

1988 BILL 6

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Third Session, 21st Legislature, 37 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 6**

**HEALTH DISCIPLINES AMENDMENT ACT, 1988**

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MR. DAY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 6  
Mr. Day

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1988

### HEALTH DISCIPLINES AMENDMENT ACT, 1988

(Assented to \_\_\_\_\_, 1988)

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

- 1 *The Health Disciplines Act is amended by this Act.*
- 2 *Section 1 is amended by repealing clause (f) and substituting the following:*
  - (f) "Registrar", unless the context indicates otherwise, means
    - (i) in respect of a designated health discipline that is governed by a Committee, the Registrar of Health Disciplines, or
    - (ii) in respect of a designated health discipline that is governed by a health discipline association, a registrar appointed under section 7.4(1).
- 3 *Section 4.01(1) is repealed and the following is substituted:*

**4.01(1)** The Minister may, in consultation with the Health Disciplines Board, establish advisory committees to provide advice to the Board.
- 4 *Section 7.8 is repealed and the following is substituted:*

**7.8** A health discipline association shall annually on or before the date prescribed in the regulations submit to the Registrar of Health Disciplines a report in the form required by the Board.
- 5 *Section 11(1.1) is repealed and the following is substituted:*

(1.1) The registrar of a designated health discipline that is governed by a health discipline association may establish and maintain, in accordance with the by-laws, registers for other members of the designated health discipline, including honorary members, associate members and student members.

## Explanatory Notes

**1** This Bill will amend chapter H-3.5 of the Revised Statutes of Alberta 1980.

**2** Section 1(f) presently reads:

*1 In this Act,*

*(f) "Registrar" means the Registrar of Health Disciplines.*

**3** Section 4.01(1) presently reads:

*4.01(1) The Minister may establish an advisory committee to provide advice to the Board relating to matters set out in section 4(4) with respect to an investigation under section 4 and relating to regulations made under section 27.*

**4** Section 7.8 presently reads:

*7.8 A health discipline association shall annually on or before the date prescribed in the regulations submit to the Registrar of Health Disciplines a report*

*(a) of the registration of persons during the year covered by the report as members of the designated health discipline represented by, and*

*(b) of the proceedings before the conduct and competency committee established by*

*the health discipline association.*

**5** Section 11(1.1) presently reads:

*(1.1) The Registrar shall establish and maintain, in accordance with the by-laws, a register for honorary members of a designated health discipline if the by-laws of the health discipline association provide for the register.*

6 Section 12(1.1) is amended by striking out “as an honorary member of a designated health discipline” and substituting “in a register described in section 11(1.1)”.

7 Section 16(4) is amended by striking out “(3)” and substituting “(3.1)”.

8 Section 18 is amended

(a) by renumbering it as section 18(1);

(b) in subsection (1) by striking out “appropriate Committee” and substituting “Registrar”;

(c) by adding the following after subsection (1):

(2) On receipt of a complaint, the Registrar shall conduct or appoint a person to conduct a preliminary investigation into the conduct of the registered member.

(3) A person conducting a preliminary investigation may

(a) request

(i) the registered member,

(ii) any other member of the designated health discipline to which the registered member belongs, or

(iii) any other person who, in the opinion of the Registrar, is in possession of information that is relevant to the investigation

to produce to him any models, charts, documents, papers, notes, records or other materials in his possession or under his control and may request the attendance of any of those persons at the investigation, and

(b) copy and keep copies of any of the things produced under clause (a).

(4) A person conducting a preliminary investigation may investigate any other matter relating to the conduct of the registered member being investigated that arises in the course of the preliminary investigation.

(5) A person conducting a preliminary investigation shall, on concluding the investigation, provide a report to the Committee.

**6** Section 12(1.1) presently reads:

*(1.1) Subject to subsection (2), a person may be registered as an honorary member of a designated health discipline if he meets the qualifications and conditions prescribed in the by-laws of the health discipline association.*

**7** Section 16(4) presently reads:

*(4) The Committee, upon receiving an application for renewal of registration referred to it under subsection (3), may, if it is satisfied that the person has failed to maintain, on a continuing basis, his competency in the health discipline either through actively engaging in the practice of that health discipline or through involvement in educational or training programs that relate to that health discipline, order the person named in the application to*

*(a) take a training program,*

*(b) pass an examination, or*

*(c) take a training program and pass an examination*

*as prescribed in the regulations within a period of time specified by the Committee.*

**8** Section 18 presently reads:

*18 A person who*

*(a) has a complaint respecting the skill or judgment of a registered member of a designated health discipline in the practice of his discipline, or his fitness to practise his discipline, or his conduct, whether in the practice of his discipline or otherwise, or*

