

1984 BILL 45

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Second Session, 20th Legislature, 33 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 45

**MEDICAL CARE STATUTES AMENDMENT ACT, 1984**

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THE MINISTER OF HOSPITALS AND MEDICAL CARE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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## BILL 45

1984

### MEDICAL CARE STATUTES AMENDMENT ACT, 1984

(Assented to \_\_\_\_\_, 1984)

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 (b) by striking out “who are registered under Part 2”;*

(b) *in clause (j) by striking out “registrant” and substituting “resident”;*

(c) *in clause (k) by striking out “Medical Care Act (Canada)” and substituting “Canada Health Act (Canada)”;*

(d) *in clause (n)(ii) by striking out “and that are also deemed to be services provided by a physician that are medically required under subsection 4(3) of the federal Act”;*

(e) *by repealing clause (v) and substituting the following:*

(v) “Plan” means the Plan referred to in section 3;

(f) *by repealing clause (y);*

(g) *in clause (z) by adding “and any other person deemed by the regulations to be a resident” after “in Alberta”.*

## 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(b), (j), (k), (n), (v), (y) and (z) presently read:

1 *In this Act,*

(b) *“benefits” means the amounts payable by the Minister in respect of the cost of health services provided to residents who are registered under Part 2;*

(j) *“extended health services” means those goods and services or classes of goods and services that are specified in the regulations and provided to a registrant or his dependants under section 3(2);*

(k) *“federal Act” means the Medical Care Act (Canada);*

(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 Workers’ Compensation Act or any law of any jurisdiction outside Alberta relating to workers’ compensation;*

(v) *“Plan” or “Alberta Health Care Insurance Plan” means this Act and the regulations;*

(y) *“registrant” means a resident who is registered under Part 2 but does not include a resident who is registered as a dependant under that Part;*

(z) *“resident” or “resident of Alberta” means a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily present in Alberta, but does not include a tourist, transient or visitor to Alberta;*

(3) *Section 3(2) is amended by striking out “registrant” wherever it occurs and substituting “resident”.*

(4) *Section 4 is repealed and the following is substituted:*

**4(1)** Subject to this Act and the regulations, the Minister shall pay benefits in respect of health services provided to residents.

(2) All claims for benefits are subject to assessment and approval by the Minister and the amount of the benefits to be paid and the person to whom the benefits are to be paid shall be determined in accordance with the regulations.

(3) A resident is not entitled to the payment of benefits in respect of health services provided to him if he is

(a) a member of the Canadian Forces,

(b) a member of the Royal Canadian Mounted Police who is appointed to a rank therein,

(c) a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada), or

(d) a resident who has not completed the waiting period prescribed by the regulations.

(4) The Minister may withhold payment of benefits for health services until the Minister is satisfied that the person was a resident at the time the services were provided.

(5) For the purposes of subsection (4), a certificate of registration under the *Health Insurance Premiums Act* is prima facie proof that the person is a resident if the certificate was in effect at the time the service was provided to that person.

(5) *Section 4.1 is repealed.*

(6) *Section 5 is amended*

(a) *in subsection (1) by striking out “a registrant or a dependant of a registrant” and substituting “a person”;*

(b) *by repealing subsection (4).*

(7) *Section 6 is amended*

(a) *by adding the following after clause (a):*

(a.1) *deeming persons to be residents for the purposes of this Act;*

(3) Section 3(2) presently reads:

*(2) The Minister shall, in accordance with the regulations, provide extended health benefits to a registrant and his dependants if*

*(a) the registrant or his spouse is 65 years of age or older, or*

*(b) the registrant is receiving a widow's pension.*

(4) Section 4 presently reads:

*4(1) Subject to this Act and the regulations, every registrant is entitled to the payment of benefits by the Minister in respect of health services provided to him and his dependants.*

*(2) All claims for benefits are subject to assessment and approval by the Minister and the amount of the benefits to be paid to any claimant shall be determined by the Minister in accordance with this Act and the regulations.*

*(3) A resident is not entitled to the payment of benefits in respect of health services provided to himself while he is a member of the Canadian Forces or the Royal Canadian Mounted Police or is serving a term of imprisonment in a penitentiary as defined in the Penitentiary Act (Canada).*

*(4) The Minister shall not pay benefits in respect of health services provided to a resident if that resident was not registered under Part 2 at the time the services were provided.*

*(5) The Minister may withhold payment of benefits until a person provides evidence satisfactory to the Minister that he is a resident of Alberta.*

(5) Section 4.1 presently reads:

*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.*

(6) Section 5(1) and (4) presently read:

