

Bill 7

BILL 7

2005

HEALTH STATUTES AMENDMENT ACT, 2005

(Assented to , 2005)

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 2000 cA-20

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

(2) Section 1 is amended

- (a) in clause (i)(i) by striking out** “The Alberta Dental Association and College” **and substituting** “the Alberta Dental Association and College”;
- (b) in clause (s)(i) by striking out** “The Alberta College of Optometrists” **and substituting** “the Alberta College of Optometrists”.

(3) Section 9(2)(b) is amended by striking out “The Alberta Dental Association and College” **and substituting** “the Alberta Dental Association and College”.

(4) Section 18(4) is amended

- (a) in clause (b) by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”;
- (b) in clause (c) by striking out “The Alberta College of Optometrists” and substituting “the Alberta College of Optometrists”.

(5) Section 22(20) is amended

- (a) in clause (b) by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”;
- (b) in clause (c) by striking out “The Alberta College of Optometrists” and substituting “the Alberta College of Optometrists”.

Government Organization Act

Amends RSA 2000 cG-10

2 The *Government Organization Act* is amended in Schedule 7.1

(a) in section 1

(i) by adding the following after clause (a):

(a.1) “administration of a drug” means the supplying of a dose of a drug to a person for the purpose of immediate ingestion, application, inhalation, insertion, instillation or injection;

(ii) in clause (b) by adding “, but does not include reconstituting a drug or drugs with only water” after “dispensing a drug or drugs”;

(iii) by repealing clause (c) and substituting the following:

(c) “dispense” means

- (i) with respect to drugs, to provide a drug pursuant to a prescription for a person, but does not include the administration of a drug to a person;

- (ii) with respect to corrective lenses, to verify corrective lenses objectively to the prescription;
- (b) in section 2(1)(h) by striking out “prescribe, dispense, compound or”.

Health Care Protection Act

Amends RSA 2000 cH-1

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

(2) Section 21(5) is amended by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”.

(3) Section 25(2) is amended by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”.

(4) Section 29(c) and (d) are amended by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”.

Health Professions Act

Amends RSA 2000 cH-7

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

(2) Section 128 is amended by adding the following after subsection (10):

(11) No regulated member shall use the term “specialist” or hold himself or herself out to be a specialist in connection with providing a health service unless the regulated member is authorized to use the term “specialist” by a Schedule to this Act or by a regulation made under section 131.

(3) Section 131(1)(k) is amended by adding “ “specialist”,” before “ “registered” ”.

(4) Section 146 is amended

(a) by repealing subsection (1) and substituting the following:

Consequential amendments

146(1) The *Fatality Inquiries Act* is amended

(a) in section 1(l) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(b) in section 8

(i) in subsection (1)(a) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(ii) in subsection (2) by striking out “*Medical Profession Act*” and substituting “*Health Professions Act*”.

(b) by repealing subsection (2) and substituting the following:

(2) The *Alberta Health Care Insurance Act* is amended

(a) in section 1(g) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(b) in section 1(t)(i) by striking out “a person registered as a medical practitioner or as an osteopathic practitioner

under the *Medical Profession Act*” **and substituting** “a regulated member of the College of Physicians and Surgeons of Alberta under the *Health Professions Act* who holds a practice permit respecting the practice of medicine, surgery or osteopathy, or a professional corporation registered with the College of Physicians and Surgeons of Alberta”;

(c) by repealing section 22(20)(a) and substituting the following:

(a) the council or hearing tribunal of the College,

(c) by adding the following before subsection (3):

(2.1) The *Alberta Heritage Foundation for Medical Research Act* is amended in section 2(1)(a) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”.

(d) by repealing subsection (6.1) and substituting the following:

(6.1) The *Health Care Protection Act* is amended

(a) in section 21(5) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(b) in section 25(2) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(c) in section 29

(i) in clause (a)(i)

(A) by striking out “College of Physicians and Surgeons of the Province of Alberta” and substituting “College of Physicians and Surgeons of Alberta”;

(B) by striking out “within the meaning of section 103 of the *Medical Profession Act* and the bylaws under that Act or” **and substituting** “under”;

(ii) in clause (c) by striking out “College of Physicians and Surgeons of the Province of Alberta” **and substituting** “College of Physicians and Surgeons of Alberta”.

