

2007 Bill 5

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 5

HEALTH STATUTES AMENDMENT ACT, 2007

MR. RODNEY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 5
Mr. Rodney

BILL 5

2007

HEALTH STATUTES AMENDMENT ACT, 2007

(Assented to , 2007)

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(2) Section 18(4) is repealed and the following is substituted:

- (4)** When reassessing a claim under subsection (2), the Minister may
- (a) establish a committee to prepare a report or make recommendations respecting the reassessment and may select and appoint persons from the roster established under subsection (4.1) as members of the committee, and
 - (b) have regard to any report or recommendations of the committee.

Explanatory Notes

Alberta Health Care Insurance Act

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

(2) Section 18(4) presently reads:

(4) In reassessing claims pursuant to subsection (2), the Minister may have regard to any report or recommendations of:

- (a) the board of directors of the Alberta Medical Association (C.M.A.-Alberta Division), when the practitioner concerned is a physician;*
- (b) the board of directors of the Alberta Dental Association and College, when the practitioner concerned is a dentist;*
- (c) the council of the Alberta College of Optometrists;*

(4.1) The Minister may establish a roster of practitioners and members of the public who may be appointed to committees established under subsection (4).

(3) Section 22(7)(h) is repealed and the following is substituted:

- (h) to a committee established under section 18(4) for purposes in connection with that section,

(4) Section 39 is repealed and the following is substituted:

Examination of practitioner's records

39(1) A person employed in the administration of this Act who is expressly authorized to do so by the Minister may, for the purpose of conducting an examination and audit of the claims for or payments of benefits relating to health services provided by a practitioner or group of practitioners,

- (a) enter the premises of the practitioner or group of practitioners, and

- (d) *the Council of The College of Chiropractors of Alberta, when the practitioner concerned is a chiropractor;*
- (e) *the Council of Management of the Alberta Podiatry Association, when the practitioner concerned is a podiatrist;*
- (f) *the council of the College of Alberta Denturists, when the practitioner concerned is a denturist;*
- (g) *the council of the Alberta Opticians Association, when the practitioner concerned is an optician;*
- (h) *any committee that*
 - (i) *is appointed by the board of directors or council of an organization referred to in clauses (a) to (g),*
 - (ii) *consists of persons who are members of that organization and who are members of the same profession as the practitioner concerned, and*
 - (iii) *is recognized by the Minister as a committee for the purposes of this section.*

(3) Section 22(7)(h) presently reads:

(7) The Minister or a person employed in the administration of this Act and authorized by the Minister may disclose information pertaining to the date on which health services were provided and a description of those services, the name and address of the person who provided the services, the registration number of the person who received the services, the benefits paid for those services and the person to whom they were paid, but the information may be disclosed only

- (h) *to a board of directors, council or committee of an organization referred to in section 18(4) for purposes in connection with that section,*

(4) Section 39 presently reads:

39(1) A person employed in the administration of this Act who is expressly authorized to do so by the Minister

- (a) *may, with the consent of the practitioner or group of practitioners concerned, examine and audit any books, accounts or records, other than patient records, maintained by or on behalf of a practitioner or group of practitioners with respect to claims for or payments of benefits relating to health services provided by that practitioner or members of that group of practitioners, and*

(b) examine and audit any books, accounts, patient records or other records that are maintained by or on behalf of the practitioner or group of practitioners.

(2) A person conducting an examination and audit under subsection (1) may

(a) take extracts from or make copies of all or any part of the books, accounts and records referred to in subsection (1)(b), and

(b) make inquiries of the practitioner or the members of the group of practitioners respecting the claims, payments and health services.

(3) A practitioner and each member of a group of practitioners shall provide a person who has been authorized by the Minister under subsection (1) with access to the premises and to the books, accounts and records referred to in that subsection and shall answer the person's inquiries respecting the claims, payments and health services.

(4) If a practitioner or a member of a group of practitioners fails or refuses to provide access to premises or to books, accounts or records or fails or refuses to answer inquiries as required by subsection (3), the Minister, after advising the council of the College or the board of directors or council of the organization that represents the practitioner's profession of the failure or refusal, may withhold the payment of benefits to that practitioner in respect of claims made by that practitioner on behalf of residents until the access is provided or the answers are given.

(5) The *Health Professions Act* is amended by repealing sections 148(3) and 152(1)(b).

Health Information Act

Amends RSA 2000 cH-5

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

(2) Section 1(1)(f)(iii) is amended by striking out "18(1)(a)" and substituting "17(1)(a)".