*5(1) Subject to the regulations, a registrant or a dependant of a registrant who ceases to be a resident of Alberta and becomes a resident of any other place remains entitled to benefits for health services provided to him during the period prescribed in the regulations.*

*(4) Notwithstanding subsection (3), if a registrant or his dependants are temporarily absent from Alberta and the registrant is in arrears of premiums under the Health Insurance Premiums Act, the Minister may withhold the payment of benefits until he is satisfied that the arrears of premiums have been paid.*

(7) Section 6(a), (e.1) and (l) presently read:

*6 The Lieutenant Governor in Council may make regulations*

*(a) authorizing or requiring the doing of any act or thing by the Minister, or any other person, for the purpose of having the Plan meet the*

- (b) by repealing clause (e.1);*
- (c) in clause (l) by striking out “who is registered under Part 2”.*

*(8) Section 7(b) is amended by striking out “governing the manner in which benefits are to be paid” and substituting “respecting the manner in which benefits are to be paid and the persons to whom benefits are to be paid”.*

*(9) Section 8 is amended*

- (a) in subsection (5) by striking out “registrant” wherever it occurs and substituting “resident”;*
- (b) in subsection (7) by adding “or a resident” after “a practitioner”;*
- (c) in subsection (8) by striking out “registrant” and substituting “resident”.*

*(10) Section 10(2) is amended by striking out “or registrant” wherever it occurs.*

*criteria prescribed under the federal Act or to enable the Government of Alberta to receive payment of contributions by the Government of Canada under the federal Act;*

*(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;*

*(l) prohibiting a practitioner who submits a claim to the Minister for a benefit on behalf of a resident who is registered under Part 2 from submitting an account to the resident or to a Government department or agency with respect to the same health services, except when the account is for an amount in addition to the benefit and is payable under an agreement or arrangement referred to in section 12(1)(b).*

(8) Section 7(b) presently reads:

*7 The Minister may make regulations*

*(b) 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;*

(9) Section 8(5), (7) and (8) presently read:

*(5) When the Minister reassesses claims pursuant to subsection (1) or (2), he may make any appropriate adjustment in the amounts paid with respect to the claim and*

*(a) if the amounts paid were in excess of the benefits payable under the adjustment, recover the excess from the registrant or the practitioner, as the case may be,*

*(i) by withholding from any benefits payable to the registrant or the practitioner, as the case may be, an amount equivalent to the excess,*

*(ii) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or*

*(iii) pursuant to an agreement between the Minister and the registrant or practitioner concerned providing for the payment of the excess;*

*(b) if the amounts paid were less than the benefits payable under the adjustment, pay to the registrant or the practitioner to whom the benefits were paid, as the case may be, the amount of the deficiency.*

*(7) The Minister may withhold benefits payable to a practitioner until the completion of a reassessment under subsection (1) or (2) of claims relating to services provided by that practitioner.*

*(8) The Minister shall notify the registrant or practitioner concerned by mail of any reassessment under this section and the person so notified may appeal the reassessment to the Court of Queen's Bench by way of originating notice if the motion is returnable within 60 days after the date on which he was notified.*

(10) Section 10(2) presently reads:

*(2) Notwithstanding any agreement between a physician and a resident or registrant*

*(a) a resident or registrant who receives a bill, account or claim for goods or services provided by a physician,*

*(b) the Minister, or*

*(c) the College*

*may have the bill, account or claim assessed by a committee.*

*(11) Section 12(2) is amended by striking out “registrant” and substituting “resident”.*

*(12) Section 13(4)(e) and (e.1) are amended by striking out “registrant” wherever it occurs and substituting “resident”.*

*(13) Part 2 is repealed.*

*(14) Section 30 is amended*

*(a) in clause (a) by adding “, this Act and the regulations” after “Plan”;*

*(b) by repealing clause (e).*

*(15) Section 37 is amended*

*(a) in subsection (1) by striking out “registrants” wherever it occurs and substituting “residents”;*

*(b) in subsections (2) and (3)(a) and (b) by striking out “registrant” and substituting “resident”.*



(11) Section 12(2) presently reads:

*(2) Nothing in this Act or the regulations shall be construed to prevent any registrant who does not desire to claim or receive benefits for health services provided to him or his dependants from assuming the responsibility for the payment of those costs.*

(12) Section 13(4) presently reads in part:

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

*(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,*

(13) Repeal.

