

1996 BILL 30

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

HEALTH STATUTES AMENDMENT ACT, 1996

DR. OBERG

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 30

1996

HEALTH STATUTES AMENDMENT ACT, 1996

(Assented to ., 1996)

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

Hospitals Act

Amends RSA
1980 cH-11

1(1) The Hospitals Act is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)

(i) by repealing clauses (f.1), (g) and (g.1);

(ii) by adding the following after clause (h):

*(h.1) “health region” means a health region established under the *Regional Health Authorities Act*;*

(iii) by repealing clause (k);

(iv) in clause (l) by striking out “district” and substituting “health region”;

(v) by repealing clause (o) and substituting the following:

(o) “non-regional hospital” means a hospital that is owned or operated by a person other than a regional health authority;

(vi) by repealing clause (o.02);

(vii) by repealing clauses (o.1) and (o.11) and substituting the following:

Explanatory Notes

Hospitals Act

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

(2) Section 1 presently reads in part:

I(1) In this Act,

(f.1) "district" means a general hospital district, an auxiliary hospital district, a general and auxiliary hospital district, a general hospital and nursing home district, a general and auxiliary hospital and nursing home district, an auxiliary hospital and nursing home district or a nursing home district, and includes a municipal or auxiliary hospital district established under any former Act relating thereto;

(g) "district board" means the board of a district incorporated under section 8 or under any former Act relating to municipal or auxiliary hospitals or relating to nursing homes;

(g.1) "elector" means a person who is eligible to vote for the election of councillors under the Local Authorities Election Act;

(h) "general hospital" means a hospital providing diagnostic services and facilities for medical or surgical treatment in the acute phase for adults and children and obstetrical care, or any of them;

(k) "hospital district" means a district established in respect of 1 or more hospitals whether or not that

(o.1) “physician” means

- (i) with reference to medical services provided in Alberta, a person registered as a medical practitioner or a practitioner of osteopathy under the *Medical Profession Act*, and
- (ii) with reference to medical services provided in a place outside Alberta, a person lawfully entitled to practise medicine or osteopathy in that place;

(o.11) “regional health authority” means a regional health authority constituted under the *Regional Health Authorities Act*;

(b) by repealing subsection (2).

3) Section 1.1 is repealed.

district has also been established in respect of 1 or more nursing homes;

(l) “*included municipality*” means a municipality the whole or a part of which is included in a district;

(o) “*non-district hospital*” means a hospital other than a hospital owned by a district board;

(o.02) “*nursing home program*” means a nursing home program prepared pursuant to section 5(3) or under the Nursing Homes Act;

(o.1) “*physician*” means

(i) *with reference to medical services provided in Alberta, a person registered as a medical practitioner under the Medical Profession Act, and*

(ii) *with reference to medical services provided in a place outside Alberta, a person lawfully entitled to practise medicine in that place;*

(o.11) “*program*” means a hospital program or a nursing home program;

(2) *References in this Act to a*

(a) *particular type of district are to a district of the type established under section 2;*

(b) *particular type of program are to a program of that type prepared under this Act or the Nursing Homes Act.*

(3) Section 1.1 presently reads:

1.1(1) *Where an order establishing a district is rescinded under section 8(4) and the district is located in a health region under the Regional Health Authorities Act, then, subject to the regulations under subsection (2), for the purpose of the administration of this Act in that part of the health region that formerly constituted the district, the regional health authority has the power, authority and jurisdiction and is subject to the duties and obligations that the district board 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*

(4) *The heading “ORGANIZATION OF GENERAL AND AUXILIARY HOSPITAL DISTRICTS” preceding section 2 is repealed and the heading “NON-REGIONAL HOSPITALS” is substituted.*

(5) *Sections 2 to 10 are repealed.*

(6) *Section 11 is repealed and the following is substituted:*

Plan for
hospital
facilities

11(1) On the request of the owner of a non-regional hospital that serves a health region, or on the request of the regional health authority, the Minister may cause a plan to be prepared for the use of the services of the non-regional hospital by the regional health authority and for the integration of the operation, management and financing of all hospitals serving the health region.

(2) On being satisfied that a plan prepared pursuant to subsection (1) meets the needs of the regional health authority and the owners of the non-regional hospitals and serves the interests of the residents of the health region, the Minister, by order, may declare the plan to be in force in the health region.

(3) After consultation with the regional health authority and the owners of non-regional hospitals who are parties to a plan prepared pursuant to this section, the Minister, by order,

- (a) may amend the plan, and
- (b) may, on reasonable notice in writing to the parties, terminate the plan.

(4) An order terminating a plan under subsection (3) may contain any provisions the Minister considers necessary

- (a) to provide for the disposition of assets and property;
- (b) to provide for the assumption of liabilities and obligations;
- (c) to facilitate the winding-up of the plan.

(7) *Section 12 is amended*

- (a) *in subsection (1) by striking out “district board” and substituting “regional health authority”;*

- (c) respecting any other matters the Lieutenant Governor 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 providing for the creation of hospital districts and district boards.
- (6) Section 11 presently reads:

11(1) On the request of the owner of a non-district hospital serving a district or the district board of such a district the Minister may cause a plan to be prepared in consultation with the owners of all or any non-district hospitals serving that district and the district board for the utilization of the non-district hospitals in providing hospital facilities and services for the district board and for the integration of the interests and activities of the owners and the district board in respect of the operation, management and financing of the hospitals serving the district.

(2) On being satisfied that a plan prepared pursuant to subsection (1) meets the needs of the district board and the owners of the non-district hospitals and serves the interests of the residents of the district, the Minister, by order, may declare the plan to be in force in the district.

(3) After consultation with the district board and the owners of non-district hospitals who are parties to a plan prepared pursuant to this section, the Minister, by order,

- (a) may amend the plan, and*
(b) may, on not less than 2 years' notice in writing to the parties, terminate the plan.

- (7) Section 12 presently reads:

12(1) A plan under section 11 may require the establishment of a board of management for a non-district hospital consisting of

(b) by striking out “non-district hospital” wherever it occurs and substituting “non-regional hospital”.

(8) Section 13 is repealed.

(9) Section 14 is amended

(a) in clause (a) by striking out “district boards and”;

(b) by repealing clauses (a.1) and (a.2);

(c) in clauses (b), (c) and (d) by striking out “district boards and”;

(d) by repealing clause (e) and substituting the following:

(e) prescribe conditions that must be contained in or that apply to plans prepared pursuant to section 11 and other matters that are relevant to the relationship between regional health authorities and the owners of non-regional hospitals;

(e) by repealing clauses (e.1) to (l);

(f) in clause (m) by striking out “non-district hospital” and substituting “non-regional hospital” and by striking out “district board” and substituting “regional health authority”.

members appointed by the district board and a greater number of members appointed by the owner of the non-district hospital.

(2) *On the coming into force of a plan under section 11 that requires a board of management for a non-district hospital, the board of management*

- (a) is thereupon constituted as a corporation with the name and membership given in the plan and with the powers, objects and duties necessary for it to operate and administer the affairs of the hospital, except the power to dispose of the real and personal property of the non-district hospital, and*
- (b) becomes the governing board of the hospital and has full control of the hospital and has absolute and final authority and responsibility in respect of all matters appertaining to the operation of the hospital,*

subject to any limitations on its authority imposed by statute or the regulations or the plan.

(8) Section 13 presently reads:

13(1) In this section, "voluntary nursing home" means a nursing home owned by a society as defined in the Nursing Homes Act.