(e) by repealing subsection (8) and substituting the following:

(8) The *Mental Health Act* is amended

(a) by repealing section 1(l) and substituting the following:

(l) “psychiatrist” means a person who is a regulated member of, and who has been granted specialty recognition in psychiatry by, the College of Physicians and Surgeons of Alberta under the *Health Professions Act*;

(b) in section 17(7)(m)

(i) by striking out “of the College of Physicians and Surgeons of the Province of Alberta or an investigating committee under the *Medical Profession Act*” **and substituting** “or hearing tribunal of the College of Physicians and Surgeons of Alberta”;

(ii) in subclause (i) by striking out “College or” **and substituting** “College of Physicians and Surgeons of Alberta or”.

(8.1) The *M.S.I. Foundation Act* is amended in section 4(1)(a) by striking out “College of Physicians and Surgeons of the Province of Alberta” **and substituting** “College of Physicians and Surgeons of Alberta”.

(5) Section 152(1)(b) is repealed and the following is substituted:

(b) in section 18(4)(e) by striking out “Council of Management of the Alberta Podiatry Association” **and**

substituting “board of directors of the Alberta Podiatry Association”;

(6) Schedule 3, section 2 is amended by repealing clause (b) and substituting the following:

(b) CLXT;

(7) Schedule 5, section 2 is amended by repealing clauses (e) and (f) and substituting the following:

(e) DH;

(f) RDH.

(8) Schedule 7 is amended

(a) in section 12(3) and (4) by striking out “College of Physicians and Surgeons of the Province of Alberta” wherever it occurs and substituting “College of Physicians and Surgeons of Alberta”.

(b) in the following provisions by striking out “The Alberta Dental Association and College” wherever it occurs and substituting “the Alberta Dental Association and College”:

section 1;
section 2;
section 4;
section 5(a) to (e);
section 6;

section 7;
section 8(2), (4) and (5);
section 9(2);
section 10(3);
section 11(b).

(9) Schedule 8, section 2 is amended by adding the following after clause (a):

(a.1) provisional dentist.

(10) The heading to Schedule 12 is amended by striking out “and Electroneurophysiologists”.

(11) Schedule 15 is amended in the following provisions by striking out “The Alberta College of Occupational Therapists” wherever it occurs and substituting “the Alberta College of Occupational Therapists”:

section 1;
section 2;
section 4;
section 5(a) to (f);
section 6(a) and (b);
section 6.1(a);
section 7(2) and (4);
section 8(2) and (3);
section 9(2);
section 10(3).

(12) Schedule 17 is amended in the following provisions by striking out “The Alberta College of Optometrists” wherever it occurs and substituting “the Alberta College of Optometrists”:

section 1(1);
section 2;
section 4;
section 6(a) to (d);
section 7(1), (2), (3) and (4);
section 8(2), (4) and (5);
section 9(2);
section 10(2);
section 11(3).

(13) Schedule 18, section 2 is amended

(a) by adding the following after clause (c):

- (c.1) emergency medical technologist-paramedic (critical care paramedic);

(b) by repealing clauses (f) to (h) and substituting the following:

- (f) EMR;
- (g) EMT;
- (h) EMT-P;
- (i) EMT-P (CCP).

(14) Schedule 21 is amended

(a) by repealing section 1(2) and substituting the following:

- (2) On the coming into force of this Schedule, the corporation known as the Alberta Podiatry Association is continued as a corporation under the same name.

(b) in the following provisions by striking out “College of Physicians and Surgeons of the Province of Alberta” wherever it occurs and substituting “College of Physicians and Surgeons of Alberta”:

- section 1(1), (3), (4), (5) and (6);
- section 2;
- section 4;
- section 6(1) and (2);
- section 7(a) and (b);
- section 8(1), (2), (3), (4), (6) and (19);
- section 9(1);
- section 11(1);
- section 14;
- section 15(1), (3) and (4);
- section 16(2), (4) and (5);
- section 17(2);
- section 18(2);
- section 19(2), (3), (5), (10) and (13).

(15) Schedule 22 is amended in the following provisions by striking out “The College of Alberta Psychologists” wherever it occurs and substituting “the College of Alberta Psychologists”:

section 1;
section 2;
section 4;
section 5;
section 6;
section 7;
section 8;
section 9.

(16) Schedule 24, section 2 is amended by repealing clauses (e) to (g) and substituting the following:

- (e) RN;
- (f) CGN;
- (g) NP.

(17) Schedule 25, section 2 is amended

(a) by repealing clauses (f) and (g) and substituting the following:

- (f) RPN;
- (g) PN;

(b) by repealing clauses (i) and (j) and substituting the following:

- (i) MDN;
- (j) RMDN.

(18) Schedule 26, section 2 is amended by adding the following after clause (c):

(c.1) provisional respiratory therapist;

(19) The following provisions are amended by striking out “The Alberta College of Optometrists” wherever it occurs and substituting “the Alberta College of Optometrists”:

section 98(1)(c);
section 102.1(1)(c);
section 103(b)(iv);
section 104(d) and (h);
section 106(1)(d);
section 107(d);
section 108(d).

