

1992 BILL 267

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Fourth Session, 22nd Legislature, 41 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 267

INSTITUTE OF HEALTH CARE ETHICS ACT

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MS BARRETT

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 267*  
*Ms Barrett*

## **BILL 267**

1992

### **INSTITUTE OF HEALTH CARE ETHICS ACT**

*(Assented to , 1992)*

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

**Definitions**

**1 In this Act,**

(a) "Board" means the Board of Governors of the Institute of Health Care Ethics;

(b) "ethics" means the application of moral principles, in particular the four cardinal principles of

(i) beneficence - "doing good";

(ii) autonomy - "promoting patients' rights";

(iii) non-maleficence - "preventing harm"; and

(iv) distributive justice - "being fair in the allocation of societal resources";

(c) "Institute" means the Institute of Health Care Ethics;

(d) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act.

**Institute;  
construction,**

**2(1) There is hereby established the Institute of Health Care**

objects, direction

**Ethics.**

(2) The objects of the Institute are to perform research, undertake professional and public education, and serve government and the community as a public policy research and information resource, and without limiting the generality of those objects, to

(a) increase awareness in both the public and members of health care professions of issues in health care ethics, throughout the Province of Alberta;

(b) facilitate an interdisciplinary approach to the teaching of ethics to undergraduate and graduate students in health care professions in post-secondary institutions in the Province of Alberta;

(c) provide opportunities for practising health care professionals to discuss ethical issues and share concerns;

(d) examine issues of hospital and health care administration from an ethical viewpoint and provide advice on request;

(e) examine the wider ethical aspects of health care policy and resource allocation in the Province of Alberta;

(f) provide a resource for citizens of Alberta in respect to health care ethics through symposia and community outreach programs;

(g) undertake research in health care ethics; and

(h) dispense information on health care ethics and gather public opinions.

(3) The Institute shall be directed and controlled by a Board of Governors.

(4) The Institute is not an agent of the Crown.

Board of  
Governors

3 The Board shall consist of the following individuals appointed Governors as governors by the Lieutenant Governor in Council

(a) one nominee of the Governors of The University of

Calgary;

(b) one nominee of the Governors of The University of Alberta;

(c) one nominee of the Minister;

(d) 2 or 3 nominees of health care professional organizations;

(e) 2 or 3 nominees of health care provider organizations; and

(f) 2 or 3 nominees of special interest health consumer groups.

**Funding**            **4** The Institute may receive, hold and use for its objects such money as may be appropriated to the purpose by the Legislature.

**Board meetings**    **5(1)** The Board shall meet not less than 4 times a year.  
**(2)** The quorum of a meeting of the Board is the majority of the governors then holding office.

**Board by-laws**    **6(1)** The Board may make by-laws respecting  
**(a)** the business, operation and affairs of the Board;  
**(b)** the calling of meetings of the Board;  
**(c)** the governors, Executive Committee members, Program Council members and employees of the Institute;  
**(d)** the business, affairs and operation of the Institute;  
**(e)** the signing of agreements on behalf of the Institute;  
**(f)** the establishment of the Executive Committee, Program and other committees to advise or assist the board;  
**(g)** the business, operation and meeting procedure of the Executive Committee, Program Council and other committees.

**Remuneration**    **7** The members of the Board may be paid remuneration by and receive payment for travelling and other expenses incurred in connection with the work of the Board from the Institute as prescribed by the Lieutenant Governor in Council, providing

money has been appropriated to the purpose by the Legislature.

**Term of office**

**8(1)** The term of office of a governor is 3 years.

(2) A governor may be reappointed for one additional term of office of 3 years.

(3) Notwithstanding anything in this section the term of office of a governor may continue until a replacement is appointed.

**Delegation of power**

**9** The Board may delegate in writing any power or duty conferred on it to the Executive Committee, Program Council, governor, member of the Program Council or employee of the Institute except the power to make by-laws.