(2) *When residents of a municipality are served by a non-district hospital or a voluntary nursing home within the meaning of the Nursing Homes Act, the municipality may, by agreement or arrangement between its council and the governing board of that hospital or the operator of that voluntary nursing home, pay funds to the governing board of the hospital or the operator of the nursing home for capital purposes of the hospital or nursing home.*

(9) Section 14 presently reads:

14 The Lieutenant Governor in Council may make regulations to carry out the intent of this Part and, without restricting the generality of the foregoing, may make regulations to

(a) govern the manner of appointment, including nomination of members of district boards and boards of management;

(a.1) state whether second and subsequent district boards are to be appointed or elected, or delegate that function to any council;

(a.2) designate a council for the purposes of section 3 of the Local Authorities Election Act;

(b) subject to the Local Authorities Election Act and the regulations under that Act, govern the qualifications for membership and conditions of disqualification from membership, terms of office, procedure for filling vacancies, and other matters pertaining to members of district boards and boards of management;

- (c) govern the election of officers, fixing quorums, times of meetings, books and records to be kept, reports and returns to be made, travelling and expense allowances to be paid and other matters pertaining to the organization of district boards and boards of management and the management of its affairs;
- (d) prescribe the manner in which district boards and boards of management may borrow money and fix the rate of interest on it, fix the terms of borrowing and the periods of borrowing;
- (e) prescribe conditions that must be contained in or apply to plans prepared pursuant to section 11 and other matters that are relevant to the relationship of district boards and the owners of non-district hospitals;
- (e.1) prescribe the information to be contained in a nursing home program;
- (f) require district boards and governing boards of non-district hospitals to submit annual budgets to the Minister in the form prescribed by the Minister and at the times prescribed in the regulations;
- (g) prescribe procedures with respect to the submission of requisitions by district boards to municipalities and the powers and duties of municipalities, district boards and, when the district owns 2 or more hospitals, the boards of those hospitals, in connection therewith;
- (h) prescribe which year's equalized assessment is to be used for the purposes of the requisitioning of money in any year by district boards on municipalities;
- (i) prescribe the kinds of capital costs that may be included in requisitions by district boards on municipalities in any year and the method of determining the amounts of those capital costs;
- (j) limit the amounts that may be requisitioned by a district board on municipalities in any year without the necessity of the approval of the electors referred to in clause (k);
- (k) require, in any case where the amount of a requisition by a district board on a municipality exceeds the amount limited pursuant to regulations under clause (j), that the municipality is only liable to pay the excess amount if the municipality conducts a vote pursuant to the Local Authorities Election Act on the question of whether or not it should pay the excess amount and the majority of the electors of the municipality residing within the district vote in favour of the payment;
- (l) require a municipality to conduct a vote referred to in clause (k) at the expense of the district board within the time prescribed in the regulations;

(10) *Sections 15 to 23 are repealed.*

(11) *Section 24 is amended by striking out “district board” and substituting “regional health authority”.*

(12) *Section 25 is amended*

- (a) *by striking out “district board or” wherever it occurs;*
- (b) *in subsection (2)(c) by striking out “district” and substituting “regional health authority”;*
- (c) *in subsection (3) by striking out “district” and substituting “board of management”.*

(13) *Section 26 is amended*

- (a) *by repealing clause (a) and substituting the following:*
 - (a) “administrator” means the person who is the most senior official in the administrative organization of a hospital and is responsible for the day to day operation and management of the affairs of the hospital;
- (b) *in clause (b) by striking out “and the Alberta Pharmaceutical Association, or any of them” and substituting “the Alberta Pharmaceutical Association and any professional association that is representative of a group of employees or of professional staff or medical staff of a hospital”;*

- (m) prescribe any procedures relating to the provision of financial assistance to a board of management or the owner of a non-district hospital by a district board pursuant to a plan under section 11.
- (10) Repeal of sections authorizing requisitioning of municipalities for hospital purposes.

(11) Section 24 presently reads:

24 When under this Act an act or thing is directed to be done forthwith or within a specified time by an included municipality or by a council of it or by a district board or board of management or by an officer of one of those bodies and the act or thing is not done, the Minister may do the act or thing with the same effect as if it had been done by that body.

(12) Section 25 presently reads:

25(1) The Minister by order may for cause dismiss the members of a district board or board of management and appoint an official administrator in their place.

(2) An official administrator appointed under this section

- (a) has the powers and authorities conferred by this Act on a district board or board of management.*
- (b) shall perform all the duties of a district board or board of management, and.*
- (c) shall be paid the salary the Minister determines together with proper expenses, as an operating expense of the district.*

(3) The Minister may by order terminate at any time the appointment of an official administrator and restore the affairs of the district to an authority selected pursuant to the regulations.

(13) Section 26 presently reads:

26 In this Part,

- (a) "administrator" means the person appointed by the board of a hospital as its chief executive officer, who is the most senior official in the administrative organization of that hospital, and who is responsible to the board for the day to day operation and management of the affairs of that hospital;*
- (b) "Associations" means the Alberta Hospital Association, The Alberta Medical Association (C.M.A.-Alberta Division), the Alberta Association of Registered Nurses and the Alberta Pharmaceutical Association, or any of them;*
- (c) "board" means a district board, a board of management, the board of trustees, governing board, council of sisters*

(c) by repealing clauses (c) and (d) and substituting the following:

(c) “board” means the corporate body or person that owns or operates a hospital, and includes a regional health authority;

(d) “medical staff” means the physicians appointed by a board to serve as the medical staff of a hospital or hospitals owned or operated by the board;

(d) by adding the following after clause (e):

(f) “professional staff” means professional staff as defined in the regulations.

(14) Section 27 is amended by renumbering it as section 27(1) and by adding the following after subsection (1):

(2) A board may be the board of more than one approved hospital.

(15) Section 28(1) is amended by striking out “controls” and substituting “owns or operates”.

(16) The following is added after section 28:

Board is final authority **28.1** The board has final authority in respect of the appointment of the medical staff of the approved hospitals it owns or operates.

Access to facilities **28.2** The board may grant physicians and other health care practitioners access to hospital facilities on any terms and conditions set out in the medical staff by-laws, the general by-laws or any contract for services or employment.

(17) Section 29 is repealed and the following is substituted:

Responsibility of medical staff **29** The medical staff of an approved hospital is responsible to the board

(a) for the quality of the professional services provided by the medical staff,

(b) for reviewing professional practices of the medical staff, and

or other corporate body or persons owning or managing the affairs of a non-district hospital;

- (d) *"medical staff" means the physicians appointed by the board of a hospital to serve as the medical staff of the hospital in accordance with by-laws made pursuant to this Act;*
- (e) *"patient" means a person who is admitted to the hospital as an in-patient or as an out-patient for diagnosis or treatment services, or both.*

(14) Section 27 presently reads:

27 Each approved hospital must have a governing board and, subject to any limitations of its authority imposed by Acts of the Legislature and regulations under it, the board has full control of that hospital and has absolute and final authority in respect of all matters pertaining to the operation of the hospital.

(15) Section 28(1) presently reads:

28(1) The board of each approved hospital shall enact general by-laws governing the organization, management and operation of the hospital which it controls.

(16) New sections re appointment of staff and access to facilities.

(17) Section 29 presently reads:

29 The medical staff of an approved hospital

- (a) *is responsible to the board of the hospital for the clinical and scientific work of the hospital and for advising the board on all matters relating to patient care;*
- (b) *is responsible to the board for reviewing professional practices of the medical staff and other members of the treatment team at the hospital;*

(c) for the improvement of the care of patients under the care of the medical staff.

(18) *Section 30(1) is repealed and the following is substituted:*

Hospital services utilization committee

30(1) The general by-laws of a board shall provide for the establishment of a committee to be called the "hospital services utilization committee" and may prescribe the powers and duties of that committee.

(19) *Section 31 is amended*

(a) *in subsection (1) by striking out "hospital medical staff review committee" and substituting "hospital staff review committee";*

(b) *in subsection (2) by striking out the words preceding clause (a) and substituting the following.*

(2) In this section, "hospital staff review committee" means a committee appointed by the board of an approved hospital or by the medical staff

(20) *Section 32 is repealed and the following is substituted:*

Medical staff by-laws

32(1) The board of an approved hospital

(a) shall require the preparation and adoption of by-laws by its medical staff governing the organization and conduct of the medical staff practising in the hospital and the procedures whereby the medical staff must make recommendations to the board concerning the appointment, re-appointment, termination or suspension of appointment of, and the delineation of hospital privileges of, members of the medical staff;

- (c) *is responsible to the board for the improvement of the care of patients in the hospital;*
- (d) *is responsible for making recommendations to the board respecting utilization of the hospital.*

(18) Section 30(1) presently reads:

30(1) The general by-laws of a board of an approved hospital having a rated capacity of 100 beds or over shall, and of an approved hospital having a rated capacity of less than 100 beds may, provide for the establishment for its hospital of a committee to be called the "hospital services utilization committee" and consisting of members of the medical staff, and may prescribe the powers and duties of that committee.

