

1996 BILL 27

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 27

PUBLIC HEALTH AMENDMENT ACT, 1996

MR. DUNFORD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 27

1996

PUBLIC HEALTH AMENDMENT ACT, 1996

(Assented to _____, 1996)

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

Amends SA
1995 cP-27.1

1 *The Public Health Act is amended by this Act.*

2 *Section 1 is amended*

(a) *by repealing clause (c.1) and substituting the following:*

(c.1) “community health nurse” means a registered nurse as defined in the *Nursing Profession Act* who is employed or engaged by a regional health authority or a provincial health board established under the *Regional Health Authorities Act* or the Department to provide public health services;

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

(i.01) “health region” means a health region established under the *Regional Health Authorities Act*;

(c) *by repealing clause (n.1);*

(d) *in clause (o) by striking out “health unit” and substituting “regional health authority”;*

(e) *by adding the following after clause (v):*

(v.1) “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*;

(f) *by adding the following before clause (w):*

Explanatory Notes

1 Amends chapter P-27.1 of the Statutes of Alberta, 1984.

2 Section 1 presently reads in part:

1 In this Act,

(c.1) "community health nurse" means a registered nurse who is employed by a local board or in the Department;

(n.1) "local board" means a local board of a health unit appointed under this Act;

(o) "medical officer of health" means a physician appointed by a health unit or designated by the Minister under this Act as a medical officer of health;

(x) "sexually transmitted diseases clinic" means a clinic operated by the Minister or a local board for the purposes of prevention and treatment of sexually transmitted diseases;

(v.2) “registered nurse providing extended health services” means a registered nurse as defined in the *Nursing Profession Act* who is employed or engaged by a regional health authority or a provincial health board established under the *Regional Health Authorities Act* or the Department to provide the extended health services referred to in section 21;

(g) *in clause (x) by striking out “local board” and substituting “regional health authority”.*

3 *Section 1.1 is repealed.*

4 *The heading “HEALTH UNITS” preceding section 7 is struck out and the heading “ADMINISTRATION” is substituted.*

5 *Sections 7 to 16 are repealed.*

6 *Section 17 is repealed and the following is substituted:*

3 Section 1.1 presently reads:

1.1(1) Where a health unit is disestablished under section 10(2) and the health unit is located in a health region under the Regional Health Authorities Act, then, subject to the regulations under subsection (2), for the purpose of administering this Act in that part of the health region that formerly constituted the health unit, the regional health authority has the power, authority and jurisdiction and is subject to the duties and obligations that the local board of the health unit had and was subject to.

(2) The Lieutenant Governor in Council may make regulations

- (a) providing for the non-application of provisions of this Act or the regulations under it in a case where subsection (1) applies,*
- (b) varying the application of provisions of this Act or the regulations under it in a case where subsection (1) applies, and*
- (c) respecting any other matters the Lieutenant Governor in Council considers necessary in a case where subsection (1) applies*

for the purposes of facilitating the administration of this Act in such a case.

4 New heading.

5 Repeal of spent provisions authorizing the establishment of health units and the appointment of local boards.

6 Section 17 presently reads:

17(1) A local board shall

Staff

17(1) A regional health authority shall appoint a person as a medical officer of health and persons as executive officers for the regional health authority for the purpose of carrying out this Act and the regulations.

(2) The Minister may appoint a person as a medical officer of health for a regional health authority if the regional health authority fails to do so.

7 Sections 18 and 19 are repealed.

8 Section 20 is repealed and the following is substituted:

- (a) *provide the office accommodation and equipment required for the work of the health unit;*
 - (b) *determine the location of the office or offices of the staff of the health unit;*
 - (c) *employ the staff required for the operation of the health unit;*
 - (d) *appoint as a member of its staff a medical officer of health;*
 - (e) *designate members of its staff as executive officers for the purpose of carrying out this Act and the regulations;*
 - (f) *designate a member of its staff as chief executive officer of the health unit, who is responsible to the local board for the management and administration of the health programs and services and the business affairs of the local board;*
 - (g) *do all things necessary to administer the health unit.*
- (2) *The Minister may appoint a medical officer of health as an employee of a local board if the local board fails to do so.*

7 Sections 18 and 19 presently read:

18 A local board may delegate to any of its employees or officers any of the powers, duties and functions of the local board relative to the provision of the services, supplies, equipment and care referred to in section 20.

