

1989 BILL 5

First Session, 22nd Legislature, 38 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

DEPARTMENT OF HEALTH ACT

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 5

1989

DEPARTMENT OF HEALTH ACT

(Assented to , 1989)

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

- Definitions **1** In this Act,
- (a) "Department" means the Department of Health;
- (b) "Minister" means the Minister of Health.
- Establishment of Department **2** There shall be a department of the Government called the Department of Health over which shall preside the member of the Executive Council appointed by the Lieutenant Governor under the Great Seal of the Province as Minister of Health.
- Staff **3**(1) The Lieutenant Governor in Council may establish the offices of not more than 2 Deputy Ministers for the Department and shall designate the name for each office so established.
- (2) In accordance with the *Public Service Act* there may be appointed
- (a) the Deputy Ministers whose offices are established under subsection (1), and
- (b) any other employees required to conduct the business of the Department.

Experts and advisors	<p>4(1) The Minister may engage the services of experts or persons having special, technical or other knowledge to advise him or to inquire into and report to him on matters under his administration.</p> <p>(2) A person whose services are engaged under this section may be paid the remuneration and expenses that the Minister prescribes.</p>
Delegation of powers	<p>5(1) The Minister may delegate in writing to any person any power, duty or function conferred or imposed on the Minister by this Act or any other enactment.</p> <p>(2) Subsection (1) does not apply to the power of the Minister to make regulations.</p>
Agreements	<p>6(1) The Minister may enter into agreements on or in connection with any policies, programs, services or other matters under his administration.</p> <p>(2) Without limiting subsection (1), agreements may be made under that subsection with the Government of Canada or the government of a province or any agency of the Government of Canada or of the government of a province.</p>
Advisory boards, committees or councils	<p>7(1) The Minister may establish any boards, committees or councils he considers necessary or desirable to act in an advisory or administrative capacity in connection with any of the policies, programs, services or other matters under his administration.</p> <p>(2) The Minister may, with respect to any board, committee or council established under this section,</p> <ul style="list-style-type: none"> (a) appoint or provide for the manner of the appointment of its members, (b) prescribe the term of office of any member, (c) designate a chairman and a vice-chairman, and (d) authorize, fix and provide for the payment of remuneration and expenses to its members. <p>(3) A board, committee or council established under this section may with the approval of the Minister make rules of procedure governing the calling of meetings, the procedure to be used at its meetings, reporting and any other matters as required.</p> <p>(4) A board, committee or council established under this section may exercise the powers and shall perform the duties and functions that the Minister approves or confers or imposes on it.</p> <p>(5) The Minister may require any person appointed to a board, committee or council established under this section to take an oath that he will not, except as authorized by the Minister, divulge any information received by him in the course of his duties as a member of the board, committee or council.</p>
Power	<p>8 The Minister may take or direct measures he considers appropriate to prevent and suppress disease.</p>

Grants

9(1) The Minister may make grants if

- (a) he is authorized to do so by regulations under this section, and
- (b) there is authority available in a supply vote for the purpose for which the grant is to be made.

(2) The Lieutenant Governor in Council may make regulations

- (a) authorizing the Minister to make grants;
- (b) prescribing the purposes for which grants may be made;
- (c) governing applications for grants;
- (d) prescribing the persons or organizations or classes of persons or organizations eligible for grants;
- (e) specifying the conditions required to be met by any applicant for a grant to render that person eligible for the grant;
- (f) prescribing the conditions on which a grant is made and requiring the repayment of the grant to the Government if the conditions are not met;
- (g) providing for the payment of any grant in a lump sum or by instalments and prescribing the time or times at which the lump sum or the instalments may be paid;
- (h) limiting the amount of any grant or class of grant that may be made;
- (i) authorizing the Minister to delegate in writing to any employee of the Government any duty, power or function respecting the payment of any grant;
- (j) requiring any person receiving a grant to account for the way in which the grant is spent in whole or in part;
- (k) authorizing the Minister to enter into an agreement with respect to any matter relating to the payment of a grant.

(3) Any regulation made under subsection (2) may be specific or general in its application.

Advance
payments

10(1) The Minister may make a payment in advance to a person or organization providing, under a program that is administered by the Minister, a service for which that person or organization will be entitled to payment if

- (a) there is money available in a supply vote for that purpose, and
- (b) the Minister is authorized to do so by the regulations under subsection (2).

(2) The Lieutenant Governor in Council may make regulations governing the conditions and circumstances under which advance payments may be made under subsection (1).