(19) Section 31 presently reads:

31(1) No action for defamation lies against any member of a hospital medical staff review committee in respect of

- (a) *advice given or statements, decisions or recommendations made in good faith to the board of an approved hospital by the committee, or*
- (b) *anything done or omitted to be done by him in good faith in the exercise of duties and powers given to the committee by this Act, the regulations or the by-laws of the board or of the medical staff.*

(2) In this section, "hospital medical staff review committee" means any committee appointed by the board of an approved hospital or by the medical staff

- (a) *to evaluate and control clinical practice in the hospital on a continuing basis for the purpose of maintaining and improving the safety and quality of patient care, or*
- (b) *to perform any functions in relation to the appraisal and control of the quality of patient care in the hospital.*

(20) Section 32 presently reads:

32(1) The board of each approved hospital

- (a) *shall require the preparation and adoption of by-laws by its medical staff governing the organization and conduct of the physicians practising in the hospital and the procedures whereby the medical staff must make recommendations to the board concerning the appointment, re-appointment, termination or suspension of appointment of, and the delineation of hospital privileges of, members of the medical staff.*
- (b) *may from time to time require the amendment or repeal of the by-laws of the medical staff, and*

- (b) may from time to time require the amendment or repeal of the by-laws of the medical staff.
- (2) By-laws under this section are ineffective until they have been approved by the board and the Minister.
- (3) Where the board and the medical staff agree on the contents of by-laws under this section, the board shall send a true copy of the by-laws signed by the appropriate officers of the medical staff and of the board to the Minister for approval.
- (4) Where the board and the medical staff cannot agree on the contents of by-laws under this section, the board shall refer the draft by-laws and the matters in dispute to the Minister, whose decision shall be final, and the medical staff shall adopt the by-laws and the board shall approve them in accordance with the Minister's decision.
- (5) The board and the medical staff may make independent written representations to the Minister on the matters in dispute.
- (6) By-laws under this section must provide for
 - (a) the adoption of rules governing the day to day management of medical affairs in the hospital and the amendment or replacement of those rules from time to time as the need arises, and must provide that the rules become effective only on their approval by the board;
 - (b) a procedure for the review of decisions made by the medical staff or the board pertaining to or affecting the privileges of members of the medical staff;
 - (c) a procedure to ensure that all applications for appointment to the medical staff reach the board in the time prescribed in the by-laws, whether or not the appointment is recommended by the medical staff;
 - (d) a procedure to ensure that the board gives notice to an applicant for an appointment to the medical staff within a reasonable time of the decision of the board as to whether or not the application has been accepted;
 - (e) mechanisms to ensure that the board considers medical staff input respecting patient care and that medical staff have input into strategic planning,

- (c) may approve or disapprove of the by-laws or amendments.
- (2) On approval by a board of the by-laws of the medical staff or any amendments of them as provided in subsection (1), the board shall send a true copy of the by-laws or amendments signed by the appropriate officer of the medical staff and of the board to the Minister for approval, and the by-laws or amendments of them are effective only on the written approval of the Minister.
- (3) The by-laws of the medical staff must provide for
- (a) the adoption of rules governing the day to day management of medical affairs in the hospital and the amendment or replacement of those rules from time to time as the need may arise and must provide that the rules become effective only on their approval by the hospital board;
 - (b) a procedure for the review of decisions made by the medical staff or the board pertaining to or affecting the privileges of members of the medical staff;
 - (c) a procedure to ensure that all applications for appointment to medical staff reach the board in the time prescribed in the by-laws, whether or not the appointment is recommended by the medical staff;
 - (d) a procedure whereby notice is to be given by the board to an applicant for an appointment to the medical staff within a reasonable time of the decision of the board as to whether or not his application has been accepted.
 - (e) requiring, in the case of hospitals with a rated capacity of less than 100 beds, that the credentials committee of the hospital confer with the College of Physicians and Surgeons of the Province of Alberta for its advice on all matters relating to medical staff privileges.

community needs assessment, facility use management and quality assurance activities of the board;

(f) mechanisms to promote ethical behaviour, evidence-based decision making and participation in continuing medical education by medical staff.

(7) The board and the medical staff shall comply with by-laws under this section.

(21) *Section 39 is repealed.*

(22) *Section 40 is amended*

(a) *in subsection (5)*

(i) *in the words preceding clause (a) by adding “or a member of a professional staff” after “physician”;*

(ii) *in clause (c) by adding “or attending professional staff” after “physicians”;*

(b) *in subsection (5.1) by adding “, a member of a professional staff” after “physician”;*

(c) *by repealing subsection (6)(c.1) and substituting the following:*

(c.1) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to a regional health authority or provincial health board under the *Regional Health Authorities Act* if the regional health authority or provincial health board has assumed the responsibility for any care or treatment of the patient;

(21) Section 39 presently reads:

39(1) Subject to subsection (2), and approval by the Minister, the board of each approved hospital shall appoint annually an auditor who must be a person registered pursuant to the Chartered Accountants Act, or other qualified person.

(2) An auditor appointed by a board must not be a member or employee of the board and must not be a party to or have any interest in any contract made by the board in any capacity except that of auditor.

(3) The board of each approved hospital shall send a copy of its audited financial statement to the council of every municipality which has made a financial contribution to the board during the fiscal year covered by the statement.

(22) Section 40 presently reads in part:

(5) Notwithstanding subsection (3) or any other law, a board or employee of a board, the Minister or a person authorized by the Minister, or a physician may

(a) divulge any diagnosis, record or information to the patient to whom the diagnosis, record or information relates or to his legal representative,

(c) without written consent of a patient, divulge any diagnosis, record or information relating to the patient to

(i) a Workers' Compensation Board,

(ii) the Alberta Blue Cross Plan, or

(iii) any other provincial hospital insurance authority.

if the information is required in order to establish responsibility for payment by the organization or insurer, or to any other hospital to which the patient may be transferred or admitted or to other attending physicians.

(d) in subsection (10) by striking out "or a physician" and substituting "a physician or a member of a professional staff".

(23) Section 41 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Information to
Minister

41(1) The board of an approved hospital shall on the written request of the Minister provide to the Minister at the times and in the manner specified in the request the records, reports and returns that are specified in the request.

(2) Subject to subsection (3), the council of a municipality that is included in a health region may, if the regional health authority appoints members to a board of management, require the board of management to send to the council a copy of the minutes of each of the meetings of the board of management.

(b) in subsection (3) by striking out "district board or".

(5.1) Notwithstanding subsection (3) or any other law, if the Provincial Court issues a subpoena pursuant to the Child Welfare Act, a board, an employee of a board, a physician, the Minister or a person authorized by the Minister shall release, in accordance with that Act, any diagnosis, record or information in respect of the child to whom the proceedings before the Provincial Court relate or with respect to a guardian of that child.

(6) Notwithstanding subsection (3) or any other law:

(c.1) the board of an approved hospital may divulge any records of diagnostic and treatment services provided in respect of a patient to a local board under the Public Health Act or a regional health authority or provincial health board under the Regional Health Authorities Act if the local board or the regional health authority or provincial health board has assumed the responsibility for any care or treatment of the patient;

(10) Notwithstanding subsection (3) or any other law, if a board, an employee of the board, the Minister or a person authorized by the Minister, or a physician

(a) is unable to divulge any diagnosis, record or information relating to a patient by reason of subsection (3), or

(b) refuses to divulge any diagnosis, record or information relating to a patient pursuant to subsection (5),

the patient or his legal representative may apply to the court for an order directing the person having the diagnoses, records or information to release them or a copy of them to the patient or his legal representative or to some other person named in the order.

(23) Section 41 presently reads:

41(1) The board of each approved hospital shall forward to the Minister any records, reports and returns that may be required at the times and in the form that the Minister may from time to time prescribe.

(2) Subject to subsection (3), the council of a municipality included in a hospital district may by resolution require

(a) the district board, or

(b) a board of management, when the district board appoints members to the board of management,

to send to the council a copy of the minutes of each of the meetings of the district board or board of management, as the case may be.

(3) A district board or board of management shall remove from any copy of minutes sent to a council under subsection (2) any portion of those minutes pertaining to personal matters affecting an individual employee of the board or any matter affecting the diagnosis or treatment of an individual patient, where the name of the employee or patient is revealed or is otherwise identifiable in the minutes.

(24) *Section 43 is amended*

(a) by repealing subsections (2) and (3) and substituting the following:

(2) When the Minister authorizes an investigation or mediation proceedings pursuant to subsection (1), the Minister may designate any person or entity to conduct or participate in the investigation or mediation proceedings.