19(1) A local board

- (a) *may make application to the pension board or Minister charged with the administration of the appropriate pension plan for pension coverage under the appropriate pension plan for its staff, and*
- (b) *is authorized to make the appropriate employer contributions to the plan.*

(2) *For the purposes of this section, "appropriate pension plan" means*

- (a) *the Local Authorities Pension Plan, the Management Employees Pension Plan or the Public Service Pension Plan, or*
- (b) *a pension plan designated by the Lieutenant Governor in Council as an appropriate pension plan.*

8 Section 20 presently reads:

20 A local board

Provision of
services by
RHA

20 A regional health authority shall provide the health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations require it to provide.

9 *Section 21 is repealed and the following is substituted:*

Extended
health
services

21 Notwithstanding the *Medical Profession Act* and the *Pharmaceutical Profession Act*, a registered nurse providing extended health services may provide the extended health services permitted under the regulations.

10 *Section 22 is repealed and the following is substituted:*

Provision of
services by
Minister

22 The Minister may provide to any person any health promotional, preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment and care and any drugs, medicines and biological agents prescribed in the regulations.

11 *The heading “PART 2.1 FOUNDATIONS” preceding section 22.1 and sections 22.1 to 22.9 are repealed.*

12 *The heading “PART 3 ADMINISTRATION” preceding section 23 is repealed.*

13 *Section 23 is amended*

(a) shall provide the health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations require it to provide, and

(b) may provide any other health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that the regulations permit it to provide.

9 Section 21 presently reads:

21(1) Notwithstanding the Medical Profession Act and the Pharmaceutical Association Act, a community health nurse may provide preventive, treatment and emergency services permitted in the regulations.

(2) No liability attaches to a community health nurse by reason of any act done or omitted by the nurse in good faith in performing, in accordance with the regulations, any preventive, treatment or emergency services permitted in the regulations.

10 Section 22 presently reads:

22(1) The Minister may provide to residents of Alberta any of the health promotional, preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment or care prescribed in the regulations to be provided by a local board

(a) where there is no health unit established in that area, or

(b) where there is a health unit established but the local board is unable to provide the services, supplies, equipment or care to the standards prescribed in the regulations.

(2) The Minister may provide to any person any health promotional, preventive, diagnostic, treatment, rehabilitative or palliative services, supplies, equipment and care and any drugs, medicines and biological agents prescribed in the regulations, other than services, supplies, equipment, care, drugs, medicines or biological agents provided for under the Alberta Health Care Insurance Act or the Hospitals Act.

11 Repeal of spent provisions authorizing the establishment of foundations.

12 Repeal of unnecessary heading.

13 Section 23 presently reads in part:

(a) *by repealing subsection (1);*

(b) *in subsection (2) by striking out “employed by the Department”.*

14 *Sections 24 to 29 are repealed.*

15 *Section 30 is repealed and the following is substituted:*

Inspection by
Minister

30 The Minister and employees of the Government authorized by the Minister for the purpose may

(a) make inquiries into the management and affairs of a regional health authority,

(b) enter and inspect any place under the jurisdiction of a regional health authority, and

(c) examine the records of a regional health authority

for the purpose of verifying the accuracy of reports and ensuring that this Act and the regulations are complied with.

16 *Section 35 is amended by striking out “health unit” wherever it occurs and substituting “health region” and by striking out “local board” and substituting “regional health authority”.*

17 *Section 38 is amended by striking out “local board” and substituting “regional health authority” and by striking out “health unit” and substituting “health region”.*

18 *Section 39(1) and (2) are amended by striking out “health unit” and substituting “health region”.*

23(1) The Minister may in writing delegate any power, duty or function conferred or imposed on him by this Act or the regulations, except the power to make regulations, to a local board, an employee in the Department or a member, officer or employee of an agent of the Crown in right of Alberta.

(2) The Minister may designate a physician employed by the Department as a medical officer of health for the purpose of Part 4.

14 Repeal of sections made unnecessary by Regional Health Authorities Act and Government Organization Act.

15 Section 30 presently reads:

30 The Minister and employees of the Government authorized by the Minister for the purpose may make inquiries into the management and affairs of a health unit, may visit and inspect a health unit and may examine the records of a health unit for the purpose of verifying the accuracy of reports and ensuring that this Act and the regulations are complied with.

