

BILL 14

2006

HEALTH PROFESSIONS STATUTES AMENDMENT ACT, 2006

(Assented to _____, 2006)

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

Government Organization Act

Amends RSA 2000 cG-10

1(1) The *Government Organization Act* is amended by this section.

(2) Schedule 7.1 is amended in section 5 by renumbering it as section 5(1) and by adding the following after subsection (1):

(2) A prosecution for an offence under this Schedule may not be commenced more than 2 years after the date on which the alleged offence occurs.

Health Professions Act

Amends RSA 2000 cH-7

2(1) The *Health Professions Act* is amended by this section.

(2) Section 13 is amended

(a) by adding the following after subsection (4):

(4.1) A public member may be appointed to a council for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.

(b) in subsection (5) by striking out “A member of” and substituting “Despite subsection (4.1), a member of”.

(3) Section 22(2)(b)(iii) is amended by striking out “of Learning” and substituting “of Advanced Education”.

(4) Section 25 is amended

- (a) in subsection (2) by repealing clause (a);**
- (b) in subsection (3) by adding** “if the Minister is satisfied that it is in the public interest” **before** “the Minister”.

(5) Section 34(2) is amended by striking out “regulations or bylaws, release” **and substituting** “regulations, disclose”.

(6) Section 50(2)(a) and (b) are amended by adding “or categories of regulated members” **after** “regulated members”.

(7) Section 54(1) is repealed and the following is substituted:

Making a complaint

54(1) A person who makes a complaint to a complaints director regarding a regulated member or a former member must do so in writing and must sign the written complaint.

(8) Section 56 is amended by striking out “section 57” **and substituting** “section 57, is given information orally”.

(9) Section 82(1) is amended by striking out “any one or more of the following” **and substituting** “one or more of the following”.

(10) Section 128(11) is amended by striking out “section 131” **and substituting** “section 131 or by a bylaw made under section 132 or as otherwise authorized by a council”.

(11) Section 131(1) is amended

- (a) in clause (a)(i) by adding** “, including limiting the number of times examinations may be taken,” **after** “of examinations”;
- (b) by adding the following after clause (n):**

(n.1) respecting disclosure of information about its members;

(12) Section 132(1) is amended by adding the following after clause (m):

(m.1) respecting the use of the term “specialist” by a regulated member or a category of regulated members;

(13) Section 132.1 is amended by striking out “of Learning” **and substituting** “of Advanced Education”.

(14) Schedule 2 is amended

- (a) in section 1 by striking out** “the same name” **and substituting** “the name Alberta College and Association of Chiropractors”;

- (b) in sections 2 and 4 by striking out** “The College of Chiropractors of Alberta” **and substituting** “the Alberta College and Association of Chiropractors”;
- (c) in section 5(a), (b), (c) and (d) by striking out** “The College of Chiropractors of Alberta under this” **and substituting** “the Alberta College and Association of Chiropractors under this”;
- (d) in section 6(1) and (2) by striking out** “The College of Chiropractors of Alberta” **and substituting** “the Alberta College and Association of Chiropractors”;
- (e) by repealing section 7(2)(e) and substituting the following:**
 - (e) of the committee of inquiry appointed pursuant to regulations under the *Chiropractic Profession Act* are vested in and may be exercised by the registrar of the Alberta College and Association of Chiropractors under this Act, and any reference to a committee of inquiry in the *Chiropractic Profession Act* or the regulations under that Act is deemed to be a reference to the registrar of the Alberta College and Association of Chiropractors appointed pursuant to this Act.
 - (f) in sections 7(2)(a), (b), (c), (d), (4) and (5), 8(2)(a), (b), (c), (d) and (e) and 9(3)(a), (b), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) by striking out** “The College of Chiropractors of Alberta” **wherever it occurs and substituting** “the Alberta College and Association of Chiropractors”.

(15) Schedule 4 is amended in section 2 by adding the following after clause (c):

- (c.1) provisional dental assistant;

(16) Schedule 11 is amended in section 2 by repealing clause (c).

(17) Schedule 15 is amended in the heading of the Schedule by striking out “Therapy” **and substituting** “Therapists”.

(18) Schedule 16 is amended

- (a) in section 2 by adding the following after clause (f):**

- (f.1) provisional optician;

- (b) in section 3**

- (i) in clause (a) by striking out** “appliances,” **and substituting** “appliances and prostheses,”;

- (ii) in clause (b) by adding** “and prostheses” **after** “optical appliances”;

- (iii) by adding the following after clause (b):**

- (b.1) perform refractions and identify the need for corrective lenses,

(iv) by striking out “and” at the end of clause (c) and adding the following after clause (c):

- (c.1) when providing professional services referred to in this section, assess eye health and make referrals where appropriate, and

(19) Schedule 19 is amended in section 2 by adding the following after clause (a):

- (a.1) clinical pharmacist;

(20) Schedule 21 is amended

(a) in section 1

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

College, Association and records

1(1) On the coming into force of this Schedule, the corporation known as the College of Physicians and Surgeons of the Province of Alberta is continued as a corporation under the name College of Physicians and Surgeons of Alberta.