(3) Where the Minister designates one or more Associations to conduct or participate in an investigation or mediation proceedings, the governing body of each designated Association shall appoint one or more of the Association's members to the committee that is to conduct the investigation or mediation proceedings and shall inform the Minister accordingly.

(b) in subsection (4)

(i) by striking out "subsection (3)" and substituting "this section";

(ii) in clause (c) by striking out "hospital";

(c) by repealing subsection (5) and substituting the following:

(5) On the completion of the investigation or mediation proceedings, the committee shall prepare a report on it and submit a copy of the report to the board concerned, the Minister and the persons and entities designated pursuant to subsection (2).

(d) in subsection (6) by striking out "association" and substituting "person or entity".

(24) Section 43 presently reads:

43(1) When he is requested to do so by the board of an approved hospital, the Minister may authorize

- (a) an investigation into the administration or operation of the hospital or any particular matter or problem that has arisen in connection with the administration or operation of the hospital, or*
- (b) the mediation of any dispute that has arisen in the course of the administration or operation of the hospital.*

(2) When the Minister has authorized an investigation or mediation proceedings pursuant to subsection (1), he may designate any or all of

- (a) the Alberta Hospital Association;*
- (b) The Alberta Association of Registered Nurses*
- (c) The Alberta Medical Association (C.M.A.-Alberta Division);*

to be responsible for the conduct of the investigation or mediation proceedings.

(3) The council or board of directors, as the case may be, of an association that is designated by the Minister under subsection (2) shall appoint one or more of the association's members to the committee that is to conduct the investigation or mediation proceedings and shall inform the Minister accordingly.

(4) The committee consisting of the person or persons appointed pursuant to subsection (3)

- (a) shall elect one of their number as chairman, if there are 2 or more members on the committee,*
- (b) shall conduct the investigation or mediation proceedings authorized by the Minister, and*
- (c) is entitled to require from the hospital board and its employees all information the committee reasonably requires for the purpose of the investigation or mediation proceedings and is entitled to access to the relevant records of the board for that purpose.*

(5) On the completion of the investigation or mediation proceedings, the Committee shall prepare a report on it and submit a copy of the report to the hospital board concerned, the Minister and the associations designated pursuant to subsection (2).

(25) *Section 44(1) is amended*

- (a) *by repealing clause (e);*
- (b) *in clause (g) by striking out “hospital boards” and substituting “boards”;*
- (c) *by adding the following after clause (g):*
 - (g.01) defining “professional staff” for the purposes of this Part;
- (d) *in clause (g.1) by striking out “district”;*
- (e) *in clause (k) by striking out “is” and substituting “in”.*

(26) *Section 46(1) is amended in the words preceding clause (a) by striking out “a hospital” and substituting “a board”.*

(27) *Section 47 is repealed.*

(28) *Section 48 is amended*

Discharge or
transfer of
patients

- (a) *in subsection (1) by striking out the words preceding clause (a) and substituting the following:*

48(1) Subject to subsections (1.1) and (1.2), the Minister or the board or administrator of an approved hospital may

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

(1.1) The Minister may act under subsection (1) on the basis of reports of the attending physician or the attending professional staff and the hospital records.

(1.2) The board or administrator may act under subsection (1) only after the board or administrator has consulted with the attending physician or the attending professional staff or a committee established to consider matters referred to in subsection (1).

(6) *No action lies against any association designated pursuant to subsection (2) or against any member of a committee constituted under this section in respect of*

- (a) *any advice given or statements made in the committee's report, or*
- (b) *anything done or omitted to be done by the committee or any member of the committee in good faith in the course of conducting the investigation or mediation proceedings.*

(25) Section 44(1) presently reads in part:

44(1) The Lieutenant Governor in Council may make regulations

- (e) *concerning expense payments to board members;*
- (g) *prescribing the powers and duties of hospital boards concerning the appointment, re-appointment, suspension and termination of appointment and the delineation of hospital privileges of members of medical staffs;*
- (g.1) *prohibiting a district board or board of management from using any of its funds to pay a physician for providing insured services, as defined in the Alberta Health Care Insurance Act, without the prior approval of the Minister;*
- (k) *concerning any other matters that in his opinion are necessary in order to carry out the purposes of this Act.*

(26) Section 46(1) presently reads in part:

46(1) When hospital, medical or other services are provided by a hospital to a person,

(27) Repeal of section giving a board a lien for hospital charges.

(28) Section 48(1) presently reads:

48(1) The board or the administrator of an approved hospital, after consultation with the patient's physician or a committee of the medical staff established to consider such matters, or the Minister on the basis of reports of the attending physician and the hospital records, may

- (a) *declare that a patient is no longer in need of the services provided by that hospital or of the services provided in a particular ward, section or unit of that hospital, and is eligible for transfer or discharge;*
- (b) *move the patient*
 - (i) *to another type of accommodation or to another ward, section or unit of that hospital,*
 - (ii) *to another approved hospital, or*

(29) Section 49 is amended

- (a) by repealing subsections (1) and (2) and substituting the following:*

Removal of
discharged
patients

49(1) When a patient has been declared eligible for discharge under section 48(1), the board or a representative of the board may require that the removal of that patient be effected by

(a) any person made liable for the payment of hospital services in respect of the patient pursuant to section 46, or

(b) the Minister of Family and Social Services in the case of a patient who is a tourist, transient or visitor in Alberta.

(b) in subsection (3) by striking out “or council”;

(c) in subsection (5) by adding “referred to in subsection (1)(a)” after “person”;

(d) in subsection (6) by striking out “council that” and substituting “person referred to in subsection (1)(a) who”;

(e) by repealing subsection (7) and substituting the following:

(7) In the event of a dispute arising between a person referred to in subsection (1)(a) and a board in respect of this section, the matter may be referred to the Minister by the person or the board, and the Minister’s decision on the matter is final.

(30) Section 51 is amended

(a) in clause (a) by adding “in the case of the board of a non-regional hospital, the” before “members”;

(b) by repealing clause (c).

(iii) to a nursing home or other accommodation.

(29) Section 49 presently reads:

49(1) When a patient has been declared eligible for discharge under section 48(1), the board or a representative of the board may require that the removal of that patient be effected by

(a) any person made liable for the payment of hospital services in respect of the patient pursuant to section 46, or

(b) the council of the municipality within the boundaries of which the patient resided at the time of his admission to hospital, if the patient is a resident of Alberta.

(2) The Minister of Family and Social Services has the responsibility of a council under this section in respect of a patient who is a tourist, transient or visitor to Alberta.

(3) The administrator may by registered mail notify the person or council responsible for the removal of a patient to remove the patient from the hospital within 10 days from the date of receipt of notification.

(4) The administrator shall send a copy of any notice given pursuant to subsection (3) to the local welfare officer, the Department of Family and Social Services and the Minister.

(5) A person who fails to comply with a notice given pursuant to subsection (3) is guilty of an offence and liable to a fine of not more than \$50 and in default of payment to imprisonment for a term not exceeding 10 days.

(6) Notwithstanding any other Act, a council that fails to comply with a notice given pursuant to subsection (3) is liable to pay to the board of the hospital or to the Minister, the cost of caring for the patient from the date of the mailing of the notice; the cost to be calculated by multiplying the number of days during which the patient remained in the hospital subsequent to that date by the daily rate for non-eligible patients that is currently in effect under Part 3 or the regulations.

(7) In the event of a dispute arising between a council and a board in respect of this section, the matter may be referred to the Minister by the council or the board whereupon the Minister shall determine all questions involved in the dispute and his decision thereon is final.

(30) Section 51 presently reads:

51 The board of each approved hospital shall forward to the Minister the names and postal addresses of

(a) members of the board and its officers;

(31) *Section 52 is repealed.*

(32) *Section 53(k) is repealed.*

(33) *Section 56 is amended by adding “the board of” before “the approved hospital”.*

(34) *Section 60 is repealed.*

(35) *Section 62 is amended*

(a) *in clause (b.3) by striking out “under section 55”;*

(b) *by adding the following after clause (b.3):*

(b.4) respecting the disposition of fees that are authorized under clause (b.3) and are charged for goods and services provided to non-residents of Canada;

(c) *in clause (g.1) by striking out “and user”;*

(d) *by repealing clauses (g.2) and (g.3);*

- (b) the administrator of the hospital;
- (c) the person appointed as the board's auditor;
- (d) any other officers or employees of the board that the Minister may from time to time require;

immediately on the election or appointment of those persons.