16 Section 35 presently reads:

35 Where a medical officer of health receives notification of a suspected case of a communicable disease referred to in section 31(1) that occurs outside the boundaries of the health unit, he shall immediately notify the medical officer of health of the local board of the health unit in which the case occurred.

17 Section 38 presently reads:

38 A local board shall submit to the Director a weekly summary in the prescribed form of all cases of communicable disease referred to in section 31 occurring within the health unit.

18 Section 39 presently reads:

39(1) A medical officer of health who knows of or has reason to suspect the existence of a communicable disease within the boundaries of the health unit in which he has jurisdiction may

(a) initiate an investigation to determine whether any action is necessary to protect the public health, and

19 Section 46 is amended by striking out “local board of the health unit” and substituting “regional health authority of the health region”.

20 Section 47(2)(a) is amended by striking out “notwithstanding the rated bed capacity of the hospital,”.

21 Section 49 is amended

- (a) in subsection (1) by striking out “or community health nurse” wherever it occurs and substituting “, community health nurse or registered nurse providing extended health services”;*
- (b) in subsection (4) by striking out “health unit” and substituting “health region”.*

(b) where the presence of a communicable disease is confirmed, carry out any measures prescribed in the regulations in respect of that communicable disease.

(2) The jurisdiction of a medical officer of health extends to any person who is known or suspected to be

(a) infected with a communicable disease,

(b) a carrier,

(c) a contact, or

(d) susceptible to and at risk of contact with a communicable disease,

whether or not that person resides within the boundaries of the health unit.

19 Section 46 presently reads:

46 A person transporting another person who he knows or has reason to believe is suffering from a communicable disease requiring isolation or quarantine under the regulations shall inform the medical officer of health of the local board of the health unit in which the person is being transported and comply with any conditions respecting the transportation that are prescribed by the medical officer of health.

20 Section 47(2) presently reads:

(2) On the recommendation of the Minister, the Lieutenant Governor in Council

(a) may order a board of an approved hospital as defined in the Hospitals Act to provide isolation or quarantine accommodation in the amount and manner prescribed in the order, notwithstanding the rated bed capacity of the hospital, and

(b) may order the owner of a facility to provide isolation or quarantine accommodation in the amount and manner prescribed in the order.

21 Section 49(1) and (4) presently read:

49(1) Where a physician or community health nurse knows or has reason to believe that a person

(a) is infected with a disease prescribed in the regulations for the purposes of this section, and

(b) refuses or neglects

(i) to submit

22 *Section 75(1) is amended*

- (a) in clause (a.1) by striking out “33(1)(b)(i)” and substituting “33(1)(a)”.*
- (b) by repealing clause (f.1)(ii);*
- (c) in clause (g) by striking out “waste management facilities and”;*
- (d) by adding the following after clause (g):*
 - (g.01) respecting the handling and disposal of biomedical waste;*
- (e) by repealing clauses (j.1) and (j.2);*
- (f) in clause (k) by striking out “local boards” and substituting “regional health authorities”;*
- (g) by repealing clauses (k.1) to (o.2);*
- (h) in clause (p) by striking out “local boards” and substituting “regional health authorities”;*
- (i) by repealing clause (p.1);*
- (j) in clause (p.2) by striking out “local board” wherever it occurs and substituting “regional health authority”;*
- (k) by repealing clause (q) and substituting the following:*
 - (q) respecting the extended health services that may be provided by a registered nurse providing extended*

- (A) *to a medical examination for the purpose of ascertaining whether or not he is infected with that disease, or*
- (B) *to medical, surgical or other remedial treatment that has been prescribed by a physician and that is necessary to render the person non-infectious, or*
- (ii) *to comply with any other conditions that have been prescribed by a physician as being necessary to mitigate the disease or limit its spread to others,*

the physician or community health nurse shall immediately notify the medical officer of health in the prescribed form.

(4) Where the physician referred to in subsection (1) is a medical officer of health in the health unit in which the alleged infected person is located, he may issue the certificate referred to in subsection (2).

