

1998 BILL 206

Second Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 206

HUMAN TISSUE DONATION PROCEDURES
STATUTES AMENDMENT ACT, 1998

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 206
Mrs. Forsyth

BILL 206

1998

HUMAN TISSUE DONATION PROCEDURES STATUTES AMENDMENT ACT, 1998

(Assented to _____, 1998)

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 28 is amended by adding the following after subsection (3):

(4) General by-laws enacted by a board shall provide for the implementation and administration of procedures for human tissue donation as prescribed by the Minister pursuant to section 37.1.

(3) The following is added after section 37:

Human tissue
donation
procedures

37.1 (1) For the purposes of this section, a "potential donor" means a patient who is certified by an attending physician, at or immediately before the time of death, to be a suitable donor for human tissue.

(2) The Minister may prescribe policies and procedures for hospitals regarding the donation and transplant of human tissue.

(3) The policies and procedures prescribed pursuant to this section may address any of the following:

Explanatory Notes

Hospitals Act

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

(2) Section 28(3) presently reads:

28(3) General by-laws enacted by a board shall provide for the adoption of rules that may govern the duties and responsibilities of the administrator and other hospital staff, the detailed organization and administration of hospital departments and any other matters the board considers to be necessary or desirable.

(3) Human tissue donation procedures.

- (a) a process for assessing potential donors;
- (b) the role of hospital staff;
- (c) required training for hospital staff;
- (d) communications with the donor's family;
- (e) a tracking mechanism for affected hospitals which will compile statistics regarding
 - (i) the number of deaths;
 - (ii) the number of requests for donations of human tissue;
 - (iii) the number of consents granted for donations of human tissue;
 - (iv) the number and type of tissues in various categories that have been donated.

(4) The board or the administrator of an approved hospital shall implement the policies and procedures regarding the donation and transplant of human tissue prescribed by the Minister pursuant to this section.

(4) Section 40(2) is amended by adding the following after clause (c):

- (d) any information relating to a hospital's human tissue donation procedures including but not limited to diagnoses, charts, medical or other records of any patient.

(4) Section 40(2) presently reads:

40(2) For the purposes of assessing the standards of care furnished to patients, improving hospital or medical procedures, compiling medical statistics, conducting medical research, enforcing the Crown's right of recovery under Part 5, or for any other purpose considered by the Minister to be in the public interest, the Minister, or a person authorized by the Minister, may require that all or any of the following be sent to him or a person designated by him:

- (a) medical and other records of any patient;*
- (b) extracts from and copies of any medical or other records of any patient;*
- (c) diagnoses, charts or any information available in respect of a patient.*

Human Tissue Gift Act

Amends RSA
1980 cH-12

2(1) The *Human Tissue Gift Act* is amended by this section.

(2) The following preamble is added:

WHEREAS an increase in human tissue donations and transplants will greatly enhance and restore the health and well-being of those Albertans in need of transplants;

WHEREAS the establishment of province wide mechanisms and protocol for human tissue donations is needed for the benefit of Albertans; and

WHEREAS the Legislative Assembly believes in the rights of Albertans to have the option to donate human tissue when medically necessary;

(3) The enacting clause is amended by adding "THEREFORE" before "HER MAJESTY".

(4) Section 1 is amended by adding the following after clause (a):

(a.1) "spouse" includes a common law spouse who cohabited with the person for

(a) at least the 5 years immediately preceding the person's death, or

(b) at least the 2 years immediately preceding the person's death, if there is a child of the common law relationship;

(5) Section 4(3) is amended by adding ", irrevocable" after "binding".

Human Tissue Gift Act

2(1) Amends chapter H-12 of the Revised Statutes of Alberta, 1980.

(2) Insertion of preamble.

(3) Consequential to addition of preamble.

(4) Insertion of definition of "spouse".

(5) Section 4(3) presently reads:

4(3) On the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act on a consent given under this section if he has reason to believe that it was subsequently withdrawn.

Regional Health Authorities Act

Amends SA
1994 cR-9.07

3(1) The *Regional Health Authorities Act* is amended by this section.

(2) Section 7 is amended by striking out “ and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following after clause (b):

- (c) providing procedures for it to follow respecting the donation of human tissue.

(3) Section 8(4) is amended by adding the following after clause (a):

- (a.1) provisions outlining how the regional health authority proposes to implement the human tissue donation procedures prescribed by section 7;

Regional Health Authorities Act

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

(2) Section 7 presently reads:

7 The Minister may give directions to a regional health authority for the purpose of

- (a) providing priorities and guidelines for it to follow in the exercise of its powers, and*
- (b) co-ordinating the work of the regional health authority with the programs, policies and work of the Government and public and private institutions in the provision of health services in order to achieve the best health outcome and to avoid duplication of effort and expense.*

(3) Section 8(4) presently reads:

8(4) A proposal for a health plan must contain

- (a) a statement of how the regional health authority proposes to carry out its responsibilities under section 5 and to measure its performance in the carrying out of those responsibilities,*
- (b) provisions for the establishment of one or more community health councils,*
- (c) provisions setting out the role of the community health councils and their relationship to the regional health authority including, in particular, a statement as to whether the community health council is to*
 - (i) act in an advisory capacity to the regional health authority as to the provision of health services in the health region or a part of it,*
 - (ii) enter into agreements with the regional health authority, or*
 - (iii) do both (i) and (ii),*
- (d) information respecting the health services to be provided, and the anticipated cost of providing those health services, and*

(4) The following is added after section 15:

Agreements
respecting
human tissue
donations

15.1 Subject to the approval of the Minister, a regional health authority may enter into an agreement with any person, including another regional health authority, for the purposes of transporting human tissue for donation if that agreement is consistent with

- (a) the purposes of this Act, and
- (b) any human tissue donation procedures prescribed pursuant to an enactment.

(e) any other information required in the regulations or by the Minister in a notice in writing to the regional health authority.

(4) Agreements respecting human tissue donation.