(14) Section 30(a) and (e) presently read:

*30 The Lieutenant Governor in Council may make regulations*

*(a) defining "dependant" for the purposes of the Plan;*

*(e) authorizing the Minister to pay benefits on behalf of a registrant to a practitioner who has provided the registrant or his dependants with health services;*

(15) Section 37(1), (2) and (3) presently read:

*37(1) Subject to the approval of the Lieutenant Governor in Council, the Minister and the Alberta Hospital Association may enter into an agreement providing for the following:*

*(a) the enrolment by the Minister of individual registrants and their dependants as non-group members of The Blue Cross Plan operated by the Blue Cross operated by the Association on payment of the premiums prescribed therefor under the regulations made pursuant to the Health Insurance Premiums Act;*

*(b) the payments by the Minister to the Association with respect to goods and services provided to registrants and dependants so enrolled;*

*(c) the goods and services that are to be provided under the agreement and The Blue Cross Plan with respect to registrants and their dependants so enrolled;*

*(d) generally, any matter in connection with or incidental to the matters referred to in clauses (a), (b) and (c).*

*(2) If a registrant is in arrears of premiums under the Health Insurance Premiums Act, he and his dependants are not entitled to be enrolled as members of The Blue Cross Plan pursuant to the Blue Cross agreement.*

*(3) Subsection (2) does not apply if*

*(a) the registrant or his spouse is 65 years of age or over, or*

*(b) the registrant is receiving a widow's pension*

*at the time of enrolment.*

(16) Section 39 is amended by striking out “registrant” wherever it occurs and substituting “resident”.

### **Health Insurance Premiums Act**

2(1) *The Health Insurance Premiums Act is amended by this section.*

(2) *Section 1 is amended*

(a) *in clause (k)*

(i) *by striking out “Part 2 of the Alberta Health Care Insurance Act” and substituting “this Act”;*

(ii) *by striking out “that Part” and substituting “this Act”;*

(b) *by repealing clause (l) and substituting the following:*

(l) “resident” or “resident of Alberta” means resident as defined in the *Alberta Health Care Insurance Act*;

(3) *Section 2(1) is amended*

(a) *in clause (b) by striking out “fixing” and substituting “respecting”;*

(b) *by adding the following after clause (b):*

(b.1) prescribing penalties for the purposes of section 7(9);

(c) *in clause (d) by striking out “prescribing” and substituting “respecting”.*

(4) *Section 3 is amended*

(a) *by repealing subsection (1) and substituting the following:*

**3(1)** Except as otherwise provided in this Act, every resident other than

(a) a dependant,

(b) a member of the Canadian Forces who has no dependants in Alberta,

(c) a member of the Royal Canadian Mounted Police who is appointed to a rank therein and has no dependants in Alberta, or

(d) a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada) who has no dependants resident in Alberta,

is liable to the Minister for and shall, subject to this Act and the regulations and according to whether he is a person with or without dependants, pay to the Minister in advance on

(16) Section 39 presently reads:

*39(1) The Lieutenant Governor in Council may establish a program to provide financial assistance in cases where because of the sickness or disability of a registrant or dependant, the registrant is faced with expenses that could not reasonably be foreseen and guarded against and that place an undue burden on the financial resources of the registrant.*

*(2) The program may specify the types of expenses in respect of which assistance may be given and the portion of the expense that is to be borne by the registrant.*

#### **Health Insurance Premiums Act**

**2(1)** This section will amend chapter H-5 of the Revised Statutes of Alberta 1980.

(2) Section 1(k) and (l) presently read:

*1 In this Act,*

*(k) "registrant" means a resident who is registered under Part 2 of the Alberta Health Care Insurance Act but does not include a resident who is registered as a dependant under that Part;*

*(l) "resident" or "resident of Alberta" means a person lawfully entitled to be or to remain in Canada, who makes his home and is ordinarily present in Alberta, but does not include a tourist, transient or visitor to Alberta;*

(3) Section 2(1)(b) and (d) presently read:

*2(1) The Lieutenant Governor in Council may make regulations*

*(b) fixing the amount of premiums to be paid by persons liable therefor and designating the times and methods for the payment, collection and remittance of premiums;*

*(d) prescribing the amounts of and the bases for calculating subsidies;*

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

*3(1) Except as otherwise provided in this Act, every resident who is registered under the Alberta Health Care Insurance Act, other than*

*(a) a dependant,*

*(b) a member of*

*(i) the regular forces of the Canadian Forces, or*

*(ii) the Royal Canadian Mounted Police,*

*who has no dependants resident in Alberta, or*

*(c) a person serving a term of imprisonment in a penitentiary as defined in the Penitentiary Act (Canada) who has no dependants resident in Alberta,*

*is liable to the Minister for and shall, subject to this Act and the regulations and according as to whether he is a person with or without dependants, pay to the Minister in advance on behalf of himself and of his dependants, if any, the amount of the premium prescribed in the regulations.*

*(3) Members of the regular forces of the Canadian Forces and members of the Royal Canadian Mounted Police and persons serving a term of*

behalf of himself and of his dependants, if any, the amount of the premium prescribed in the regulations.

