the day of the accident.

(2) If a worker suffers an accident that results in his death, his dependant shall, as soon as practicable after the accident, give notice of the accident in accordance with the regulations to the employer and to the Board.

(3) A worker or dependant who fails to give notice as required by subsection (1) is not entitled to compensation under this Act unless the Board is satisfied

(a) that notice for some sufficient reason could not have been given,

(b) in the case of notice to the employer, that the employer or his superintendent or agent in charge of the work where the accident happened had knowledge of the injury, or

(c) that the claim is a just claim and should be allowed for any other reason.

(3) Section 33(1) and (3) presently read:

33(1) A worker claiming compensation or to whom compensation is payable under this Act shall, if the Board requires it, undergo a medical examination by a physician selected by the Board and at a time and place determined by the Board and the Board shall pay the costs of that examination to the extent that they are not paid for under the Alberta Health Care Insurance Act.

(3) If a worker claims compensation under this Act the Board, in order to assist it in determining the worker's entitlement to compensation, may

(a) require that a medical investigation be conducted in respect of the worker in the manner it considers necessary, or

(b) accept the results of a medical investigation already conducted in respect of that worker,

and, in either case, the Board may pay the costs of the investigation to the extent that they are not paid for under the Alberta Health Care Insurance Act.

(4) Section 34(4) is amended by striking out “Any part of the expense of the examination that is not paid for under the Alberta Health Care Insurance Act,” and substituting “The cost of the examination”.

(5) Section 73 is repealed and the following is substituted:

73(1) The Board may

(a) provide medical aid to a worker who suffers an accident,
or

(b) pay for the cost of medical aid provided to a worker who
suffers an accident.

(2) If any apparatus or appliance, or the cost of any apparatus or appliance, is provided by the Board pursuant to subsection (1), the Board shall also provide for or pay for the cost of the repair, maintenance and replacement of that apparatus or appliance if it is in need of repair, maintenance or replacement by reason of accident or ordinary wear and tear and if the disability in respect of which the apparatus or appliance was provided continues.

(6) Section 75 is repealed and the following is substituted:

75(1) The Board shall determine all questions as to the necessity, character and sufficiency of, and the amount payable in respect of, any medical aid provided to a worker who suffers an accident.

(2) No action lies against

(a) any person other than the Board for the recovery of any money in connection with medical aid provided under this Part, or

(4) Section 34(4) presently reads:

(4) Any part of the expense of the examination that is not paid for under the Alberta Health Care Insurance Act, and the reasonable expenses of the worker in connection with the examination shall be borne by the employer and, if the employer fails to pay those expenses, the Board may pay the expenses and the employer is liable to pay the Board the amount so paid.

(5) Section 73 presently reads:

73(1) All questions as to the necessity, character and sufficiency of any medical aid provided to a worker who suffers an accident, whether that medical aid is in the form of

(a) basic health services as defined in the Alberta Health Care Insurance Act,

(b) insured services provided for under the Hospitals Act, or

(c) additional medical aid provided for under subsection (2),

shall be determined by the Board.

(2) Notwithstanding that a worker who suffers an accident receives or is entitled to receive

(a) basic health services as defined in the Alberta Health Care Insurance Act, or

(b) insured services provided for under the Hospitals Act,

or both, the Board may provide to the worker and pay for any additional medical aid that it considers necessary if it considers

(c) that the additional medical aid is not provided for or sufficiently provided for under either of the Acts referred to in clauses (a) and (b), and

(d) that the provision of the additional medical aid is in the best interests of the worker in order to diagnose or cure the injury or to relieve the worker from the effects of the injury.

(3) The Board shall provide for the repair, maintenance and renewal of any apparatus provided by the Board under subsection (2) that becomes in need of repair, maintenance or renewal by reason of accident or ordinary wear and tear for as long as the disability in respect of which the apparatus was supplied continues.

(6) Section 75 presently reads:

75 The Board shall determine the amount payable to any person in respect of additional medical aid provided under section 73(2) and no action lies against

(a) any person other than the Board for the recovery of any money in connection with that medical aid, or

(b) the Board for any money in excess of the amount determined by it under this section to be payable.

