

## BILL 18

2002

### SOCIAL CARE FACILITIES REVIEW COMMITTEE AMENDMENT ACT, 2002

(Assented to , 2002)

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

#### Amends RSA 2000 cS-11

**1 The *Social Care Facilities Review Committee Act* is amended by this Act.**

**2 Section 1 is amended by repealing clause (b) and substituting the following:**

- (b) “facility” means
  - (i) a facility that provides care, treatment or shelter and that is funded, wholly or partly, by the Department of Children’s Services, and
  - (ii) a day care facility as defined in the *Social Care Facilities Licensing Act*;

**3 The following is added after section 5:**

#### **Directions to Committee**

**5.1(1)** The Minister may provide directions to the Committee, through the chair, relating to the Committee’s duties under section 7.

**(2)** The chair of the Committee shall ensure that the Committee complies with any directions provided by the Minister under subsection (1).

**4 Section 7 is repealed and the following is substituted:**

**Mandate of Committee**

**7(1)** The Committee shall visit each facility from time to time to review the quality of service provided in the facility and the manner in which the facility is operated.

**(2)** The Minister may direct the Committee to visit a facility to investigate a matter specified by the Minister relating to the facility.

**5 Section 8 is repealed.**

**6 Section 12 is repealed and the following is substituted:**

**Authority of member to act for Committee**

**12(1)** The Committee may authorize a member of the Committee to carry out a visit or investigation on behalf of the Committee.

**(2)** When a member of the Committee carries out a visit or investigation under subsection (1), the member shall provide a report to the Committee relating to the visit or investigation.

**7 Section 13 is repealed.**

**8 Section 14 is repealed and the following is substituted:**

**Powers of Committee member**

**14** A member of the Committee who carries out a visit or investigation on behalf of the Committee has the powers that the Committee would have if it were carrying out the visit or investigation.

**9 Section 15(1) is repealed and the following is substituted:**

**Court order**

**15(1)** If the Committee or a member of the Committee acting on behalf of the Committee is refused entry to a facility for the purposes of carrying out a visit or an investigation, the chair of the Committee or a person designated by the chair may apply to

the Court of Queen's Bench by originating notice for an order permitting the Committee or Committee member

- (a) to enter the facility at any reasonable hour and carry out the visit or investigation, and
- (b) to require the production of any records of the facility, other than those referred to in section 10(2).

**10 The following is added after section 15:**

**Report of visit or investigation**

**15.1** On the completion of a visit or investigation, the Committee shall, through the chair, prepare and submit to the Minister a report relating to the visit or investigation.

**11 Section 16(1) is amended by adding “, through the chair,” after “the Committee shall”.**

**12 The *Health Professions Act* is amended by repealing section 51(1) and substituting the following:**

**Practice visit**

**51(1)** In this section, “publicly funded facility” means an institution or facility where professional services are provided and that

- (a) is an approved hospital as defined in the *Hospitals Act*, a nursing home as defined in the *Nursing Homes Act*, a correctional institution as defined in the *Corrections Act*, a facility as defined in the *Mental Health Act*, a diagnostic or treatment centre made available under section 49(b) of the *Mental Health Act*, a hospital, clinic or centre operated by the Alberta Alcohol and Drug Abuse Commission, a facility as defined in the *Social Care Facilities Review Committee Act* or an institution or facility operated by or approved by the Minister of Health and Wellness, or
- (b) is operated by or receives its current operating funds or part of them directly or indirectly from the Government of Alberta and is

- (i) a place of care for persons who are aged or infirm or who require special care,
- (ii) a hostel or other establishment operated to provide accommodation and maintenance for not fewer than 4 unemployed or indigent persons,
- (iii) an emergency shelter,
- (iv) a residential alcohol and drug abuse treatment centre,
- (v) a group home or shelter for physically or mentally handicapped persons, or
- (vi) a vocational rehabilitation and training centre for physically or mentally handicapped persons.

**13 The *Pharmacy and Drug Act* is amended in section 1(1)(j) by adding the following after subclause (v):**

- (v.i) a facility that is operated by or that receives its current operating funds or part of them directly or indirectly from the Government of Alberta and is
  - (A) a place of care for persons who are aged or infirm or who require special care,
  - (B) a hostel or other establishment operated to provide accommodation and maintenance for not fewer than 4 unemployed or indigent persons,
  - (C) an emergency shelter,
  - (D) a residential alcohol and drug abuse treatment centre,
  - (E) a group home or shelter for physically or mentally handicapped persons, or
  - (F) a vocational rehabilitation and training centre for physically or mentally handicapped persons,

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

## **Explanatory Notes**

**1** Amends chapter S-11 of the Revised Statutes of Alberta 2000.

**2** Section 1(b) presently reads:

*1 In this Act,*

- (b) “facility” means a place that is operated by or receives its current operating funds or part of them directly or indirectly from the Government of Alberta and that is*
  - (i) a place of care for persons who are aged or infirm or who require special care,*
  - (ii) a building or part of a building, other than a home maintained by a person to whom the children living in that home are related by blood or marriage, in which care, supervision or lodging is provided for 4 or more children under the age of 18 years, but does not include a place of accommodation designated by the Minister as not constituting a child caring institution,*
  - (iii) a hostel or other establishment operated to provide accommodation and maintenance for not less than 4 unemployed or indigent persons,*

