

1996 BILL 36

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Fourth Session, 23rd Legislature, 45 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 36

ALBERTA HOSPITAL ASSOCIATION  
AMENDMENT ACT, 1996

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MR. YANKOWSKY

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 36  
Mr. Yankowsky

## BILL 36

1996

### ALBERTA HOSPITAL ASSOCIATION 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  
1981 cA-29.1

1 *The Alberta Hospital Association Act is amended by this Act.*

2 *The title and chapter number of the Act are repealed and the  
following is substituted:*

#### PROVINCIAL HEALTH AUTHORITIES OF ALBERTA ACT

##### CHAPTER P-21.2

3 *Section 1 is amended*

(a) *by repealing clause (a);*

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

(b.1) "PHAA" means the Provincial Health Authorities of  
Alberta;

(c) *by repealing clause (c).*

4 *Section 2 is repealed and the following is substituted:*

Association  
continued as  
PHAA

2 The Alberta Hospital Association is continued as a  
corporation with the name "Provincial Health Authorities of  
Alberta", consisting of the persons who are its members  
from time to time.

## Explanatory Notes

**1** Amends chapter A-29.1 of the Statutes of Alberta, 1981.

**2** Title of Act changed.

**3** Section 1 presently reads:

*1 In this Act,*

*(a) "Association" means the Alberta Hospital Association;*

*(b) "hospital" includes a nursing home;*

*(c) "other health care services" includes drugs, medications, supplies and appliances related to health care;*

*(d) "Plan" means the Alberta Blue Cross Plan.*

**4** Section 2 presently reads:

*2 The Alberta Hospital Association is continued as a corporation consisting of the persons who are its members from time to time.*

5 Sections 3 and 4 are amended by striking out “Association” and substituting “PHAA”.

6 Section 5 is repealed and the following is substituted:

Use of profits  
by PHAA

**5** The business and affairs of the PHAA shall be carried on without the purpose of gain for its members and, subject to section 10, any profits shall be used for the purposes of

- (a) encouraging and assisting members of the PHAA to provide health services of high quality;
- (b) fostering and promoting the concept of local authority and control over the provision of health services;
- (c) studying, considering and discussing all matters relevant to, and distributing information and advice to, members of the PHAA concerning
  - (i) the planning, construction and equipping of health care facilities,
  - (ii) the organization, management and administration of health care facilities,
  - (iii) the development, maintenance and improvement of standards for health services,
  - (iv) the education and training of personnel providing health services,
  - (v) any other matter related to public health, and
  - (vi) any other acts incidental to or in conjunction with the operation of the Plan;
- (d) representing members of the PHAA in discussions and negotiations with governments and government agencies and with organizations that are engaged in providing or are otherwise interested in the provision of health services;
- (e) regulating and promoting sound labour relations on behalf of the members of the PHAA and their employees or agents of their employees;

5 Consequential to name change.

6 Section 5 presently reads:

*5 The business and affairs of the Association shall be carried on without the purpose of gain for its members and, subject to sections 10 and 10.1, any profits or other accretions shall be used for the purposes of*

- (a) encouraging and assisting members of the Association to provide hospital services of high quality;*
- (b) fostering and promoting the concept of local authority and control over the provision of hospital services;*
- (c) studying, considering and discussing all matters relevant to, and distributing information and advice to, members of the Association concerning
  - (i) the planning, construction and equipping of hospitals and other facilities that provide hospital and other health care services,*
  - (ii) the organization, management and administration of hospital and other health care facilities,*
  - (iii) the development, maintenance and improvement of standards of hospital and other health care services,*
  - (iv) the education and training of personnel providing hospital and other health care services,*
  - (v) any other matter related to public health, and*
  - (vi) any other act incidental to or in conjunction with the operation of the Plan;**
- (d) representing members of the Association in discussions and negotiations with governments and government agencies and with organizations that are engaged in providing or are otherwise interested in the provision of hospital and other health care services;*
- (e) regulating and promoting sound labour relations on behalf of the members of the Association and their employees or agents of their employees;*
- (f) co-ordinating the activities of members of the Association in co-operative or collaborative ventures;*

- (f) co-ordinating the activities of members of the PHAA in co-operative or collaborative ventures;
- (g) initiating and carrying out projects, plans or programs and operating and furnishing services designed to improve the quality or efficacy of services provided by members of the PHAA that, in the opinion of the PHAA, will contribute to the improvement of the health and well-being of the residents of Alberta.

*7 Section 6 is amended by striking out “Association” and substituting “PHAA”.*

*8 Section 7(1) and (2) are amended by striking out “Association” and substituting “PHAA”.*

*9 Section 8 is amended*

*(a) in subsection (1)*

*(i) in clauses (a) and (f) by striking out “Association” and substituting “PHAA”;*

*(ii) by repealing clause (g);*

*(b) by repealing subsections (2), (3) and (4).*

*(g) initiating and carrying out projects, plans or programs and operating and furnishing services designed to improve the quality or efficacy of services provided by members of the Association that, in the opinion of the Association, will contribute to the improvement of the health and well-being of the residents of Alberta.*

