

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4 Section 7 is repealed and the following is substituted: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5 Section 8 is repealed.

6 Section 12 is repealed and the following is substituted: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7 Section 13 is repealed.

8 Section 14 is repealed and the following is substituted: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9 Section 15(1) is repealed and the following is substituted: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