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

(2) On the coming into force of this Schedule,

- (a) the corporation known as the Alberta Podiatry Association under the *Podiatry Act* is dissolved,
- (b) the name of the Alberta Association of Podiatric Medicine, a society incorporated under the *Societies Act*, is, despite the *Societies Act*, changed to Alberta Podiatry Association,
- (c) subject to subsections (3) and (4), all the assets and liabilities of the Alberta Podiatry Association referred to in clause (a) are vested in the Alberta Podiatry Association referred to in clause (b), a society incorporated under the *Societies Act*, and
- (d) all rights of action by and against the Alberta Podiatry Association referred to in clause (a) are vested in and may be continued and maintained by and against the Alberta Podiatry Association referred to in clause (b), a society incorporated under the *Societies Act*.

(iii) in subsection (3)

(A) by striking out “Despite subsection (2), on the repeal of the *Podiatry Act*” and substituting “On the coming into force of this Schedule”;

(B) in clauses (a), (b) and (c) by adding “under the *Podiatry Act*” after “Podiatry Association” wherever it occurs;

- (iv) **in subsection (4) by striking out** “repeal of the *Podiatry Act*” **and substituting** “coming into force of this Schedule”;
- (v) **in subsection (5) by striking out** “repeal of the *Podiatry Act*” **and substituting** “coming into force of this Schedule”;
- (vi) **by adding the following after subsection (6):**

(7) The Alberta Podiatry Association referred to in subsection (2)(b), a society incorporated under the *Societies Act*, may request and collect information and records described in subsections (3) and (4) from the College of Physicians and Surgeons of Alberta for purposes directly related to or necessary for any proceeding, including preparation for a proceeding, with respect to an action or claim, or with respect to the negotiation or settlement of an action or claim before it is before a Court or while it is before a Court, and the Alberta Podiatry Association referred to in subsection (2)(b), a society incorporated under the *Societies Act*, may disclose the information or records collected, as it considers appropriate, in carrying out those purposes.

(b) in section 2

- (i) **by striking out** “following titles” **and substituting** “following titles, abbreviations and initials”;
- (ii) **by repealing clauses (b) and (cc);**
- (iii) **by adding the following after clause (jjj):**
 - (kkk) doctor of podiatric medicine;
 - (lll) podiatric physician;
 - (mmm) medical doctor;
 - (nnn) cardiac surgeon;
 - (ooo) respirologist;
 - (ppp) colorectal surgeon;
 - (qqq) developmental pediatrician;
 - (rrr) forensic pathologist;
 - (sss) neuroradiologist;
 - (ttt) palliative medicine specialist;
 - (uuu) palliative physician;
 - (vvv) pediatric emergency specialist;
 - (www) pediatric hematologist/oncologist;

- (xxx) pediatric radiologist;
- (yyy) transfusion medicine specialist;
- (zzz) MD;
- (aaaa) D.P.M.

- (c) in section 15(4) by adding “under the *Podiatry Act*” after “Podiatry Association” wherever it occurs;**
- (d) in section 19(2)(b) and (c) by adding “under the *Podiatry Act*” after “Podiatry Association”.**

(21) Schedule 26 is amended

(a) in section 2

(i) by striking out “the Association” and substituting “Association”;

(ii) by adding the following after clause (b):

- (b.1) respiratory therapist;
- (b.2) respiratory care practitioner;

(b) in the following provisions by striking out “College and the Association of Respiratory Therapists” wherever it occurs and substituting “College and Association of Respiratory Therapists”:

- section 1(1), (2), (3) and (4);
- section 4;
- section 5(a), (b), (c) and (e);
- section 6;
- section 7(2)(a), (b), (c), (d) and (5);
- section 8(3)(a), (b), (c), (d), (e), (f), (g), (h) and (i).

(22) The following provisions are amended by striking out “any or all of the following” and substituting “one or more of the following”:

- section 1(1)(pp);
- section 46(1)(b);
- section 89(5);
- section 97(1).

Explanatory Notes

Government Organization Act

1(1) Amends chapter G-10 of the Revised Statutes of Alberta 2000.