**Executive**

**10(1)** The Board shall select 6 of its members, giving committee consideration to equal representation for southern and northern Alberta, to form an Executive Committee.

(2) The Executive Committee may exercise and shall perform those powers and duties that the Board, by by-law, assigns to it.

(3) The Executive Committee shall submit to each meeting of the Board minutes of any proceedings of the Executive Committee that have taken place subsequent to the last meeting of the Board.

(4) The principal officer of the Board, if not a member of the Executive Committee, is entitled to notice of and to be present at meetings of the Executive Committee.

**Program Council**

**11(1)** The Board of Governors shall appoint members to a Program Council responsible for planning new programs and research initiatives, recommending policy and priorities to the Director and Assistant Director and recommending to the Board of Governors on the appointment and reappointment of a Director, Associate Director, and Professional or Research Associates.

(2) The Program Council shall consist of 15 to 20 individuals from the following fields: medicine, nursing, law and humanities, pharmacy, rehabilitation medicine, dentistry, diagnostic medical sciences, health service administration, psychology, social work, palliative care, religion, biomedical engineering, education, and counselling.

(3) The term of office of a member of the Program Council appointed under subsection (1) is 3 years.

(4) A member of the Program Council appointed under subsection (1) may be reappointed for one additional term of office of 3 years.

(5) The Program Council shall meet 2 or 3 times a year.

(6) The members of the Program Council may receive payment from the Institute for travelling and oilier expenses incurred in connection with the work of the Program Council.

**Staff** 12(1) A Director and an Associate Director will be appointed for 5-year terms.

(2) The positions of Director and Associate Director should rotate between Calgary and Edmonton and among the professions listed in section 11(2).

(3) The Institute may enter into agreements to engage the services of persons it considers necessary and may prescribe their duties and conditions of employment and pay their fees, salary, remuneration and expenses.

(4) The Institute may enter into agreements to engage the services of agents, advisors or persons providing special, technical or professional services of a kind required by the Institute in connection with its business and affairs and may pay their remuneration, fees and expenses.

**Offices** 13 The Institute shall have offices in Edmonton and Calgary.

**Fiscal year** 14 The fiscal year of the Institute is the period commencing on April 1 in one year and ending March 31 next following, unless otherwise prescribed by the Lieutenant Governor in Council.

**Auditor** 15 The Auditor General is the auditor of the Institute.

**Publications** 16 The Institute may publish and sell or otherwise distribute information respecting or obtained in the course of its operations.

**Annual report** 17(1) The Institute shall, after the end of each fiscal year, submit to the Minister charged with the administration of the Act an annual report consisting of a general summary of its activities

in that year and a financial report.

(2) The Minister shall lay a copy of the annual report before the Legislative Assembly if it is then sitting, and if it is not then sitting, within 15 days after the commencement of the next ensuing sitting.

**International  
Board of Review**

**18(1)** Within 3 months of the receipt of a written request by the Board made not later than 5 years after the establishment of the Institute, the Program Council shall forward to the Board nominations of persons for membership in an International Board of Review of a number specified in the Board's request.

(2) The Board shall, within 3 months of receiving the nominations of the Program Council under subsection (1), appoint International Board of Review of not less than 6 members from among those persons nominated by the Program Council.

(3) Subsequent members of the International Board of Review shall be nominated by the Program Council and appointed by the Board in the same manner as the initial appointments made under subsections (1) and (2).

(4) The members of the International Board of Review appointed under subsections (2) and (3) shall review the operation of the Institute at intervals of 5 years and shall report and make recommendations to the Board on the Institute's operations including an assessment of the Institute's operations including an assessment of the Institute's effectiveness in meeting its objects and whether the operations of the Institute should be continued, modified or discontinued.

(5) Notwithstanding subsections (2) and (3), the appointments of the members of the International Board of Review lapse on the passing of a resolution of the Board, made after the receipt of the Board of the report and recommendations of the International Board of Review under subsection (4), discharging the members from further duties.