7 Consequential to change of Association's name.

8 Consequential to change of Association's name.

9 Section 8 presently reads:

*8(1) The Board of Directors may make by-laws respecting*

- (a) the admission, suspension and exclusion of members of the Association;*
- (b) the establishment of different classes of membership and the respective rights, privileges and duties of members of those classes;*
- (c) the manner in which membership dues and other fees and assessments shall be fixed;*
- (d) the election or appointment of the members of the Board of Directors and of the officers of that Board and their respective rights, powers, privileges and duties;*
- (e) the appointment by the Board of Directors of committees, and the delegation of any power or duty of the Board to a committee or person, except the power to make by-laws and regulations;*
- (f) the calling of meetings of members of the Association and the conduct of business at those meetings;*
- (g) the division of Alberta into regions and the establishment of regional conferences for each region.*

*(2) The Board of Directors shall submit every by-law made under this section to the members of the Association*

*10 Sections 9 and 10 are amended by striking out “Association”  
wherever it occurs and substituting “PHAA”.*

*11 Section 10.1 is repealed.*



(a) *at the next annual meeting of the members of the Association, or*

(b) *at a special meeting of the members of the Association called for the purpose of so submitting the by-law and held before the next annual meeting,*

*and the members may, by resolution, confirm, reject or amend the submitted by-law.*

(3) *A by-law is effective from the date of the resolution of the Board of Directors under subsection (1) until it is confirmed, confirmed as amended or rejected by the members of the Association under subsection (2) or until it ceases to be effective under subsection (4) and, if the by-law is confirmed or confirmed as amended, it continues in effect in the form in which it was confirmed.*

(4) *If a by-law is rejected by the members of the Association, or if the Board of Directors does not submit a by-law as required under subsection (2), the by-law ceases to be effective and no subsequent resolution of the Board of Directors to make a by-law having substantially the same purpose or effect is effective until it is confirmed or confirmed as amended by the members of the Association.*

**10** Consequential to change of Association's name.

**11** Section 10.1 presently reads:

*10.1(1) In this section, "plan" means the Liability Protective Plan authorized by an agreement under subsection (2).*

(2) *Subject to the approval of the Lieutenant Governor in Council, the Board of Directors and the Minister of Health may enter into an agreement to establish a plan to be known as the "Liability Protective Plan" for the purpose of indemnifying persons described in the plan against loss or liability for loss in respect of certain risks or perils described in the plan, or to pay money or other things of value on the happening of an event specified in the plan.*

(3) *The agreement under subsection (2) may provide for*

(a) *the establishment of a fund for the purpose of the plan,*  
*and*

(b) *the operation, management and administration of the plan.*

(4) *The Lieutenant Governor in Council may make regulations governing any matter in connection with or incidental to matters provided for in the agreement under subsection (2) and not inconsistent with the agreement.*

*12(1) In this section,*

- (a) "Agreement" means the Agreement between Her Majesty the Queen in right of the Province of Alberta as represented by the Minister of Hospitals and Medical Care and the Alberta Hospital Association under section 10.1 of the Alberta Hospital Association Act;*
- (b) "Plan" means the Liability Protective Plan established under the Agreement;*
- (c) "Reciprocal" means the Provincial Health Authorities of Alberta Liability Protective Plan Reciprocal licensed as an exchange under Part 15 of the Insurance Act.*

*(2) On the effective date of a licence issued under Part 15 of the Insurance Act in respect of the Reciprocal,*

- (a) the property, assets, liabilities and obligations of the Plan become the property, assets, liabilities and obligations of the Reciprocal,*
- (b) the Agreement is terminated, and*
- (c) all existing liability and potential liability of the Crown under the Agreement is extinguished.*

*(3) Subsection (2) applies regardless of whether the licence was issued before or after the coming into force of this section.*

*(4) The termination of the Agreement and the transfer of the Plan's property, assets, liabilities and obligations to the Reciprocal does not operate so as to trigger the application of section 22(3) of the Agreement.*

*(5) The assets of the Association held in connection with the plan are not subject to attachment in any manner except under a judgment obtained on a claim arising out of the operation of the plan.*

*(6) Notwithstanding anything in the Insurance Act,*

*(a) the Association shall not be deemed to be carrying on the business of insurance, and*

*(b) the Insurance Act does not apply to the plan, the Association, the Board of Directors, or any person acting on its behalf*

*with respect to any activity relating or incidental to the plan.*

*(7) Nothing in the Insurance Act prevents an insurer from entering into a contract of insurance, reinsurance or excess insurance with the Association with respect to the plan.*

**12 Transitional.**

*13(1) The Alberta Health Care Insurance Act is amended*

*(a) in sections 1(c) and 17(1)(a)(ii) by striking out “Alberta Hospital Association” and substituting “Provincial Health Authorities of Alberta”;*

*(b) in section 37(1)*

*(i) by striking out “Alberta Hospital Association” and substituting “Provincial Health Authorities of Alberta”;*

*(ii) in clause (a) by striking out “Blue Cross operated by the Association” and substituting “Provincial Health Authorities of Alberta”;*

*(iii) in clause (b) by striking out “Association” and substituting “Provincial Health Authorities of Alberta”.*

*(2) The following provisions are amended by striking out “Alberta Hospital Association” and substituting “Provincial Health Authorities of Alberta”:*

Act	Section
Cancer Programs Act	9.1
Health Insurance Premiums Act	1(c)
Hospitals Act	26(b) and 43(2)(a)
Mental Health Act	17(6)(i)
Nursing Profession Act	42(1)(a)

*14 This Act comes into force on Proclamation.*

**13** Amends chapters A-24, C-1, H-5 and H-11 of the Revised Statutes of Alberta 1980, chapter M-13.1 of the Statutes of Alberta, 1988 and chapter N-14.5 of the Statutes of Alberta, 1983.

**14** Coming into force.