

1996 BILL 225

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 225

ALBERTA HEALTH CARE INSURANCE
AMENDMENT ACT, 1996

MR. MITCHELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 225
Mr. Mitchell

BILL 225

1996

ALBERTA HEALTH CARE INSURANCE AMENDMENT ACT, 1996

(Assented to _____, 1996)

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

- 1 The Alberta Health Care Insurance Act is amended by this Act.*
- 2 The following preamble is added before the Enacting clause:*

WHEREAS the people and government of Alberta believe that health care is one of the defining features of Canadian nationhood and are committed to its preservation for future generations;

WHEREAS the people and government of Alberta wish to confirm and entrench universality, comprehensiveness, accessibility, portability and public administration as the guiding principles of the health care system of Alberta and are committed to the preservation of these principles in perpetuity;

WHEREAS the people and government of Alberta believe it to be fundamental that an individual's access to necessary medical care be solely based on need and not on the individual's ability to pay;

Explanatory Notes

- 1 Amends chapter A-24, Revised Statutes of Alberta, 1980.**

3 *The Enacting clause is amended by adding "THEREFORE" before "HER MAJESTY".*

4 *The following is added after section 5.9:*

5.91(1) No person may charge or accept payment of a fee

(a) the payment of which is a condition to receiving an insured service provided by a physician who is enrolled in the Plan or a dental surgeon who is opted into the Plan, and

(b) that is in addition to the benefit payable by the Minister for the insured service.

(2) A person who contravenes subsection (1) is guilty of an offence.

5 *Section 12(1)(b) and (c) are amended by striking out "5.2 and 5.3" and substituting "5.2, 5.3 and 5.91".*

6 *The following is added after section 30:*

30.01(1) In this section, "Standing Committee" means the Standing Committee of the Legislative Assembly on Law and Regulations.

(2) Before a regulation is made pursuant to section 6, 7, 29 or 30, the Minister shall

(a) provide a copy of the proposed regulation to the Standing Committee, and

(b) consult with,

(i) in the case of a regulation affecting services provided by physicians, the board of directors of the Alberta Medical Association (C.M.A. - Alberta Division);

(ii) in the case of a regulation affecting services provided by dental surgeons, the board of

3 The Enacting clause presently reads:

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

5 Section 12 presently reads:

12(1) Nothing in this Act or the regulations

- (a) interferes with the right of any person to his own choice of practitioner,*
- (b) except sections 5.2 and 5.3, interferes with the right of any practitioner to make an agreement or arrangement with any person to collect from that person an amount in addition to the benefits payable by the Minister with respect to goods or services provided by the practitioner, if the agreement or arrangement is made before the goods or services are provided,*
- (c) except sections 5.2 and 5.3, affects the right of any resident to receive any health services or benefits in respect of them by reason of his choice of practitioner, or*
- (d) interferes with the right of a practitioner to accept or refuse to accept a patient who is a resident, subject to humanitarian considerations and the traditions and ethics of the profession of which he is a member.*

(2) Nothing in this Act or the regulations shall be construed to prevent

directors of The Alberta Dental Association;

- (iii) in the case of a regulation affecting services provided by chiropractors, the Council of The College of Chiropractors of Alberta;
- (iv) in the case of a regulation affecting services provided by dental mechanics, the Council of management of The Alberta Certified Dental Mechanics Society;
- (v) in the case of a regulation affecting services provided by opticians, the council of the Alberta Opticians Association;
- (vi) in the case of a regulation affecting services provided by optometrists, The Council of The Alberta Association of Optometrists;
- (vii) in the case of a regulation affecting services provided by podiatrists, the Council of Management of the Alberta Podiatry Association.

(3) On receipt by the Standing Committee of a proposed regulation pursuant to subsection (2), the Standing Committee shall examine the proposed regulation to ensure that

- (a) it is consistent with the delegated authority provided in this Act,
- (b) it is necessarily incidental to the purpose of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objective of this Act.

(4) When the proposed regulation has been examined as required under subsection (3), the Standing Committee shall advise the Minister that the proposed regulation has been so examined and shall indicate any matter referred to in subsection 3(a), (b) or (c) to which, in the opinion of the Standing Committee, the attention of the Minister should be drawn.

7 This Act comes into force on Proclamation.

any resident who does not desire to claim or receive benefits for health services provided to him or his dependants from assuming the responsibility for the payment of those costs.