(31) Section 52 presently reads:

52 If the board of an approved hospital fails to comply with this Act or the regulations, the Minister may suspend or adjust any grants or payments to which the hospital may be entitled under this Act until the board complies with this Act or the regulations.

(32) Section 53(k) presently reads:

53 In this Part,

- (k) "user charges" means charges, other than authorized charges, that are assessed or assessable directly against patients, or others responsible for patients, for insured services.

(33) Section 56 presently reads:

56 When hospital services are provided to a person who has filed a declaration under section 18.5 of the Health Insurance Premiums Act, or to a dependant of that person, during a period in which the declaration is effective, the approved hospital is entitled to recover the cost of those services only from the person filing the declaration, and no part of those costs shall be shared by the Government of Alberta.

(34) Section 60 presently reads:

60 Payment for the insured services provided under this Part shall not be made to any hospital in respect of any operating costs of the hospital resulting from or attributable in any manner to any construction or increased capacity that has not been approved by the Minister.

(35) Section 62 presently reads in part:

62 The Lieutenant Governor in Council may make regulations

(b.3) respecting a schedule of fees for goods and services provided to a person not entitled to receive insured services under section 55;

(g.1) respecting the basis of sharing the operating costs of hospitals between the Minister, patients and other persons using hospital facilities, the assessment and collection of authorized and user charges and charges for accommodation and meals where hostel accommodation is provided, and exemptions from those charges;

- (e) in clause (h) by striking out “or user”;
- (f) in clause (k) by striking out “district board or board of an approved hospital” and substituting “board of an approved hospital, other than a regional health authority”;
- (g) by repealing clauses (k.1), (k.2) and (k.3).

(36) Section 63 is amended

- (a) in subsection (1)(a) and (b) by striking out “and user”;
- (b) in subsection (2)(b)(iv) by striking out “or user”.

(37) Section 66 is amended by striking out “\$100” and substituting “\$1000” and by striking out “15 days” and substituting “one year”.

(g.2) without limiting clause (g.1), authorizing hospitals

(i) to fix, up to the maximum amounts specified in the regulations, the amounts (if any) to be paid by patients as user charges, and

(ii) to exempt persons from user charges;

(g.3) providing for appeals by patients required to pay user charges to hospitals and the basis for such appeals,

(h) providing for the payment by the Minister of all or any part of the authorized or user charges on behalf of patients suffering from specific diseases or conditions;

(k) prohibiting or regulating the sale, lease or other disposition of real and personal property by a district board or board of an approved hospital;

(k.1) prohibiting the boards of approved hospitals or a class of approved hospitals from engaging in any activity specified in the regulations that results in a financial commitment without the prior consent of the Minister;

(k.2) providing with respect to any provision of a regulation under clause (k.1) that its contravention constitutes an offence;

(k.3) prescribing penalties in respect of offences created under clause (k.2);

(36) Section 63 presently reads in part:

63(1) Subject to subsection (2), an insurer shall not make a new contract or add new members to a group contract under which a resident of Alberta is to be provided with or is to be reimbursed or indemnified for the cost of

(a) standard ward hospitalization, including authorized and user charges for it, or

(b) any other insured services, other than authorized and user charges for those other services.

(2) An insurer

(b) may issue a contract of insurance in respect of the cost of insured services if

(iv) no coverage is provided in respect of the cost of authorized or user charges for standard ward hospitalization.

(37) Section 66 presently reads:

66 A person who contravenes this Part or the regulations is guilty of an offence and liable to a fine of not more than \$100 and in default of payment to a term of imprisonment not exceeding 15 days.

(38) *Section 67 is repealed and the following is substituted:*

Use of word
"hospital"

67 No owner or operator of an institution for the care of diseased, mentally disordered, injured or sick people shall describe the institution or permit it to be described as a hospital or use or permit the use of the word "hospital" in the name of the institution unless the institution

- (a) is an approved hospital, or
- (b) is owned or operated by the Crown or an agent of the Crown.

(39) *Section 68(a) is amended by adding the following after subclause (i.1):*

- (i.2) a regional health authority,

(40) *Section 75(1) is amended by striking out "the period from April 1 to the next following March 31" and substituting "April 1 to the following March 31".*

(41) *This section comes into force on Proclamation.*

Nursing Homes Act

Amends SA
1985 cN-14.1

2(1) *The Nursing Homes Act is amended by this section.*

(2) *Section 1 is amended*

(a) *in clause (d) by striking out "by the Minister" and substituting "under this Act";*

(b) *by repealing clause (e);*

(c) *by repealing clauses (h) and (i);*

(d) *by adding the following after clause (j):*

(j.1) *"health region" means a health region established under the *Regional Health Authorities Act*;*

(38) Section 67 presently reads:

67 *No institution operated for the care of diseased, mentally disordered, injured or sick people, other than*

(a) an approved hospital, or

(b) an institution operated by the Crown,

may describe itself as a hospital or use the word "hospital" in its name.

(39) Section 68(a) presently reads:

68 *In this Part,*

(a) "board" means a board as defined in section 26 but does not include

(i) the Alberta Cancer Board under the Cancer Programs Act,

(i.1) a provincial health board under the Regional Health Authorities Act,

(40) Section 75(1) presently reads:

75(1) *The fiscal year of a foundation is the period from April 1 to the next following March 31.*

(41) Coming into force.

Nursing Homes Act

2(1) Amends chapter N-14.1 of the Statutes of Alberta, 1985.

(2) Section 1 presently reads in part:

1 *In this Act,*

(d) "benefits" means the amounts payable by the Minister in respect of the cost of nursing home care provided to eligible residents;

(e) "Committee" means the Committee established under section 12;

(h) "district" means a district as defined in the Hospitals Act that has been established in respect of 1 or more nursing homes whether or not that district has also been

- (c) by repealing clause (l);
- (f) in clause (m) by striking out “in respect of which the owner or operator has entered into a contract with the Minister”;
- (g) in clause (o) by striking out “by the Minister”;
- (h) by repealing clause (p);
- (i) in clause (q) by striking out “has entered into a nursing home contract with the Minister” and substituting “operates a nursing home”;
- (j) by adding the following after clause (q):
 - (q.1) “regional health authority” means a regional health authority constituted under the *Regional Health Authorities Act*;

(3) The heading “**PART 1 DISTRICTS**” preceding section 2 and sections 2 to 5 are repealed.

(4) Section 6 is amended

- (a) in subsection (1) by striking out “the Minister” and substituting “a regional health authority”;
- (b) in subsection (2) by striking out “An application for a contract” and substituting “A nursing home contract”;
- (c) by repealing subsections (3), (4) and (5).

established in respect of 1 or more hospitals, and includes a health region under the Regional Health Authorities Act where a health region has been established under that Act to replace a district under the Hospitals Act,

- (i) “district board” means the board of a district, and includes the regional health authority of a health region referred in clause (h);
- (j) “eligible resident” means a resident in respect of whom benefits are payable under section 16;
- (l) “non-district nursing home” means a nursing home other than a nursing home owned or operated by a district board;
- (m) “nursing home” means a facility for the provision of nursing home care in respect of which the owner or operator has entered into a contract with the Minister;
- (o) “nursing home contract” or “contract” means a contract entered into by the Minister under section 6(1);
- (p) “nursing home program” means a nursing home program prepared under this Act or under section 5(3) of the Hospitals Act;
- (q) “operator” means a person who has entered into a nursing home contract with the Minister;

(3) Repeal of provisions relating to powers and duties of district hospital boards.

(4) Section 6 presently reads:

6(1) Subject to this Act and the regulations, the Minister may enter into a contract with a person who operates or intends to operate a nursing home for the provision of nursing home care to eligible residents.

(2) An application for a contract shall be filed with the Minister and shall be accompanied by

- (a) any information required by the regulations, and
- (b) any other information required by the Minister.

(3) Subject to this Act and the regulations,

- (a) *an operator shall not assign or otherwise dispose of his rights or obligations under a contract,*
- (b) *on the application of an operator or the request of the Minister, the Minister and an operator may amend a contract, and*
- (c) *a contract may be for a limited term.*

(5) *Section 7 is repealed.*

(6) *Section 8 is repealed and the following is substituted:*

Minister's
approval for
disposition of
land

8 An operator, other than a regional health authority, who intends to sell or otherwise dispose of an interest in the land or buildings used for the operator's nursing home shall give the Minister reasonable notice of the intention to do so.