*(b) has reason to believe that a registered member of a designated health discipline has provided health services other than those health services that he is authorized to provide under this Act or the regulations,*

*may make a complaint in writing to the appropriate Committee.*

9 *Section 20 is amended*

(a) *in subsection (1) by striking out “On review of a complaint” and substituting “On reviewing a report provided”;*

(b) *by adding the following after subsection (1):*

(1.1) If a registered member of a designated health discipline admits to conduct that is or is alleged to be unbecoming conduct or that shows or is alleged to show a lack of skill or judgment in the practice of his discipline, the Committee may hold a hearing limiting itself to

(a) deciding if the admitted conduct constitutes unbecoming conduct or shows a lack of skill or judgment in the practice of the discipline, and

(b) if applicable, making an order under this section.

(c) *in subsection (9)(f) by adding “preliminary” before “investigation”.*

10 *The following is added after section 26.1:*

**26.2(1)** A designated health discipline shall provide to the Registrar of Health Disciplines a report respecting each matter under Part 4 or 5 that involves a member of the designated health discipline.

(2) A report required under subsection (1) shall be provided not later than 60 days after a matter is finally concluded under Part 4 or 5.

11 *Section 27(1) is amended by adding the following after clause (t):*

(u) respecting inspections under section 29.1.

12 *The following is added after section 29:*

**29.1(1)** The Lieutenant Governor in Council may, on the recommendation of the Minister, permit the Registrar to conduct, in accordance with this section, an inspection of the practice of any registered member of the designated health discipline named in the order for the purpose of determining whether the regulations relating to that designated health discipline are being complied with.

(2) The Registrar or a person designated by him may, during ordinary business hours, enter and inspect the business premises of a registered member of a designated health discipline for the purpose set out in subsection (1).

(3) A person who enters premises under subsection (2)

(a) shall provide at least 48 hours' notice to the registered member before he enters the premises, and

(b) may require the production for the purpose of inspection of any documents or records required to be maintained under the regulations.

(4) If a person other than the Registrar carries out an inspection under this section that person shall, on concluding the inspection, report to the Registrar.

**9** Section 20 presently reads in part:

*20(1) On review of a complaint under section 18, a Committee shall*

*(a) if it is of the opinion that the complaint is frivolous or vexatious, direct that no further action be taken, or*

*(b) in any other case, hold a hearing with respect to it.*

*(2) If a Committee holds a hearing with respect to a complaint, it shall serve, not less than 30 days before the date of the hearing,*

*(a) a copy of the complaint and a notice of the hearing on the person named in the complaint, and*

*(b) a notice of the hearing on the complainant.*

*(3) The Committee may adjourn a hearing from time to time.*

*(9) The Committee, if it is satisfied that a complaint against a person has been proven in whole or in part, may, by order, do any one or more of the following:*

*(f) order the person to pay the costs of the investigation and hearing;*

**10** Report to Registrar.

**11** Adds a regulation making power of the Board.

**12** Inspection.

(5) On concluding an inspection under subsection (2) or on receiving a report under subsection (4), the Registrar

(a) shall, if there is evidence that the regulations are not being complied with, serve the registered member with a notice in writing specifying

(i) the manner in which the regulations are not being complied with,

(ii) any remedial action to be taken by the registered member, and

(iii) the date by which any remedial action shall be completed,

or

(b) may, if there is evidence of conduct that is or is alleged to be unbecoming conduct or that shows or is alleged to show a lack of skill or judgment in the practice of the health discipline, refer the matter to be dealt with as a complaint under Part 4.

(6) If a registered member fails to carry out the remedial action required under subsection (5) by the date specified in the notice, the Registrar shall refer the matter to be dealt with as a complaint under Part 4.

(7) The Registrar shall provide to the Registrar of Health Disciplines a written report of each inspection carried out under this section setting out

(a) the evidence that the regulations are not being complied with and the matters referred to in subsection (5)(a),

(b) the evidence of conduct that is or is alleged to be unbecoming conduct or that shows or is alleged to show a lack of skill or judgment in the practice of a health discipline, or

(c) a statement that the regulations are being complied with.

*13 The Schedule is amended by adding the following after clause (h):*

(i) Mental Deficiency Nurses.

*14 The Schedule is amended by adding the following after clause (i):*

(j) Electroneurophysiological Technologists.

*15 Sections 13 and 14 come into force on Proclamation.*



**13** Amends the Schedule.

**14** Amends the Schedule.

**15** Coming into force.