

1995 BILL 24

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Third Session, 23rd Legislature, 44 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL ~~24~~

HOSPITALS AMENDMENT ACT, ~~1995~~

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MRS. GORDON

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 24*  
*Mrs. Gordon*

## **BILL 24**

1995

### **HOSPITALS AMENDMENT ACT, 1995**

*(Assented to , 1995)*

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

Amends RSA  
1980 cH-11

*1 The Hospitals Act is amended by this Act.*

*2 Section 40 is amended*

*(a) in subsection (6) by repealing clauses (c.01), (d), (e), (f) and (i);*

*(b) by adding the following after subsection (6):*

**(6.1)** Notwithstanding subsection (3) or any other law, the board of an approved hospital may, in accordance with subsections (6.2) and (6.3), disclose to an authorized person information respecting diagnostic and treatment services provided to or in respect of a patient.

**(6.2)** Information may be disclosed under subsection (6.1) only if it is needed for a preliminary investigation, a discipline proceeding or a practice review conducted pursuant to a professional Act.

**(6.3)** Information may be disclosed under subsection (6.1) only if

(a) an officer of an association regulated by a professional Act makes a written request for it and the patient or the patient's legal representative consents to the disclosure, or

(b) the disclosure is made by a member of the board of the approved hospital in compliance with a notice, issued pursuant to a professional Act, to attend as a witness or produce documents.

## Explanatory Notes

**1** Amends chapter H-11 of the Revised Statutes of Alberta 1980.

**2** Section 40(6) presently reads in part:

(6) *Notwithstanding subsection (3) or any other law,*

*(c.01) the board of an approved hospital may divulge any records of diagnostic or treatment services provided in respect of a patient to a person conducting a preliminary investigation, the Discipline Committee or the Board under the Dental Profession Act if*

*(i) an officer of The Alberta Dental Association makes a written request for it and the disclosure is consented to by the patient or his legal representative, or*

*(ii) the disclosure is made by a member of the board in compliance with a notice under section 56 of the Dental Profession Act to attend as a witness or produce documents;*

*(d) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to the Council of the College of Physicians and Surgeons or an investigating committee under the Medical Profession Act or the Professional Conduct Committee or the Appeals Committee under the Nursing Profession Act, if*

*(i) an officer of the College or the Alberta Association of Registered Nurses, as the case may be, makes a*

**(6.4)** For the purposes of subsections (6.1), (6.2), (6.3) and this subsection,

- (a) “authorized person” means a person or body that is authorized by a professional Act to conduct a preliminary investigation, a discipline proceeding or a practice review;
- (b) “professional Act” means an Act that regulates a profession.

*written request for it and the disclosure is consented to by the patient or his legal representative, or*

- (ii) the disclosure is made by a member of the board in compliance with a notice under section 49 of the Medical Profession Act or section 72 of the Nursing Profession Act to attend as a witness or produce documents;*
- (e) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to the Health Disciplines Board or*
  - (i) to the Committee of a designated health discipline governed by a Committee, or*
  - (ii) in the case of a designated health discipline governed by a health discipline association, to the conduct and competency committee established by the health discipline association,*

*if the disclosure is made by a member or employee of the board of the approved hospital in compliance with a notice under section 18(1) of the Health Disciplines Act;*
- (f) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to the Discipline Committee or the Board under the Registered Dietitians Act, if the disclosure is made by a member or employee of the board in compliance with a notice under section 35 of the Registered Dietitians Act;*
- (i) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to a person conducting a preliminary investigation or the Discipline Committee under the Psychology Profession Act if*
  - (i) an officer of the Psychologists Association of Alberta makes a written request for it and the disclosure is consented to by the patient or his legal representative, or*
  - (ii) the disclosure is made by a member of the board in compliance with a notice under section 41 of the Psychology Profession Act to attend as a witness or to produce documents.*