(20) The following provisions are amended by striking out “The Alberta Dental Association and College” wherever it occurs and substituting “the Alberta Dental Association and College”:

section 98(1)(b);
section 102.1(1)(a);
section 103(b)(ii);
section 104(b) and (f);
section 106(1)(b);
section 107(b);
section 108(b).

(21) The following provisions are amended by striking out “College of Physicians and Surgeons of the Province of Alberta” wherever it occurs and substituting “College of Physicians and Surgeons of Alberta”:

section 98(1)(a);
section 102.1(1)(d) and (3);
section 103(b)(i);
section 104(a) and (e);
section 106(1)(a);
section 107(a);
section 108(a);
section 146;
section 152(1)(a).

Hospitals Act

Amends RSA 2000 cH-12

5 The *Hospitals Act* is amended in section 20(2) by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”;

Mental Health Act

Amends RSA 2000 cM-13

6 The *Mental Health Act* is amended in section 17(7)(n)(i) by striking out “The Alberta Dental Association and College” and substituting “the Alberta Dental Association and College”.

Opticians Act

Amends RSA 2000 cO-9

7 The *Opticians Act* is amended by repealing section 52(1)(a)(i) and substituting the following:

- (i) the Alberta College of Optometrists;

Public Health Act

Amends RSA 2000 cP-37

8(1) The *Public Health Act* is amended by this section.

(2) Section 1(ee.1) is repealed.

(3) Section 11 is repealed.

(4) Section 66(1)(aa), (bb) and (cc) are repealed.

(5) Sections 141 and 147(6)(a) of the *Health Professions Act* are repealed.

(6) This section comes into force on the coming into force of Schedule 24 to the *Health Professions Act*.

Explanatory Notes

Alberta Health Care Insurance Act

1(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Name change of college.

(3) Name change of college.

(4) Name change of college.

(5) Name change of college.

Government Organization Act

2 Amends chapter G-10 of the Revised Statutes of Alberta 2000. Sections 1 and 2(1) of Schedule 7.1 presently read in part:

1 In this Schedule,

(b) “compound” means to mix together 2 or more ingredients of which at least one is a drug for the purposes of dispensing a drug or drugs;

(c) “dispense” means

Explanatory Notes

- (i) *except in section 2(1)(h) and (r), to provide a drug pursuant to a prescription, but does not include administration of a drug to a person;*
- (ii) *in section 2(1)(r), the objective verification of corrective lenses to the prescription;*

2(1) The following, carried out in relation to or as part of providing a health service, are restricted activities:

- (h) *to prescribe, dispense, compound or administer a vaccine or parenteral nutrition;*

Health Care Protection Act

3 (1) Amends chapter H-1 of the Revised Statutes of Alberta 2000.

(2) Name change of college.

(3) Name change of college.

(4) Name change of college.

Health Professions Act

4 (1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Use of the term “specialist”.

(3) Section 131(1)(k) presently reads:

131(1) A council may make regulations

- (k) *respecting the use of abbreviations, initials and titles within the meaning of the schedules to this Act and the use of the words “registered” and “regulated” and the phrase “regulated health professional” by a regulated member or a category of regulated members;*

(4) Section 146(1) presently reads:

146(1) The Fatality Inquiries Act is amended in section 8(2) by striking out “Medical Profession Act” and substituting “Health Professions Act”.

(2) The Alberta Health Care Insurance Act is amended

- (a) ***in section 1(t)(i) by striking out “a person registered as a medical practitioner or as an osteopathic practitioner under the Medical Profession Act” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the Health Professions Act who holds a practice permit respecting the practice of medicine, surgery or osteopathy or a professional corporation registered with the College of Physicians and Surgeons of the Province of Alberta”;***
- (b) ***by repealing section 22(20)(a) and substituting the following:***

- (a) *the council or a hearing committee of the College,*

(3) Section 1(n)(i) of the Hospitals Act is repealed and the following is substituted:

- (i) *with reference to medical services provided in Alberta, a person registered as a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the Health Professions Act who holds a practice permit respecting the practice of medicine, surgery or osteopathy, and*

(4) The Companies Act is amended

- (a) *in section 15(4)*
 - (i) *by adding “or” at the end of clause (a);*
 - (ii) *by striking out “or” at the end of clause (c);*
 - (iii) *by repealing clause (d);*
 - (iv) *by striking out “, Legal Profession Act or Medical Profession Act” and substituting “or Legal Profession Act”;*
- (b) *in section 16(2) and (3) by striking out “Medical Profession Act,”;*
- (c) *in section 16(5)*
 - (i) *by striking out “, Legal Profession Act or Medical Profession Act” and substituting “or Legal Profession Act”;*
 - (ii) *by striking out “, section 119(1) of the Legal Profession Act or section 77(1) of the Medical Profession Act” and substituting “or section 119(1) of the Legal Profession Act”.*

(5) The Dependent Adults Act is amended in section 1(p) by striking out “registered as a medical practitioner under the Medical Profession Act” and substituting “who is a regulated member of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath”.