- (iv) *an emergency shelter,*
- (v) *a residential alcohol and drug abuse treatment centre,*
- (vi) *a day care facility licensed under the Social Care Facilities Licensing Act and the regulations under that Act,*
- (vii) *a group home or shelter for physically or mentally handicapped persons, or*
- (viii) *a vocational rehabilitation and training centre for physically or mentally handicapped persons,*

*other than one that is defined as a hospital under the Health Facilities Review Committee Act, a housing accommodation under the Alberta Housing Act or a correctional institution under the Corrections Act;*

**3** New section to emphasize that Committee is accountable to the Minister.

**4** Section 7 presently reads:

*7(1) The Committee shall from time to time visit all facilities for the purpose of reviewing and inspecting them and the manner in which they are operated.*

*(2) The Minister may from time to time request the Committee to conduct a visit to a facility for the purposes of reporting to the Minister on any matter that the Minister may specify in the Minister's request.*

**5** Section 8 presently reads:

*8 If a complaint is made to the Committee by or on behalf of a person in a facility, the Committee shall investigate the care and treatment and the standards of accommodation received by that person or any other person in the facility.*

**6** Section 12 presently reads:

*12(1) The Committee may authorize*

- (a) a member of the Committee to carry out a visit or investigation on behalf of the Committee, or*
- (b) subject to the approval of the Minister, an employee of the Government under the Minister's administration to carry out a specific inquiry on behalf of the Committee in respect of a visit or investigation.*

*(2) When a member of the Committee or other person has carried out a visit, investigation or specific inquiry on behalf of the Committee, that member or person shall report the member's or person's findings to the Committee.*

**7** Section 13 presently reads:

*13(1) The Committee may designate*

- (a) a member of the Committee, or*
- (b) with the approval of the Minister, an employee of the Government who is under the administration of the Minister,*

*as a complaint officer.*

*(2) The complaint officer shall on behalf of the Committee*

- (a) make preliminary inquiries, or*
- (b) if directed to do so by the chair of the Committee, make investigations*

*into complaints received under section 8 and report the results of the inquiry or investigation to the Committee.*

*(3) Members of the Committee at the request of the chair of the Committee may assist the complaint officer in the carrying out of the complaint officer's duties.*

**8** Section 14 presently reads:

*14 A member of the Committee or an employee of the Government carrying out a visit, investigation or other matter on behalf of the Committee has the same powers that the Committee would have if it were carrying out the visit, investigation or other matter.*

**9** Section 15(1) presently reads:

*15(1) If the Committee, a member of the Committee or an employee of the Government acting on behalf of the Committee is refused entry to a facility for the purposes of conducting a visit or an investigation,*

*the chair of the Committee or a person designated by the chair may apply to the Court of Queen's Bench by originating notice for an order permitting the Committee, member or employee to*

- (a) enter the facility at any reasonable hour and conduct the visit or investigation, and*
- (b) require the production of any records of the facility, other than those referred to in section 10(2).*

**10** New section to require a report to the Minister after a visit or investigation.

**11** Section 16(1) presently reads:

*16(1) As soon as possible after the end of each year, the Committee shall prepare and submit to the Minister a report summarizing its activities in that year.*

**12** Amends chapter H-7 of the Revised Statutes of Alberta 2000. Section 51(1) presently reads:

*51(1) In this section, "publicly funded facility" means an institution or facility that*

- (a) is an approved hospital as defined in the Hospitals Act, a nursing home as defined in the Nursing Homes Act, a correctional institution as defined in the Corrections Act, a facility as defined in the Mental Health Act, a diagnostic or treatment centre made available under section 49(b) of the Mental Health Act, a hospital, clinic or centre operated by the Alberta Alcohol and Drug Abuse Commission, a facility as defined in the Social Care Facilities Review Committee*

*Act or an institution or facility operated by or approved by the Minister of Health and Wellness, and*

*(b) is a place where professional services are provided.*

**13** Amends chapter P-13 of the Revised Statutes of Alberta 2000. Section 1(1)(j) presently reads:

*1(1) In this Act,*

*(j) “institution pharmacy” means a pharmacy that is operated by*

*(i) an approved hospital as defined in the Hospitals Act,*

*(ii) a nursing home as defined in the Nursing Homes Act,*

*(iii) a correctional institution as defined in the Corrections Act,*

*(iv) a facility as defined in the Mental Health Act,*

*(v) a diagnostic or treatment centre made available under section 49(b) of the Mental Health Act,*

*(vi) a facility as defined in the Social Care Facilities Review Committee Act, or*

*(vii) an institution or facility operated by or approved by the Minister of Health and Wellness;*

**14** Coming into force.

Explanatory Notes