(7) *Section 9 is amended*

(a) *by repealing subsections (1) and (2);*

(b) *in subsection (4) by adding "beneficial" before "ownership";*

prescribed by the regulations

(4) A contract shall be in the form and contain the provisions prescribed by the regulations.

(5) Notwithstanding any other law, a contract shall be subject to, governed by and interpreted only in accordance with this Act and the regulations.

(5) Section 7 presently reads:

7(1) A district board shall not sell, lease or otherwise dispose of any real or personal property used for its nursing home except with the Minister's approval or as prescribed in the regulations.

(2) When a transaction referred to in subsection (1) is entered into or occurs the district board shall forthwith furnish to the Minister particulars of the transaction and a copy of any document evidencing the transaction.

(6) Section 8 presently reads:

8(1) If an operator of a non-district nursing home sells or otherwise disposes of any interest in the land and buildings used for his nursing home without the Minister's approval, the Minister shall terminate the nursing home contract in respect of that nursing home and the termination is effective on the date of the sale or other disposition or on any later date specified by the Minister.

(2) If an operator of a non-district nursing home is the tenant under a lease of the facilities used for the nursing home and the lease is assigned by the operator, the Minister shall terminate the operator's nursing home contract in respect of that nursing home and the termination is effective on the date of the assignment or on any later date specified by the Minister.

(3) If an operator of a non-district nursing home sells or otherwise disposes of fixtures, equipment or other personal property used for the nursing home to the extent that in the Minister's opinion the health, safety or well-being of residents in the nursing home is or is likely to be prejudiced or the operator is no longer able to provide nursing home care to residents in the nursing home, the Minister shall terminate the operator's nursing home contract on such notice to the operator as the Minister considers appropriate.

(4) When a transaction referred to in subsection (1) or (2) is entered into or occurs the operator shall forthwith furnish to the Minister particulars of the transaction and a copy of any document evidencing the transaction.

(5) If the Minister grants an approval referred to in subsection (1), it is subject to the conditions prescribed in the regulations.

(7) Section 9 presently reads:

9(1) For the purposes of this section,

(a) a corporation is controlled by a person if

(c) by repealing subsection (5).

(8) Section 10 is repealed and the following is substituted:

Termination of
contract

10(1) Either party to a nursing home contract may terminate the contract by giving at least 12 months' notice of the termination to the other party.

(2) Subsection (1) does not preclude the parties to a nursing home contract from terminating the contract by agreement.

(3) A regional health authority shall immediately notify the Minister when

(a) it gives or receives a notice of termination under subsection (1), or

(i) shares of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the distributing corporation are held, other than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those shares are sufficient, if exercised, to elect a majority of the directors of the corporation;

(b) a distributing corporation is controlled by a person if

(i) shares of the distributing corporation to which are attached more than 20% of the votes that may be cast to elect directors of the corporation are held, other than by way of security only, by or for the benefit of that person, and

(ii) the votes attached to those shares are sufficient, if exercised, to elect a majority of the directors of the distributing corporation.

(2) If an operator that is a corporation or distributing corporation whose shareholders or members sell or otherwise dispose of the beneficial ownership of shares of the corporation or distributing corporation so that control of it is acquired by other persons without the Minister's approval, the Minister shall terminate the operator's nursing home contract in respect of that nursing home and the termination is effective on the date of the sale or other disposition or on any later date specified by the Minister.

(3) When a transaction occurs resulting in a change in the beneficial ownership of shares of an operator that is a corporation other than a distributing corporation, the operator shall forthwith furnish particulars of the transaction to the Minister.

(4) A distributing corporation shall furnish particulars of a transaction resulting in a change in ownership of its shares as prescribed in the regulations.

(5) If the Minister grants an approval referred to in subsection (2), it is subject to the conditions prescribed in the regulations.

(8) Section 10 presently reads:

10(1) The Minister may terminate a nursing home contract on the giving of at least 12 months' notice of the termination to the operator and may provide for the payment of compensation to the operator.

(2) An operator may terminate his nursing home contract only on the giving of at least 12 months' notice of the termination to the Minister.

(3) Nothing in this section precludes the termination of a nursing home contract by agreement between the Minister and the operator.

(b) it enters into an agreement to terminate a nursing home contract.

(9) *Sections 11 and 12 are repealed.*

(9) Sections 11 and 12 presently read:

11 No operator shall enter into

- (a) a lease of any land or buildings to be used by him as tenant for the purposes of a nursing home,*
- (b) an agreement under which any person undertakes to manage the operator's nursing home on the operator's behalf or to provide any managerial services in connection with the operation of that nursing home, or*
- (c) any agreement to amend or replace a lease or agreement referred to in clause (a) or (b),*

except with the approval of the Minister.

12(1) The Minister may establish a committee to act in an advisory capacity in connection with applications for contracts, applications to amend contracts, or applications for approvals referred to in section 8(1), 9(2) or 11 or any policies, programs, services or other matters relating to nursing home care or nursing homes.

(2) *The Minister may, with respect to the Committee,*

- (a) appoint or provide for the manner of appointment of its members,*
- (b) prescribe the term of office of any members,*
- (c) designate a chairman, vice-chairman and secretary, and*
- (d) authorize, fix and provide for the payment of remuneration and expenses to its members.*

(3) *The Committee may make rules of procedure, subject to the approval of the Minister, governing the calling of hearings and the conduct of business at hearings.*

(4) *When the Minister considers it appropriate he may direct the Committee to conduct a hearing in respect of an application or matter referred to in subsection (1) and the Committee shall*

- (a) give notice of the time and place of the hearing to*
- (i) each operator who operates a nursing home in the same district,*
- (ii) the district board of the district if it is not the operator of a nursing home, and*

(10) Section 16 is amended

- (a) in subsection (2) by striking out “The Minister may pay benefits” and substituting “Benefits may be paid”;*
- (b) by repealing subsection (3)(a)(iv) and substituting the following:*
 - (iv) the Medical Services Branch of Health Canada,*

(11) Section 17 is amended

- (a) by repealing subsections (1) and (2) and substituting the following:*

- (iii) any other person that the Minister or the Committee considers to have an interest in the outcome of the application or matter,
- (b) in the case of an application for a contract, an amendment to a contract or an approval referred to in section 8(1), 9(2) or 11, require the applicant to furnish to the persons referred to in clause (a) a copy of the application and a copy of any particulars and documentation accompanying the application,
- (c) hear the application or matter, and
- (d) permit any person referred to in clause (a) to appear at the hearing and to make representations to the Committee regarding the application or matter.
- (5) At the conclusion of its hearing under subsection (4) the Committee shall make a report to the Minister, which shall include its recommendation as to the application or matter.
- (6) The Committee has, with respect to hearings before it under this Act, the powers, privileges and immunities of a commissioner under the Public Inquiries Act.
- (10) Section 16 presently reads in part:
- (2) *The Minister may pay benefits in respect of a resident*
- (a) who has been found by an assessment committee appointed pursuant to the regulations to require nursing home care,
- (b) who is a resident of Alberta and has resided in Alberta for the period prescribed in the regulations, and
- (c) who meets other requirements or conditions prescribed by the regulations.
- (3) *Benefits may not be paid in respect of a resident*
- (a) if payment for his nursing home care is the responsibility of
- (iv) the Indian and Northern Health Services of the Department of National Health and Welfare (Canada),
- or is provided for under any other statute;
- (11) Section 17 presently reads:
- 17(1) *Subject to this Act and the regulations, the Minister shall pay benefits to an operator in respect of an eligible resident in his nursing home in the amounts and in the manner prescribed by the regulations.*

Payment of
benefits

17(1) Subject to this Act and the regulations, benefits may be paid in respect of an eligible resident in an operator's nursing home in the amounts and in the manner determined in accordance with the regulations.

(b) *in subsection (3) by striking out "Minister" and substituting "regional health authority".*

(12) *Section 18 is amended by striking out "or a district board".*

(13) *Section 21 is repealed and the following is substituted:*

Minister's
orders

21(1) The Minister may by order cancel or suspend a nursing home contract effective on the date specified in the order if the Minister is of the opinion that the operator

- (a) has contravened this Act or the regulations, or
- (b) has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home.

(2) Where the Minister is of the opinion that any of the circumstances set out in subsection (1) exist, the Minister may make an order prohibiting or restricting the admission of residents to the operator's nursing home.

