

1998 BILL 201

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Second Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 201

ALBERTA PATIENTS' BILL OF RIGHTS

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MR. MITCHELL

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 201

1998

### ALBERTA PATIENTS' BILL OF RIGHTS

(Assented to \_\_\_\_\_, 1998)

- Preamble
- WHEREAS the Government of Alberta has a primary responsibility to promote and support excellent physical and mental health of all residents of the Province;
- WHEREAS an important element of excellent population health is the recognition that every Albertan should have, as a fundamental right, access to universal, comprehensive health care; and
- WHEREAS the Legislature of Alberta, affirming that right and recognizing the need to ensure the protection of that right in matters coming within its legislative authority, desires to enact an Alberta Patients' Bill of Rights;
- THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:
- Definitions
- 1** In this Act,
- (a) "health professional" means a chiropractor, dental mechanic, dental surgeon, optician, optometrist, physician, podiatrist, nurse or other person who provides or assists in providing health services;
  - (b) "health services" means basic health services or extended health services as defined in the *Alberta Health Care Insurance Act*;
  - (c) "patient" means a person receiving health services in Alberta.

Purposes of  
the Act

**2** The purposes of this Act are

- (a) to ensure that patients are aware of their right to receive appropriate and timely care;
- (b) to ensure that patients are treated with dignity and respect;
- (c) to promote and improve communication between patients and health professionals.

Health care  
rights

**3** It is hereby recognized and declared that patients are entitled to the following:

- (a) the right to receive appropriate health services;
- (b) the right to be treated by health professionals in a courteous and respectful manner and in a manner that respects the patient's dignity and autonomy;
- (c) the right to reasonable and timely access to appropriate health services;
- (d) the right to receive health services without discrimination based on race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;
- (e) the right to have one's personal and health information protected from disclosure to any person unless the patient has consented to the disclosure;
- (f) the right of access to one's own health care records unless, in the opinion of a physician, chartered psychologist or psychiatrist, the disclosure could reasonably be expected to result in immediate and grave harm to the patient's health or safety;
- (g) the right to refuse consent to any proposed treatment;
- (h) the right to receive information relating to any proposed treatment and to any treatment options as is necessary in order to decide whether or not to give consent.

Duties of  
Minister

**4(1)** The Minister of Health must ensure that adequate systems, standards and enforcement mechanisms exist to protect and enforce the rights of patients under this Act.

**(2)** If the Minister fails to fulfill his duties under this section, that failure may form the subject matter of an application for judicial review seeking an order in the nature of mandamus if an originating notice is filed at the Court of Queen's Bench and is served on the Minister.

**(3)** The Court may, in respect of an application under subsection (2), award

- (a) party and party costs,
- (b) solicitor and client costs, or
- (c) any other costs it deems appropriate upon hearing the application.

Regulations

**5(1)** In this section, "Standing Committee" means the Standing Committee of the Legislative Assembly on Law and Regulations.

**(2)** The Lieutenant Governor in Council may make regulations generally, providing for any other matter considered necessary for the administration and operation of this Act or to meet cases that may arise and for which no provision is made by this Act.

**(3)** Where the Lieutenant Governor in Council proposes to make a regulation pursuant to this section, the Lieutenant Governor in Council shall forward a copy of the proposed regulation to the Standing Committee.

**(4)** On receipt by the Standing Committee of a copy of a proposed regulation pursuant to subsection (3), 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 purposes of this Act, and
- (c) it is reasonable in terms of efficiently achieving the objectives of this Act.

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

Coming into  
force

**6** This Act comes into force on Proclamation.