(b) *by repealing subsection (3) and substituting the following:*

(3) Persons of the following classes, namely,

- (a) members of the Canadian Forces,
- (b) members of the Royal Canadian Mounted Police who are appointed to a rank therein, or
- (c) persons serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada)

shall pay, in respect of their dependants, the premiums prescribed by the regulations, but are not liable for the payment of premiums in respect of themselves.

(5) *Section 7(9) is repealed and the following is substituted:*

(9) If an employer fails to comply with subsection (6), he shall, on being notified by the Minister to do so, in addition to the premiums he is liable to remit, pay to the Minister the penalty prescribed by the regulations.

(6) *The following is added after section 16:*

**16.1(1)** The Minister may impose interest on any amounts that remain unpaid under this Act, at a rate prescribed by the Minister.

(2) The Minister may prescribe interest rates for the purposes of this section.

(7) *The following is added after section 18:*

**18.1** The Lieutenant Governor in Council may make regulations

- (a) governing the registration of residents with the Minister generally;
- (b) prescribing the classes of dependants that a resident is required to register;
- (c) prescribing the classes of persons exempted from registration;
- (d) providing for any matter pertaining to declarations under section 18.5 not otherwise provided for in that section;
- (e) providing for any matter relating to registration of residents under section 18.3, including the duties of hospital boards in connection with the registration of unregistered residents receiving hospital services;
- (f) imposing on any person the duty of registering a resident or residents;
- (g) respecting the imposition of penalties on persons who have not registered within the times prescribed under the regulations.

*imprisonment in a penitentiary as defined in the Penitentiary Act (Canada) shall pay, in respect of their dependants, the premiums fixed in the regulations, but are not liable for payment of premiums in respect of themselves.*

(5) Section 7(9) presently reads:

*(9) If an employer fails to comply with subsection (6), he shall, on being notified by the Minister to do so, in addition to the premiums he is liable to remit, pay to the Minister a penalty*

*(a) of \$10 the first time he fails to remit the premiums when due, and*

*(b) of \$50 the 2nd and each subsequent time he fails to remit the premiums when due.*

(6) Interest on unpaid amounts.

(7) Registration of residents.

**18.2(1)** Subject to this section and the regulations, every resident shall register with the Minister.

- (2) A resident is not required to register with the Minister if
- (a) he is exempted from registration by the regulations, or
  - (b) the duty to register is imposed by the regulations on some other person.
- (3) When the regulations impose a duty on a person to register a resident or residents with the Minister, that person shall fulfil that duty in accordance with the regulations.
- (4) When a person is required to register himself or other persons with the Minister under this section or the regulations, he shall do so at the place and in the manner and form and at the times prescribed in the regulations.

**18.3(1)** If

- (a) a claim for benefits is made under the *Alberta Health Care Insurance Act* by or on behalf of a resident who is not registered with the Minister under this Act, or
- (b) insured services, within the meaning of Part 3 of the *Hospitals Act*, are provided to a resident who is not registered with the Minister under this Act,

the Minister may register that resident on being furnished with evidence satisfactory to him that he is a resident of Alberta.

- (2) When the Minister registers a resident pursuant to subsection (1) he may also register
- (a) the dependants of that resident, or
  - (b) if that resident is himself a dependant, the person on whom he is dependent and that person's other dependants.

**18.4(1)** Every person who produces to a practitioner or a member of his staff a certificate of registration issued under this Act

- (a) knowing that the person named in it is not, at the time of its production, a resident of Alberta, or
- (b) knowing that the person on behalf of whom, and to facilitate whose treatment, it is produced is not the person named in it or a dependant of that person,

is guilty of an offence.

(2) In this section, "certificate of registration" means

- (a) a certificate of registration issued under this Act, or
- (b) any other document prescribed by the regulations as being a certificate of registration for the purposes of this Act or the *Alberta Health Care Insurance Act*.

**18.5(1)** A registrant may, for himself and his dependants, file with the Minister a declaration stating that he elects to be outside the Plan and the Hospitalization Benefits Plan under Part 3 of the *Hospitals Act*.



(2) A declaration under subsection (1) shall be in the form prescribed by the Minister and shall indicate the consequences of filing the declaration mentioned in subsection (6) and the effect of subsection (7).

