

2000 BILL 221

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Fourth Session, 24th Legislature, 49 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 221

**PUBLIC HEALTH CARE PROTECTION  
STATUTES AMENDMENT ACT, 2000**

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MS. LEBOVICI

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 221  
Ms. Leibovici

## BILL 221

2000

### PUBLIC HEALTH CARE PROTECTION STATUTES AMENDMENT ACT, 2000

(Assented to \_\_\_\_\_, 2000)

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

#### Alberta Health Care Insurance Act

Amends RSA  
1980 cA-24

**1(1) The *Alberta Health Care Insurance Act* is amended  
by this section.**

**(2) The following preamble is added before the enacting  
clause:**

Preamble

WHEREAS the Government of Alberta has a fiduciary  
responsibility to promote and support excellent health care  
for the residents of Alberta;

WHEREAS an important element of excellent health care is  
the recognition that every person has the right of access to a  
universal, comprehensive and publicly administered health  
care system, as defined in the *Canada Health Act*;

WHEREAS the viability of a publicly administered health  
care system requires that hospitals that provide insured  
services under this Act operate on a non-profit basis;

**(3) The enacting clause is amended by adding  
“THEREFORE” before “HER MAJESTY”.**

**(4) The following is added after section 4:**

## **Explanatory Notes**

### **Alberta Health Care Insurance Act**

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

(2) Preamble added.

(3) Consequential to addition of preamble.

(4) Committee approval for delisting insured services.

Delisting  
insured  
services

**4.01** A health service shall not be delisted as an insured service without the approval of the Standing Committee on Law and Regulations.

### **Auditor General Act**

Amends RSA  
1980 cA-49

**2(1) The *Auditor General Act* is amended by this section.**

**(2) Section 19 is amended**

**(a) by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):**

(1) In this section, “insured services” means insured services as defined in the *Alberta Health Care Insurance Act*.

**(b) in subsections (2) and (3) by striking out “subsection (1)” and substituting “subsection (1.1)”;**

**(c) by adding the following after subsection (5):**

**(6)** Notwithstanding subsection (5), in his report under subsection (3.1) on regional health authorities, the Auditor General shall report

- (a) on deficiencies in systems or procedures contributing to delays in providing insured services,
- (b) on the estimated number of patients who are experiencing a delay of a period exceeding 15 days in receiving each insured service, and
- (c) on the efficiency and effectiveness of the use of private contracts for the delivery of insured services.

## Auditor General Act

2(1) Amends chapter A-49 of the Revised Statutes of Alberta, 1980.

(2) Section 19 presently reads:

*19(1) After the end of a fiscal year of the Crown, the Auditor General shall report to the Legislative Assembly*

- (a) on the work of his office, and*
- (b) on whether, in carrying on the work of his office, he received all the information, reports and explanations he required.*

*(2) A report of the Auditor General under subsection (1) shall include the results of his examinations of the organizations of which he is the auditor, giving details of any reservation of opinion made in an audit report, and shall call attention to every case in which he has observed that*

- (a) collections of public money*
  - (i) have not been effected as required under the various Acts and regulations, directives or orders under those Acts,*
  - (ii) have not been fully accounted for, or*
  - (iii) have not been properly reflected in the accounts,*
- (b) disbursements of public money*
  - (i) have not been made in accordance with the authority of a supply vote or relevant Act,*
  - (ii) have not complied with regulations, directives or orders applicable to those disbursements, or*
  - (iii) have not been properly reflected in the accounts,*
- (c) assets acquired, administered or otherwise held have not been adequately safeguarded or accounted for,*
- (d) accounting systems and management control systems, including those systems designed to ensure economy and efficiency, that relate to revenue, disbursements, the preservation or use of assets or the determination of*

**Health Information Act**

Amends SA  
1999 cH-4.8

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

**(2) Section 1(1) is amended**

*liabilities were not in existence, were inadequate or had not been complied with, or*

- (e) when appropriate and reasonable procedures could have been used to measure and report on the effectiveness of programs, those procedures were either not established or not being complied with,*

*and shall call attention to any other case that he considers should be brought to the notice of the Assembly.*

*(3) In a report under subsection (1), the Auditor General may*

- (a) comment on the financial statements of the Crown, Provincial agencies, Crown-controlled organizations or any other organization or body of which he is the auditor on any matter contained in them and on
  - (i) the accounting policies employed, and*
  - (ii) whether the substance of any significant underlying financial matter that has come to his attention is adequately disclosed,**
- (b) include summarized information and the financial statements of an organization on which he is reporting or summaries of those financial statements, and*
- (c) comment on the suitability of the form of the estimates as a basis for controlling disbursements for the fiscal year under review.*

*(3.1) After the end of a fiscal year of the Crown, the Auditor General shall report to the Legislative Assembly on the results of the examinations of the regional authorities referred to in section 16.1.*

*(4) A report under this section shall be presented by the Auditor General to the chairman of the Select Standing Committee who shall lay the report before the Assembly forthwith if it is then sitting or, if it is not sitting, within 15 days after the commencement of the next sitting.*

*(5) The Auditor General need not report on deficiencies in systems or procedures otherwise subject to report under subsection (2)(d) or (e) which, in his opinion, have been or are being rectified.*

### **Health Information Act**

**3(1)** Amends unproclaimed chapter H-4.8 of the Statutes of Alberta, 1999.

**(2)(a)** Section 1(1)(f) presently reads:

**(a) in clause (f)**

**(i) in subclause (ix) by striking out** “who is paid under the Alberta Health Care Insurance Plan to provide health services”;