(2) Schedule 7.1, section 5 presently reads:

5 A person who contravenes section 4 is guilty of an offence and liable

- (a) for a first offence, to a fine of not more than \$5000,*
- (b) for a 2nd offence, to a fine of not more than \$10 000, and*
- (c) for a 3rd and every subsequent offence, to a fine of not more than \$25 000 or to imprisonment for a term of not more than 6 months or to both fine and imprisonment.*

Health Professions Act

2(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 13 presently reads:

13(1) Subject to subsection (2), the Lieutenant Governor in Council

- (a) may, after the Minister has consulted with the affected council, appoint and rescind the appointment of public members to a council, and*
- (b) may appoint persons to a list of public members for the purpose of establishing complaint review committees and hearing tribunals.*

(2) The following are not eligible to be appointed as public members:

- (a) with respect to an appointment to a council, a person who is a regulated member of that college;*
- (b) a person who represents or is normally engaged in representing a group of employees who are regulated members in the negotiation of collective bargaining agreements or in any proceedings under a collective bargaining agreement with respect to regulated members or who negotiates or sets professional fees or guidelines on professional fees on or on behalf of regulated members of a college;*
- (c) a member or officer of a regional health authority, the Advisory Board, the Alberta Mental Health Board or the Alberta Cancer Board.*

(3) The public members of a complaint review committee and a hearing tribunal are the persons designated by a hearings

director from the list, established under subsection (1)(b), of public members, other than regulated members of the college.

(4) A public member may be appointed to a list of public members for a term of up to 3 years and may be reappointed, but may not be appointed for more than 6 consecutive years.

(5) A member of a council appointed under subsection (1)(a) continues to be an appointed member after the expiry of the term of the appointment until the member is reappointed, the member's appointment is rescinded or a successor is appointed.

(6) Public members under this section may, at the rates prescribed by the Lieutenant Governor in Council, be paid remuneration for their services by and receive reasonable living and travelling expenses from the Government incurred in the course of their duties as members.

(3) Section 22(2)(b) presently reads:

(2) The Advisory Board consists of

(b) the following non-voting members, who must be employees of the Government:

(i) one employee designated by the Deputy Minister of Human Resources and Employment;

(ii) one employee designated by the Deputy Minister of Health and Wellness;

(iii) one employee designated by the Deputy Minister of Learning;

(iv) one employee designated by the Deputy Minister of Children's Services.

(4) Section 25 presently reads in part:

(2) An application under subsection (1)

(a) must be made by an organization that represents the majority of persons carrying on that profession in Alberta,

(b) must be in the form and contain the information requested by the Minister, and

(c) must be accompanied with the application fee set by the Minister.

(3) On receipt of an application under subsection (1), the Minister may direct the Advisory Board to investigate whether the profession should be regulated under this Act.

(5) Section 34(2) presently reads:

(2) A college may, in accordance with the regulations or bylaws, release information about its members in addition to the information referred to in subsection (1).

(6) Section 50(2) presently reads:

(2) A continuing competence program

(a) must provide for regulated members to maintain competence and to enhance the provision of professional services, and

(b) may, if authorized by the regulations or Schedule 21, provide for practice visits of the regulated members.

(7) Section 54(1) presently reads:

54(1) A person may give a written, signed complaint to the complaints director regarding

(a) a regulated member, or

(b) a former member.

(8) Section 56 presently reads:

56 Despite not receiving a complaint under section 54, but subject to section 54(3) and (4), if the complaints director has reasonable grounds to believe that the conduct of a regulated member or former member constitutes unprofessional conduct, receives a referral under Part 3 or Schedule 7, is given notice under section 57 or is aware of non-compliance with a direction under section 118, the complaints director may treat the information, notice or non-compliance as a complaint and act on it under section 55.

(9) Editorial change.

(10) Section 128(11) presently reads:

(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.

(11) Section 131(1)(a) presently reads in part:

131(1) A council may make regulations

(a) *respecting requirements for and applications for registration and practice permits, including but not restricted to*

(i) *education, experience, enrolment in programs of studies, successful completion of examinations and holding of certificates and diplomas;*

(12) Section 132 presently reads in part:

132(1) A council may make bylaws

(m) *establishing the date on which an annual permit of a professional corporation or a permit of a physical therapy corporation expires;*

(13) Section 132.1 presently reads:

132.1 Before the council approves or removes the approval from a program of study or an educational course under section 3, the council must consult with the Minister of Health and Wellness and the Minister of Learning and must consider the comments received from those Ministers.

(14) Change of College's name and a committee reference.

(15) New title.

(16) Repeals a title.

(17) Amends heading of Schedule.

(18) New title. Schedule 16, section 3 presently reads:

3 In their practice, opticians do one or more of the following:

(a) *based on an optical prescription, design, supply, prepare, adjust and dispense optical appliances, including corrective lenses,*

(b) *promote eye health and the correct use of optical appliances through education of consumers and regulated members,*

(c) *conduct or collaborate in optical related research, and*

(d) *provide restricted activities authorized by the regulations.*

(19) New title.

(20) Name change of College of Physicians and Surgeons of the Province of Alberta. Alberta Podiatry Association rollover. Amendments to protected titles and initials.

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(2) The following are not eligible to be appointed as public members:

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