(b) in the course of an examination and audit made with such consent, may take extracts from or make copies of all or any part of those books, accounts and records.

(2) If any practitioner does not give or refuses to give a consent under subsection (1) after the Minister has requested that consent, the Minister, after consultation with the council of the College or the board of directors or council of the organization that represents the practitioner's profession, may withhold the payment of benefits to that practitioner in respect of claims made by that practitioner on behalf of residents until the consent is given.

(5) Amends chapter H-7 of the Revised Statutes of Alberta 2000. Repeals unproclaimed consequential amendments to section 18(4) of the Alberta Health Care Insurance Act.

Health Information Act

2(1) Amends chapter H-5 of the Revised Statutes of Alberta 2000.

(2) Corrects cross-referencing error.

Health Insurance Premiums Act

Amends RSA 2000 cH-6

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

(2) Section 25 is amended

(a) by repealing subsections (4) and (5) and substituting the following:

(4) A declaration under subsection (1) takes effect on the day on which it is filed with the Minister and remains in effect

(a) for 36 months, or

(b) until a revocation of the declaration takes effect under subsection (6.2).

(b) in subsection (6)

(i) in clause (a) by striking out “during the following plan year” **and substituting** “while the declaration is in effect”;

(ii) in clauses (b) and (d) by striking out “during the next plan year” **and substituting** “while the declaration is in effect”;

(c) by adding the following after subsection (6):

(6.1) A registrant may revoke a declaration under subsection (1) by filing a revocation in the form prescribed by the Minister stating that the registrant revokes the declaration.

(6.2) A revocation under subsection (6.1) takes effect 90 days after the day on which it is filed with the Minister.

(d) in subsection (7) by striking out “first day of the month next following the month in which it is filed” **and substituting** “day on which it is filed with the Minister”;

(e) by adding the following after subsection (9):

Health Insurance Premiums Act

3(1) Amends chapter H-6 of the Revised Statutes of Alberta 2000.

(2) Section 25 presently reads:

25(1) A registrant may, for the registrant and the registrant's dependants, file with the Minister a declaration stating that the registrant elects to be outside the Plan and the Hospitalization Benefits Plan under Part 3 of the Hospitals Act.

(2) A declaration under subsection (1) shall be in the form prescribed by the Minister and shall indicate the consequences of filing the declaration mentioned in subsection (6) and the effect of subsection (7).

(3) A declaration under subsection (1) is invalid unless at the time it is filed with the Minister the person making it

(a) is registered under this Act together with the person's dependants, and

(b) is not liable to the Minister for any premiums.

(4) A declaration under subsection (1) is effective only during the 12-month period commencing on the first day of July following the date on which it is filed with the Minister.

(5) In this section, "plan year" means a 12-month period referred to in subsection (4).

(6) If a registrant files a valid declaration under subsection (1), then, notwithstanding anything in this Act, the Alberta Health Care Insurance Act or the Hospitals Act,

(a) neither the registrant nor the registrant's dependants are entitled to benefits under the Alberta Health Care Insurance Act in respect of health services provided to them during the following plan year,

(b) the registrant is personally and solely liable for the payment to a hospital of the entire cost of insured

(10) A person who makes an election under subsection (7) may revoke the election by filing a revocation in the form prescribed by the Minister stating that the person revokes the election.

(11) A revocation under subsection (10) takes effect on the day on which it is filed with the Minister.

(12) An election under subsection (7) remains in effect until

- (a) the declaration ceases to be in effect, or
- (b) the day on which a revocation of the election takes effect.

(3) Section 25 of the *Health Insurance Premiums Act* as it read immediately before the coming into force of this section continues

hospital services provided to the registrant and the registrant's dependants during the next plan year,

- (c) neither the registrant nor any of the registrant's dependants are entitled to receive goods and services under the Blue Cross agreement, and*
- (d) the registrant is not liable for payment of premiums that become due during the next plan year.*

(7) Notwithstanding subsections (1) and (6),

- (a) the spouse or adult interdependent partner of the registrant who filed a declaration may file with the Minister an election to have the spouse or adult interdependent partner and the dependants excluded from the declaration, and*
- (b) a dependant other than the spouse or adult interdependent partner of that registrant may file with the Minister an election to have that dependant excluded from the declaration, if no election has been filed under clause (a),*

and an election so filed takes effect on the first day of the month next following the month in which it is filed.