(3) Regulations made under subsection (2) may be specific or general in their application.

(4) If the Minister makes an advance payment under this section, section 39 of the *Financial Administration Act* does not apply.

Disposition of
facilities

11(1) In this section, “Government health care facility” means any land owned by the Crown in right of Alberta that is under the administration of the Minister, including buildings and improvements on the land, that is used or is suitable for use in providing diagnostic or treatment services or care for ill or injured persons.

(2) Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into an agreement providing for any or all of the following:

(a) the disposition, by sale, lease or otherwise, of any Government health care facility to any person or organization;

(b) the disposition, by sale, lease or otherwise, to any person or organization of all or any specified supplies, equipment or other personal property located in or used in connection with a Government health care facility;

(c) the transfer of patients in a Government health care facility and the responsibility for the care of those patients to the care and responsibility of any person or organization;

(d) the transfer of employees of a Government health care facility to the employment of a person or organization described in clause (a), (b) or (c) and the transfer of any matters incidental to those employees, including salary rates, conditions of employment and pension plans.

(3) An agreement under this section may provide terms or conditions with respect to the matters enumerated in subsection (2).

(4) The Lieutenant Governor in Council may make any order he considers necessary for the purpose of implementing or facilitating any of the matters provided for in an agreement or to alleviate any difficulty arising in the course of implementing an agreement.

(5) A disposition, by sale, lease or otherwise, of a Government health care facility or of personal property pursuant to an agreement under this section may be made for a nominal consideration or for a price less than its market value.

Fees

12 The Minister may charge fees for any service or materials provided or research done by the Department.

Consequential **13** *The following enactments are amended by striking out “Hospitals and Medical Care” wherever it occurs and substituting “Health”:*

Act	Section number
<i>Alberta Evidence Act</i>	9(2)(d), (3)
<i>Alberta Hospital Association Act</i>	10.1(2)
<i>Cancer Programs Act</i>	1(c)
<i>Chiropractic Profession Act</i>	33
<i>Dental Profession Act</i>	83
<i>Health Facilities Review Committee Act</i>	1(b)(ii), (c)
<i>Health Insurance Premiums Act</i>	1(i), 17
<i>Hospitals Act</i>	1(1)(m)
<i>Lloydminster Hospital Act</i>	1(d)
<i>Local Authorities Election Act</i>	1(r)(ii)
<i>Mental Health Act, cM-13</i>	5(6.1)
<i>Municipal Government Act</i>	1(h)
<i>Municipal Taxation Act</i>	1(m)
<i>Nursing Profession Act</i>	42(1)(c)
<i>Physical Therapy Profession Act</i>	30
<i>Provincial General Hospitals Act</i>	1(c)
<i>University of Alberta Hospitals Act</i>	1(c)
<i>University Hospitals Foundation Act</i>	1(d)
<i>Workers’ Compensation Act</i>	82.1(1).

Consequential **14(1)** *The following enactments are amended by striking out “Community and Occupational” wherever it occurs:*

Act	Section number
<i>Family and Community Support Services Act</i>	1(a)
<i>Municipal Government Act</i>	205(1), 225(2)
<i>Municipal Taxation Act</i>	163
<i>Nursing Service Act</i>	1(b)(iii), (d)
<i>Pharmaceutical Association Act</i>	58(4)
<i>Universities Act</i>	52(4), (5)
<i>Vital Statistics Act</i>	25(1).

(2) *The Alberta Health Care Insurance Act is amended in section 13(3)*

(a) *by striking out “Division of the Department of Community and Occupational Health” and substituting “Unit of the Department of Health”;*

(b) *in clauses (a) and (b) by striking out “Division” and substituting “Unit”.*

(3) *The Department of the Environment Act is amended*

(a) *by repealing section 11(1)(c) and substituting the following:*

(c) *a Deputy Minister of the Department of Health designated by the Minister of Health,*

(b) *in section 12(2)(d) by striking out “Community and Occupational”.*

(4) The Health Disciplines Act is amended

(a) in section 2(3)(a)(iii) by striking out “Community and Occupational”;

(b) in section 3(7)

(i) by repealing clause (a.1);

(ii) in clause (b) by striking out “Hospitals and Medical Care” wherever it occurs and substituting “Health”.

(5) The Mental Health Act, chapter M-13.1 of the Statutes of Alberta, 1988, is amended by repealing section 55(2).

Repeal

15 *The Department of Hospitals and Medical Care Act and the Department of Community and Occupational Health Act are repealed.*