22 Section 75(1) presently reads in part:

75(1) The Lieutenant Governor in Council may make regulations

- (a.1) prescribing communicable diseases of which immediate notification is required for the purposes of sections 33(1)(b)(i), 34(a)(i) and 37(b);*
- (f.1) respecting the location, operation, maintenance, equipping, cleansing, disinfecting and disinfestation of*
 - (i) abattoirs,*
 - (ii) premises where livestock or poultry are kept,*
 - (iii) noxious trades,*
 - (iv) camps and campgrounds, and*
 - (v) wells, water fountains, cisterns and water tanks;*
- (g) respecting the construction, location, operation, maintenance, disinfection, disinfestation and disposition of waste management facilities and outdoor lavatories;*
- (g.1) prescribing the maximum level of contaminants permissible in air or water;*
- (j.1) respecting the management, maintenance, functions, duties and jurisdiction of local boards;*
- (j.2) prohibiting a local board from engaging in any activity specified in the regulations that results in a financial commitment without the prior consent of the Minister;*

health services and respecting the terms and conditions under which those services may be provided;

(q.01) respecting any additional training and experience that may be required by a registered nurse providing extended health services to be eligible to provide particular extended health services;

(q.02) respecting any conditions relating to the employment or engagement of a registered nurse providing extended health services;

(l) in clause (q.1) by striking out “22(2)” and substituting “22”.

(m) by repealing clause (r.1).

- (k) respecting the qualifications of persons employed as inspectors by local boards;*
- (k.1) respecting accounting policy and procedures of local boards, including the manner of administration of funds by local boards;*
- (l) prescribing the fiscal year of local boards;*
- (l.1) respecting the manner in which and the terms and conditions subject to which a local board may acquire, hold and dispose of property and respecting the circumstances under which the acquisition, holding or disposition of property by a local board is prohibited;*
- (m) respecting the purposes and manner of investment of funds not required for immediate use for the purpose of section 16(2)(a);*
- (m.1) respecting the manner in which local boards may borrow money, the rate of interest on borrowing, the terms of borrowing, the periods and the purposes of borrowing for the purposes of section 16(2)(c);*
- (n) respecting the manner of submission of the copy of the budget, and the date prior to which it must be submitted for the purposes of section 26(1);*
- (n.1) declaring that, for the purposes of section 27(4), the standards, as they exist from time to time, of any accounting body named in the regulations shall be in force in whole or in part or with any revisions, variations or modifications that are specified by the regulations;*
- (o) respecting the purpose for which and the circumstances and conditions under which a local board may retain the unexpended balances of operating revenue that are shown to be surplus for the purposes of section 27(5);*
- (o.1) respecting the manner of submission of the annual report and the date by which it must be submitted for the purposes of section 29(1);*
- (o.2) governing the winding-up of a foundation under Part 2.1;*
- (p) respecting the kinds and basic standards of health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that must be provided by local boards and the conditions under which they are to be provided;*
- (p.1) respecting the kinds and basic standards of health promotional, preventive, diagnostic, treatment, rehabilitative and palliative services, supplies, equipment and care that may be provided by local boards and the conditions under which they may be provided;*

23 *Sections 84 to 86.I are repealed.*

24 *In the following provisions “local board” is struck out wherever it occurs and “regional health authority” is substituted:*

section 4(1), (2), (3), (5), (6), (7), (8) and (11);
section 32;
section 33(1) and (2);
section 34(a);
section 36;
section 72(8);
section 73(3), (4), (6), (7) and (8);
section 74(1) and (2);
section 82.

25 *The Public Health Amendment Act, 1995 is repealed.*

26 *This Act comes into force on Proclamation.*

- (p.2) authorizing a local board to charge fees for goods and services provided by or on behalf of the local board in respect of its carrying out its duties and exercising its powers under this Act, and respecting the amounts of the fees that may be charged;*
- (q) prescribing the preventive, treatment and emergency services that may be provided by a community health nurse for the purposes of section 21;*
- (q.1) respecting the services, supplies, equipment, care, drugs, medicines and biological agents that may be provided by the Minister for the purpose of section 22(2) and respecting the persons to whom and the conditions under which they may be provided;*
- (r.1) respecting the manner of inviting nominations for the appointment to a local board of a member of the public for the purpose of section 11(7);*

23 Repeal of spent transitional provisions.

24 Consequential changes in terminology.

25 Repeals chapter 25 of the Statutes of Alberta, 1995.

26 Coming into force.