(3) The Minister may make an order under subsection (1) suspending a nursing home contract subject to any terms and conditions the Minister considers appropriate.

(4) Where the Minister makes an order under this section, the Minister shall forthwith give a copy of the order to the regional health authority and the operator.

(2) If the amounts paid as benefits are in excess of the amounts payable to an operator for the level of nursing home care provided to eligible residents in his nursing home, the Minister may recover from the operator an amount equivalent to the excess

- (a) by withholding from the operator benefits payable to the operator in an amount equal to the excess;
- (b) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or
- (c) pursuant to an agreement between the Minister and the operator providing for recovery of the excess

(3) The Minister may enter into an agreement with the board of an approved hospital as defined in the Hospitals Act for the provision of nursing home care to eligible residents in the hospital and for the payment of benefits to the board in the amounts agreed to and to authorize the board to charge eligible residents the accommodation charge.

(12) Section 18 presently reads:

18 The Minister may make grants to an operator or a district board in respect of its operating or capital costs as prescribed by the regulations.

(13) Section 21 presently reads:

21(1) Notwithstanding anything in this Act, the Minister may make an order cancelling the nursing home contract of an operator effective on the date of the order or on any later date specified in the order, if the Minister is satisfied that

- (a) the operator has failed to comply with section 6(3)(a), 7(1), 8(4), 9(3) or (4), 15(2) or 19(5);
- (b) a lease or agreement referred to in section 11 is made or amended or replaced without the Minister's approval;
- (c) a correction plan referred to in section 20 is not prepared to the satisfaction of the Minister or is not complied with;
- (d) an approval of the Minister given under this Act or the regulations was obtained fraudulently or by reason of a material misrepresentation made by or on behalf of the operator;
- (e) the operator has contravened any other provision of this Act or the regulations or the operator has done or failed to do anything in connection with the operation of his nursing home or with respect to residents in it if the act or omission, by its nature and gravity, in the opinion of the Minister, has prejudicially affected or is likely to affect prejudicially the health, safety or well-being of residents;

(14) Section 22 is amended

- (a) in subsection (1) by striking out “21(2)” and substituting “21”;*
- (b) in subsection (2)(a) by striking out “district board of the district” and substituting “regional health authority of the health region”.*

(f) the operator has become bankrupt or, if the operator is a corporation or a society, has been wound up or dissolved.

(2) The Minister may make an order

(a) suspending the contract of an operator,

(b) prohibiting or restricting the admission of residents to an operator's nursing home, or

(c) suspending or reducing payments that are payable to an operator under this Act or the regulations,

for any of the reasons referred to in subsection (1).

(3) An order under subsection (2)

(a) may be of indefinite duration or for a stated period,

(b) may be made effective on a date stated in it up to 90 days after the date of the order, and

(c) may contain conditions that, if fulfilled to the Minister's satisfaction, will result in cancellation of the order.

(4) The Minister shall furnish a copy of the order to the operator concerned.

(5) Nothing in this Act or the regulations limits the Minister's power to reduce the amount of benefits payable to an operator in respect of an eligible resident or his nursing home to correspond with the level of nursing home care being provided by the operator, if the Minister is satisfied that the operator is not providing nursing home care at the level for which he is being paid.

(14) Section 22 presently reads in part:

22(1) If an order under section 21(2) is made effective on a date after the date of the order, the Minister may, at the operator's request, establish a board of review to hold a hearing of the matter giving rise to the order.

(2) A board of review established under this section shall

(a) consist of the members appointed by the Minister and include a nominee of the district board of the district in which the operator's nursing home is located and of each association of nursing home operators in Alberta recognized by the Minister;

(b) give notice of the time and place of the hearing and of the subject matter of the hearing to the operator concerned and any other person that the board of review considers appropriate, and

(15) *Section 23 is amended*

(a) by repealing subsection (1) and substituting the following:

Official
administrator

23(1) This section does not apply in respect of a nursing home that is operated by a regional health authority.

(1.1) The Minister may appoint a person to be an official administrator of a nursing home if,

(a) in the Minister's opinion,

(i) the operator has contravened this Act or the regulations or has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home, or

(ii) it is in the public interest to appoint an official administrator,

(b) the Minister has made an order under section 21(1) suspending the nursing home contract, or

(c) the Minister intends to make an order under section 21(1) cancelling the nursing home contract.

(b) in subsection (2) by striking out "subsection (1)" and substituting "subsection (1.1);"

(c) in subsection (3) by striking out "under this Act or the regulations" and substituting "from a regional health authority";

(d) by repealing subsection (4) and substituting the following:

(4) A payment made under subsection (3) discharges the regional health authority from liability to pay the funds, to the extent of the payment.

(e) in subsection (5)

(i) in clause (b) by striking out "(1)(a)" and substituting "(1.1)(a);"

(ii) in clause (c) by striking out "21(2)" and substituting "21(1);"

(c) permit any person referred to in clause (b) to appear at the hearing and to make representations to the board of review regarding the subject matter of the hearing.

(15) Section 23 presently reads in part:

23(1) *The Minister may appoint a person to be an official administrator of a nursing home if,*

(a) *in the Minister's opinion,*

(i) *there has been a contravention of this Act or the regulations or the operator has done or failed to do anything in connection with the operation of the nursing home that, by its nature and gravity, has prejudicially affected or is likely to affect prejudicially the health, safety or well-being of residents, or*

(ii) *it is in the public interest to do so,*

(b) *an order is made under section 21(2) suspending a contract, or*

(c) *a contract is to be terminated under section 8, 9, 10 or 21(1).*

(3) *An official administrator may pay*

(a) *the salaries, wages and fringe benefits of persons employed in the nursing home, and*

(b) *the costs of goods and services that are, in his opinion, necessary for the continued operation of the nursing home,*

out of funds due to the operator under this Act or the regulations or, with the approval of the Minister, from funds voted by the Legislature for the purpose of this Act.

(4) *Any payment made pursuant to subsection (3) out of funds payable by the Minister and due to an operator under this Act or the regulations constitutes a discharge of the liability of the Minister to pay the funds to the extent of the payment.*

(5) *An official administrator shall administer the nursing home only until*

(c) *an order suspending a contract under section 21(2) lapses or is cancelled by the Minister or on appeal.*

(7) *An official administrator shall within 15 days after the end of each month give to the operator of a nursing home under his administration a written statement in a form prescribed by the Minister setting forth the financial transactions relating to the nursing home undertaken by the administrator during that month.*

(f) in subsection (7) by adding “and to the regional health authority of the health region in which the nursing home is located” after “administration”.

(16) Section 24 is amended

- (a) in subsection (2) by striking out “23(1)(a)” and substituting “23(1.1)(a)”;*
- (b) in subsection (5) by striking out “21(2)” and substituting “21”.*

(17) Section 25(1) is amended

- (a) by striking out the words preceding clause (a) and substituting the following:*

25(1) Where the Minister cancels, suspends or terminates a contract,

- (b) in clause (c) by adding “or a person authorized by the Minister” after “Minister”;*
- (c) by repealing clauses (d) and (e).*

(16) Section 24(2) and (5) presently read:

(2) *When the Minister makes an appointment under section 23(1)(a) that remains in effect for more than 90 days, the operator concerned may, within 60 days after the expiry of the 90-day period, appeal by originating notice to the Court of Queen's Bench.*

(5) *If an operator who is the subject of an order under section 21(2) requests the Minister to establish a board of review under section 22 and the Minister establishes the board of review, the operator's right of appeal under this section in respect of the order is suspended until the Minister deals with the order under section 22(4).*

(17) Section 25(1) presently reads:

25(1) *On the termination or cancellation of a contract*

- (a) *the Minister may remove all residents from the nursing home under the contract to another nursing home or facility;*
- (b) *the operator shall account to a resident for all money and property of the resident held by the operator and pay or deliver to the resident the money and property then held by the operator;*
- (c) *the operator shall deliver to the Minister all records in respect of the care and property of residents in the nursing home;*
- (d) *subject to clauses (b) and (c), the rights and obligations of an operator under the contract and this Act and the regulations terminate as of the effective date of the termination or cancellation of the contract, and the operator has no claim against the Minister thereafter except*
 - (i) *for the payment of money due to him under this Act or the regulations to that date, or*
 - (ii) *under any other agreement entered into between the Minister and the operator under this Act or the regulations;*
- (e) *subject to clauses (a), (b) and (c), the rights and obligations of the Minister under the contract and this Act and the regulations terminate as of the effective date of the termination or cancellation of the contract, and*

(18) *Section 26 is repealed and the following is substituted:*

Information to Minister **26** An operator shall provide information, reports and returns to the Minister at the times and in the form and manner required by the Minister.