(b) the Board for any amount in excess of the amount determined by the Board as payable in respect of medical aid provided under this Part.

(7) *Section 79 is amended by striking out "If a worker requires additional medical aid" and substituting "If medical aid is to be provided to a worker under this Part":*

(8) *Section 81 is repealed and the following is substituted:*

81 No part of the cost of any medical aid provided to or in respect of a worker under this Part is payable by the worker.

(9) *The following is added after section 82:*

82.1(1) The Board may make an arrangement with the Minister of Hospitals and Medical Care (in this section called the "Hospitals Minister") respecting the following matters:

(a) the submission to the Hospitals Minister of all or any specified classes of claims made by persons other than the Board who have provided medical aid to workers under this Part;

(b) the payment of all or part of the claims referred to in clause (a) by the Hospitals Minister from the Health Care Insurance Fund under the *Alberta Health Care Insurance Act*;

(c) the payment by the Board into the General Revenue Fund of all or part of the administrative costs incurred by the Hospitals Minister under the arrangement;

(d) the manner in which and the times by which the Board is to reimburse the Health Care Insurance Fund pursuant to subsection (3).

(2) An arrangement under this section may be effective as of any date not earlier than January 1, 1982.

(3) The Board shall reimburse the Health Care Insurance Fund for all payments made from the Health Care Insurance Fund pursuant to an arrangement under this section.

(4) The Board may include in its assessment on employers amounts that will enable the Board to carry out its obligations under an arrangement under this section.

(10) *Section 85 is repealed and the following is substituted:*

85(1) The Accident Fund heretofore established is continued.

(7) Section 79 presently reads:

79 If a worker requires additional medical aid, the Board may, if it considers it appropriate, permit the worker to select the physician of his choice.

(8) Section 81 presently reads:

81 Medical aid to which a worker is entitled under this Part, whether in the form of basic health services as defined in the Alberta Health Care Insurance Act, insured services provided for under the Hospitals Act or additional medical aid for which the Board is responsible, shall be provided to or in respect of the worker at no cost to him.

(9) Reimbursement for medical aid.

(10) Section 85 presently reads:

85(1) A fund called the "Accident Fund" shall be provided by contributions to be made by all employers in industries to which this Act applies in the

(2) All money received by the Board shall be paid into the Accident Fund and all expenditures of the Board shall be paid from the Accident Fund.

(3) If at any time there is not sufficient money available in the Accident Fund for the payment of compensation, the Provincial Treasurer may, with the approval of the Lieutenant Governor in Council, advance from the General Revenue Fund to the Accident Fund amounts not exceeding the amount specified in the order of the Lieutenant Governor in Council subject to any conditions specified in the order respecting the payment of interest on the amounts advanced.

(4) Any amount advanced to the Accident Fund pursuant to subsection (3) in any year, and any interest on that amount, shall be repaid by the Board to the Provincial Treasurer not later than the date specified for that purpose by the Lieutenant Governor in Council in the order under subsection (3).

(11) Section 147(1)(d) is amended by striking out "additional medical aid" and substituting "medical aid provided".

4(1) Sections 1(2) and (4), 2(3) and (4) and 3(2)(a), (3), (4), (5), (6), (8), (10) and (11) are deemed to have come into force on January 1, 1982.

(2) Section 1(3), (5), (7) and (8) come into force on Proclamation.

In accordance with section 4(1) of the Interpretation Act, this Bill, except the provisions referred to in section 4, comes into force on the date it receives Royal Assent.

manner provided in this Act, and compensation payable in respect of accidents and the costs of administration shall be paid out of the Accident Fund.

(2) The Accident Fund maintained under the former Workers' Compensation Act shall be incorporated into and form part of the Accident Fund referred to in subsection (1).

(3) If at any time there is not sufficient money available in the Accident Fund for payment of the compensation that becomes due, the Lieutenant Governor in Council may direct that the compensation be advanced out of the General Revenue Fund, and in that case the amount advanced shall be repaid to the Provincial Treasurer after the next following assessment under this Part.

(11) Section 147(1)(d) presently reads:

147(1) The Lieutenant Governor in Council may make regulations

(d) governing the payment for additional medical aid to injured workers, including the amount to be paid;