(3) A declaration under subsection (1) is invalid unless at the time it is filed with the Minister the person making it

(a) is registered under this Act together with his dependants, and

(b) is not liable to the Minister for any premiums.

(4) A declaration under subsection (1) is effective only during the 12-month period commencing on the first day of July following the date on which it is filed with the Minister.

(5) In this section, “plan year” means a 12-month period referred to in subsection (4).

(6) If a registrant files a valid declaration under subsection (1), then, notwithstanding anything in this Act, the *Alberta Health Care Insurance Act* or the *Hospitals Act*,

(a) neither he nor his dependants are entitled to benefits under the *Alberta Health Care Insurance Act* in respect of health services provided to them during the following plan year,

(b) he is personally and solely liable for the payment to a hospital of the entire cost of insured hospital services provided to him and his dependants during the next plan year,

(c) neither he nor any of his dependants are entitled to be enrolled by the Minister as members of The Blue Cross Plan pursuant to the Blue Cross agreement, and

(d) he is not liable for payment of premiums that become due during the next plan year.

(7) Notwithstanding subsections (1) and (6),

(a) the spouse of the registrant who filed a declaration may file with the Minister an election to have the spouse and the dependants excluded from the declaration, and

(b) a dependant other than the spouse of that registrant may file with the Minister an election to have himself excluded from the declaration, if no election has been filed under clause (a),

and an election so filed takes effect on the first day of the month next following the month in which it is filed.

(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 spouse is liable for payment of the premiums in respect of himself and his dependants during the period that the election is in effect.





- (9) If a dependant files an election under subsection (7)(b),
- (a) the declaration does not extend to or apply to the dependant during the period that the election is in effect, and
  - (b) the dependant is liable for the payment of premiums in respect of himself unless the registrant agrees to be liable for the payment of those premiums.

#### **Hospitals Act**

*3(1) The Hospitals Act is amended by this section.*

*(2) Section 55 is amended*

*(a) in subsection (2)*

*(i) by repealing clause (a);*

*(ii) in clause (b) by striking out "Part 2 of the Alberta Health Care Insurance Act" and substituting "the Health Insurance Premiums Act" and by striking out "section 25" and substituting "section 18.5";*

*(b) in subsection (3) by striking out "under Part 2 of the Alberta Health Care Insurance Act" and substituting "under the Health Insurance Premiums Act".*

*(3) Section 56 is amended by striking out "under section 25 of the Alberta Health Care Insurance Act" and substituting "under section 18.5 of the Health Insurance Premiums Act".*

*(4) Section 63(2)(b)(i) is amended by striking out "section 25 of the Alberta Health Care Insurance Act" and substituting "section 18.5 of the Health Insurance Premiums Act".*

*4 This Act comes into force on July 1, 1984.*

## Hospitals Act

**3(1)** This section will amend chapter H-11 of the Revised Statutes of Alberta 1980.

**(2)** Section 55(2) and (3) presently read:

*(2) Notwithstanding subsection (1), a resident of Alberta is not entitled to receive insured services*

*(a) if he is not registered under Part 2 of the Alberta Health Care Insurance Act at the time the services are provided,*

*(b) if he is registered under Part 2 of the Alberta Health Care Insurance Act but has filed a declaration under section 25 of that Act or is a dependant of that person and to whom the declaration extends and applies and the services are provided during a period in which the declaration is effective, or*

*(c) if the insured services are provided during a waiting period applicable to him and prescribed by the regulations.*

*(3) For the purposes of this section, the registration of a person under Part 2 of the Alberta Health Care Insurance Act shall be accepted as prima facie proof that he is a resident of Alberta.*

**(3)** Section 56 presently reads:

*56 When hospital services are provided to a person who has filed a declaration under section 25 of the Alberta Health Care Insurance Act, or to a dependant of that person, during a period in which the declaration is effective, the approved hospital is entitled to recover the cost of those services only from the person filing the declaration, and no part of those costs shall be shared by the Government of Alberta.*

**(4)** Section 63(2) presently reads:

*(2) An insurer*

*(a) may continue to renew all contracts in existence on July 1, 1961 and*

*(b) may issue a contract of insurance in respect of the cost of insured services if*

*(i) the contract is issued to a person who has filed a declaration under section 25 of the Alberta Health Care Insurance Act,*

*(ii) the contract provides insurance coverage for that person and his dependants (as defined in the regulations under that Act),*

*(iii) the insurance coverage relates to insured services provided during a period for which his declaration is effective, and*

*(iv) no coverage is provided in respect of the cost of authorized or user charges for standard ward hospitalization.*