(19) *Section 28 is repealed and the following is substituted:*

Prohibition **28** No person other than a regional health authority or a person who has a contract with a regional health authority under section 6 may

- (a) hold himself out as the operator of a nursing home, or
- (b) use the term “nursing home” to describe a facility operated by that person.

(20) *Section 30 is amended*

(a) *by repealing clause (d) and substituting the following:*

(d) respecting the form and contents of nursing home contracts;

(b) *by repealing clause (e);*

(c) *in clause (f) by striking out “district boards” wherever it occurs and substituting “regional health authorities”;*

(d) *by repealing clause (h);*

(e) *in clause (l) by striking out “or district boards” wherever it occurs;*

(f) *in clause (q) by striking out “the Committee or”.*

(21) *Section 31 is amended*

the Minister has no claim against the operator thereafter except

- (i) to recover any overpayment by the Minister to the operator under this Act or the regulations to that date, or*
- (ii) under any other agreement entered into between the Minister and the operator under this Act or the regulations.*

(18) Section 26 presently reads:

26 *An operator shall furnish to the Minister any information, reports and returns that may be required at the times and in the form prescribed by the Minister.*

(19) Section 28 presently reads:

28 *The term "nursing home" may be used to describe only a nursing home the operator of which has a contract with the Minister pursuant to this Act, and no person shall*

- (a) hold himself out as the operator of a nursing home, or*
- (b) use the term "nursing home" to describe a facility operated by him,*

unless he holds a contract.

(20) Section 30 presently reads in part:

30 *The Lieutenant Governor in Council may make regulations*

- (d) prescribing the form and contents of a contract;*
- (e) prescribing the circumstances under which a district board may sell, lease or otherwise dispose of any real or personal property used for its nursing home without the Minister's approval;*
- (f) governing revenues and deficits of nursing homes owned or operated by district boards and the manner of accounting for them by district boards;*
- (g) prescribing the conditions that the Minister shall attach to an approval under section 8(1) or 9(2);*
- (h) prescribing the kinds of operating and capital costs and operators or district boards or categories of operators or district boards eligible for grants;*
- (i) governing any matter pertaining to hearings held by the Committee or the board of review referred to in section 22;*

(21) Section 31 presently reads in part:

- (a) by repealing clause (b) and substituting the following.
- (b) respecting the determination of the rates of benefits to be paid in respect of basic care and care provided under approved programs;
- (c) by repealing clause (h) and substituting the following:
- (h) respecting the determination of accommodation charges;

(22) This section comes into force on Proclamation.

Regional Health Authorities Act

Amends SA
1994 cR-9.07

(1) The Regional Health Authorities Act is amended by this section.

(2) Section 6(2) and (3) are repealed and the following is substituted:

(2) Unless the power to delegate is limited in the regulations, a regional health authority may delegate any power or duty conferred or imposed on it under this or any other Act to a committee of the regional health authority, to any of its employees, officers or agents or to a community health council.

(3) Section 14 is repealed.

31 The Minister may make regulations

- (b) prescribing the rates of benefits and prescribing formulas for arriving at rates of benefits in respect of levels of basic care and care provided under approved programs;
- (c) prescribing the information to accompany an application for a nursing home contract or an amendment to a contract;
- (h) prescribing the amount of the accommodation charge;

(22) Coming into force.

Regional Health Authorities Act

3(1) Amends chapter R-9.07 of the Statutes of Alberta, 1994.

(2) Section 6 presently reads in part:

(2) *A regional health authority may*

- (a) *in accordance with the regulations, requisition a municipality that is wholly or partly within the health region for the local responsibility portion of the kinds of capital costs that are specified in the regulations, and*
- (b) *delegate any power or duty conferred or imposed on it to a committee of the regional health authority, to any of its employees, officers or agents or to a community health council.*

(3) *Notwithstanding subsection (2), a regional health authority may not*

(a) *delegate the power to requisition, or*

(b) *requisition for any operating costs or for any capital costs other than those authorized pursuant to subsection (2)(a).*

(3) Section 14 presently reads:

14 The council of a municipality that is wholly or partly included in a health region may, notwithstanding any other Act,

(a) *make payments to the regional health authority for the capital purposes provided in the regulations.*

(4) The following is added after section 17:

- | | |
|---------------------------------|--|
| Application of
Hospitals Act | 17.1 Except as otherwise provided in the regulations, Parts 2 and 3 of the <i>Hospitals Act</i> apply in respect of a mental health hospital within the meaning of the regulations. |
| Grants and
other
payments | 17.2 The Minister may, in the amounts, in the manner and subject to the terms and conditions the Minister considers appropriate, provide grants or other payments to a regional health authority or provincial health board to assist it in carrying out its functions. |

(5) Section 21 is amended

(a) in subsection (1)

(i) by repealing clauses (h), (j), (k) and (l),

(ii) by adding the following after clause (m):

(m.1) authorizing the Minister to suspend, adjust or recover all or part of a grant or other payment paid under section 17.2 where

(i) the recipient contravenes this Act, the regulations or any other enactment under which the recipient exercises powers or carries out duties, or contravenes a term or condition to which the grant or other payment is subject, or

(ii) the grant or other payment is paid in error or there is an overpayment of the amount of the grant or other payment,

and respecting the manner in which such payments may be suspended and adjusted and such payments and overpayments may be recovered.

(iii) by adding the following after clause (u):

(v) respecting the application of Parts 2 and 3 of the *Hospitals Act* for the purposes of section 17.1.

(b) in subsection (2) by striking out "or" at the end of clause (c) and by adding the following after clause (c):

- (b) borrow money by temporary borrowings or debentures, without recourse to the proprietary electors or obtaining approval from them, and
 - (c) accept requisitions on it for money required by the regional health authority and assess and levy taxes within the municipality for the purpose of meeting the requisitions.
- (4) Application of Hospitals Act; Minister may make grants.

(5) Section 21 presently reads in part:

- 21(1) The Lieutenant Governor in Council may make regulations*
- (h) specifying the kinds of capital costs for the purposes of requisitions under section 6(2)(a);
 - (j) respecting the powers of a regional health authority to requisition a municipality for the purposes of section 6(2)(a) and respecting the manner in which the requisition is to be carried out and the payment of the requisitioned amount by the municipality;
 - (k) limiting the amounts that may be requisitioned by a regional health authority on a municipality in any year unless approval of the proprietary electors is obtained in accordance with the regulations, and respecting the manner in which approval must be obtained;
 - (l) respecting the capital purposes for which the council of a municipality may make payments under section 14(a);
- (2) The Lieutenant Governor in Council may make regulations providing for the continuance of*
- (a) existing foundations established under the Hospitals Act in cases where the order or enactment establishing the hospital board is rescinded or repealed and the hospital is located in a health region under this Act;
 - (b) existing foundations established by a local board under the Public Health Act, in cases where the health unit is disestablished under section 10(2) of the Public Health Act and the health unit is located in a health region under this Act,

(c.1) the Alberta Hospital Edmonton Foundation revived under section 4 of the *Health Statutes Amendment Act, 1996*, or

(6) *The following is added after section 24:*

Non-application of
PSER Act

24.1 The *Public Service Employee Relations Act* does not apply to a regional health authority.

(7) *This section, except subsection (6), comes into force on Proclamation.*

(8) *Subsection (6) is deemed to have come into force on June 24, 1994.*

Revival and Validation

4(1) *The Alberta Hospital Edmonton Foundation, as it existed on April 4, 1995, is revived and is deemed not to have ceased to exist.*

(2) *All acts and other things done by the Alberta Hospital Edmonton Foundation between April 4, 1995 and the coming into force of this section are hereby validated.*

- (c) *existing foundations established by a board under the Provincial General Hospitals Act, in cases where the board under that Act is wound up under section 1.1 of that Act, or*
- (d) *the University Hospitals Foundation, where the University Hospitals Foundation Act is repealed.*

(6) Non-application of Public Service Employee Relations Act.

(7) Coming into force.

(8) Coming into force.

Revival and Validation

4(1) Revival of Alberta Hospital Edmonton Foundation.

(2) Validation of acts done.