**(ii) by striking out** “but does not include” where it appears after subclause (xiv);

**(iii) by striking out “or” at the end of subclause (xv) and by adding the following after subclause (xvi):**

(xvii) the Workers’ Compensation Board;

(xviii) insurance companies that handle claims for health care costs;



1(1) In this Act,

(f) "custodian" means

- (i) *the board of an approved hospital as defined in the Hospitals Act other than an approved hospital that is*
  - (A) *owned and operated by a regional health authority established under the Regional Health Authorities Act, or*
  - (B) *established and operated by the Alberta Cancer Board continued under the Cancer Programs Act;*
- (ii) *the operator of a nursing home as defined in the Nursing Homes Act other than a nursing home that is owned and operated by a regional health authority established under the Regional Health Authorities Act;*
- (iii) *a provincial health board established pursuant to regulations made under section 17(1)(a) of the Regional Health Authorities Act;*
- (iv) *a regional health authority established under the Regional Health Authorities Act;*
- (v) *a community health council as defined in the Regional Health Authorities Act;*
- (vi) *a subsidiary health corporation as defined in the Regional Health Authorities Act;*
- (vii) *the Alberta Cancer Board continued under the Cancer Programs Act;*
- (viii) *a board, council, committee, commission, panel or agency that is created by a custodian referred to in subclauses (i) to (vii), if all or a majority of its members are appointed by, or on behalf of, that custodian, but does not include a committee that has as its primary purpose the carrying out of quality assurance activities within the meaning of section 9 of the Alberta Evidence Act;*
- (ix) *a health services provider who is paid under the Alberta Health Care Insurance Plan to provide health services;*
- (x) *a licensed pharmacy as defined in the Pharmaceutical Profession Act;*

**(b) in clause (m)**

- (i) in subclause (i) by striking out** “and is directly or indirectly and fully or partially paid for by the Department”;
- (ii) by striking out “or” at the end of subclause (i);**
- (iii) by striking out** “but does not include a service that is provided to an individual”.

- (xi) *a pharmacist as defined in the Pharmaceutical Profession Act;*
- (xii) *the Department;*
- (xiii) *the Minister;*
- (xiv) *an individual or board, council, committee, commission, panel, agency or corporation designated in the regulations as a custodian;*

*but does not include*

- (xv) *the Alberta Alcohol and Drug Abuse Commission continued under the Alcohol and Drug Abuse Act, or*
- (xvi) *a Community Board or a Facility Board, as those terms are defined in the Persons with Developmental Disabilities Community Governance Act;*

(b) Section 1(1)(m) presently reads:

- (m) *"health service" means a service that is provided to an individual*
  - (i) *for any of the following purposes and is directly or indirectly and fully or partially paid for by the Department:*
    - (A) *protecting, promoting or maintaining physical and mental health;*
    - (B) *preventing illness;*
    - (C) *diagnosing and treating illness;*
    - (D) *rehabilitation;*
    - (E) *caring for the health needs of the ill, disabled, injured or dying,*

*or*

- (ii) *by a pharmacist engaging in the practice of pharmacy as defined in the Pharmaceutical Profession Act regardless of how the service is paid for,*

*but does not include a service that is provided to an individual*

- (iii) *by an ambulance attendant as defined in the*

## Hospitals Act

Amends RSA  
1980 cH-11

**4(1) The *Hospitals Act* is amended by this section.**

**(2) Section 1(1) is amended by adding the following after clause (o.1):**

(o.101) “public hospital” means a hospital that operates on a not-for-profit basis and meets the criteria of the *Canada Health Act* (Canada);

**(3) The following is added after section 28.2:**

Overnight  
patient stays

**28.3** Medically necessary health services which require an overnight patient stay must be performed in a public hospital.

## Regional Health Authorities Act

Amends SA  
1994 cR-9.07

**5(1) The *Regional Health Authorities Act* is amended by this section.**

**(2) Section 3 is amended**

**(a) in subsection (2) by adding “Subject to subsection (2.1),” before “A regional health authority”;**

**(b) by adding the following after subsection (2):**

**(2.1)** Persons with financial interests in private health care service providers are ineligible to serve as members of a regional health authority.

**(3) The following is added after section 13:**

*Ambulance Services Act,*

- (iv) *by the Alberta Alcohol and Drug Abuse Commission continued under the Alcohol and Drug Abuse Act, or*
- (v) *by a Community Board or a Facility Board, as those terms are defined in the Persons with Developmental Disabilities Community Governance Act;*

**Hospitals Act**

4(1) Amends chapter H-11 of the Revised Statutes of Alberta, 1980.

(2) Definition of “public hospital” added.

(3) Overnight patient stays.

**Regional Health Authorities Act**

5(1) Amends chapter R-9.07 of the Statutes of Alberta, 1994.

(2) Section 3 presently reads:

*3(1) Each health region shall be administered by a regional health authority.*

*(2) A regional health authority shall consist of the number of persons provided for under the regulations who are appointed or elected in accordance with the regulations.*

*(3) A regional health authority is a corporation consisting of its members.*

(3) Public disclosure of payments to private health care service providers.

Public  
disclosure of  
contracts

**13.1** A regional health authority shall make public, no later than 60 days after its fiscal year end,

- (a) the amount of payments made to private health care service providers that exceed \$2500, and
- (b) the name of the recipient.

#### **Repeal and Coming into Force**

**6** The *Health Care Protection Act* is repealed.

**7** This Act comes into force on February 1, 2001.

### **Repeal and Coming into Force**

**6** Repeals chapter H-3.3 of the Statutes of Alberta, 2000.

**7** Coming into force.