(6) The Emergency Medical Aid Act is amended in section 1(a) by striking out “registered as a medical practitioner under the Medical Profession Act” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who is a physician, surgeon or osteopath”.

(6.01) The Fair Trading Act is amended in section 103(2)(b) by striking out “Medical Profession Act,” and substituting “Schedule 21 of the Health Professions Act,”.

(6.1) The Health Care Protection Act is amended in section 29(a) by striking out “section 103 of the Medical Profession Act and the bylaws” and substituting “Schedule 21 of the Health Professions Act and the regulations”.

(7) The Interpretation Act is amended in section 28(1)(pp) by striking out “registered under the Medical Profession Act as a medical practitioner” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who holds a practice permit respecting the practice of medicine, surgery or osteopathy”.

(8) The Mental Health Act is amended

(a) in section 1(l)

(i) by striking out “registered under the Medical Profession Act” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the Health Professions Act”;

(ii) by striking out “Alberta” and substituting “the Province of Alberta”;

(b) in section 17(7)(m)

(i) by striking out “of the College of Physicians and Surgeons or an investigating committee under the Medical Profession Act” and substituting “or hearing tribunal of the College of Physicians and Surgeons of the Province of Alberta”;

(ii) *in subclause (i) by striking out “College or” and substituting “College of Physicians and Surgeons of the Province of Alberta or”.*

(9) *The Public Health Act is amended by repealing section 70(5)(b)(i) and substituting the following:*

(i) *a regulated member of the College of Physicians and Surgeons of the Province of Alberta under the Health Professions Act who is a physician, surgeon or osteopath but does not apply to a student enrolled in a program of studies and to podiatrists,*

(5) Section 152(1) presently reads:

152(1) The Alberta Health Care Insurance Act is amended

(a) *in section 1(v)(i) by striking out “a member of the Alberta Podiatry Association and lawfully entitled to practise in Alberta, and” and substituting “a regulated member of the College of Physicians and Surgeons of the Province of Alberta who holds a practice permit respecting the practice of podiatry, and”;*

(b) *in section 18(4)(e) by striking out “Council of Management of the Alberta Podiatry Association” and substituting “board of directors of the Alberta Association of Podiatric Medicine, incorporated under the Societies Act,”;*

(c) *by repealing section 22(20)(e).*

(6) Protected abbreviation.

(7) Protected abbreviations.

(8) Name change of colleges.

(9) Adding protected title.

(10) Change of heading.

(11) Name change of college.

(12) Name change of college.

(13) Protected title and abbreviations.

(14) Continuation of corporation and name change of college.

(15) Name change of college.

(16) Protected abbreviations.

(17) Protected abbreviations.

(18) Adding protected title.

(19) Name change of college.

(20) Name change of college.

(21) Name change of college.

Hospitals Act

5 Amends chapter H-12 of the Revised Statutes of Alberta 2000. Name change of college.

Mental Health Act

Explanatory Notes

6 Amends chapter M-13 of the Revised Statutes of Alberta 2000. Name change of college.

Opticians Act

7 Amends chapter O-9 of the Revised Statutes of Alberta 2000. Name change of college.

Public Health Act

8(1) Amends chapter P-37 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

1 In this Act,

(ee.1) "nurse practitioner" means a registered nurse within the meaning of the Nursing Profession Act who provides health services in accordance with the regulations;

(3) Section 11 presently reads:

11 Notwithstanding the Medical Profession Act and the Pharmaceutical Profession Act, a nurse practitioner may provide the health services permitted under the regulations.

(4) Section 66(1) presently reads in part:

66(1) The Lieutenant Governor in Council may make regulations

- (aa) respecting the health services that may be provided by a nurse practitioner and respecting the terms and conditions under which those services may be provided;*
- (bb) respecting any additional training and experience that may be required by a nurse practitioner to be eligible to provide particular health services;*
- (cc) respecting any conditions relating to the employment or engagement of a nurse practitioner;*

(5) Consequential.

(6) Coming into force.

Explanatory Notes