(8) If a spouse or adult interdependent partner files an election under subsection (7)(a),

- (a) the declaration does not extend to or apply to the spouse or adult interdependent partner and dependants of the registrant during the period that the election is in effect, and*
- (b) the spouse or adult interdependent partner is liable for the payment of premiums in respect of the spouse or adult interdependent partner and his or her dependants during the period that the election is in effect.*

(9) If a dependant files an election under subsection (7)(b),

- (a) the declaration does not extend to or apply to the dependant during the period that the election is in effect, and*
- (b) the dependant is liable for the payment of premiums in respect of the dependant unless the registrant agrees to be liable for the payment of those premiums.*

(3) Transitional.

to apply with respect to a declaration or election that was filed with the Minister before the coming into force of this section.

Mandatory Testing and Disclosure Act

Amends SA 2006 cM-3.5

4(1) The *Mandatory Testing and Disclosure Act* is amended by this section.

(2) Section 1 is amended

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

(e.1) “dependent adult” means a person who is the subject of a guardianship order made under the *Dependent Adults Act*;

(b) by repealing clause (g) and substituting the following:

(g) “guardian” means a person

(i) who is or who is appointed a guardian of a child under Part 2 of the *Family Law Act*,

(ii) who is a guardian of a child under an agreement or order made pursuant to the *Child, Youth and Family Enhancement Act*, or

(iii) who is the guardian of a dependent adult under an order made under or by virtue of the operation of the *Dependent Adults Act*,

as the case requires;

Pharmacy and Drug Act

Amends RSA 2000 cP-13

5(1) The *Pharmacy and Drug Act* is amended by this section.

(2) Section 1(1)(v) is amended by striking out “patient named in the direction” and substituting “patient”.

Mandatory Testing and Disclosure Act

4(1) Amends chapter M-3.5 of the Statutes of Alberta, 2006.

(2) Section 1(g) presently reads:

1 In this Act,

*(g) “guardian” means a guardian as defined in the
Dependent Adults Act or a guardian within the
meaning of Part 2 of the Family Law Act, as the case
requires;*

Pharmacy and Drug Act

5(1) Amends chapter P-13 of the Revised Statutes of Alberta
2000.

(2) Section 1(1)(v) presently reads:

1(1) In this Act,

(3) Section 34(2) is repealed and the following is substituted:

(2) In addition to or instead of making a regulation under subsection (1), the Minister may, after consulting with the council, declare the whole or a part of

- (a) a list in an enactment of Alberta or of another jurisdiction, or
- (b) a code, standard or list published by an organization,

that designates drugs and copies of which are available, to be in force with any variations that the Minister specifies and either as that list in the enactment or that code, standard or list, or the part of it, exists on a specified day or as amended from time to time.

Public Health Act

Amends RSA 2000 cP-37

6(1) The *Public Health Act* is amended by this section.

(2) Section 66(2) is repealed and the following is substituted:

(2) In addition to or instead of making a regulation under subsection (1), the Lieutenant Governor in Council may declare to be in force a code, standard, guideline or body of rules that relates to any matter on which a regulation may be made under subsection (1) if it is published and is available to the public.

(2.1) A code, standard, guideline or body of rules may be declared in force under subsection (1)

- (a) in whole or in part or with modifications, and
- (b) as it reads on a specific day or as amended from time to time.

- (v) “prescription” means a direction by a person who is authorized by an Act of the Legislature of Alberta or an Act of the Parliament of Canada to prescribe drugs, directing that a drug be dispensed to or for the patient named in the direction named in the direction;

- (3) Section 34 presently reads:

34(1) The Minister may, after consulting with the council, make regulations respecting the designation of drugs, other than drugs described in section 31(1)(a) or (b), as Schedule 1, 2 or 3 drugs.

(2) If a list in an enactment of Alberta or of another jurisdiction, or a code, standard or list published by an organization, designates drugs, and copies of the enactment, code, standard or list are readily available, the Minister may, after consulting with the council, by regulation, declare the list in the enactment, code, standard or list to be in force in whole or in part or with any variations that the Minister specifies in addition to or instead of a regulation under subsection (1).

Public Health Act

- 6(1)** Amends chapter P-37 of the Revised Statutes of Alberta 2000.

- (2) Section 66(2) presently reads:

(2) If a code, standard, guideline or body of rules relates to any matter on which regulations may be made under subsection (1) and the code, standard, guideline or body of rules has been published and is available to the public, the Lieutenant Governor in Council may, in addition to or instead of any regulation that may be made under subsection (1), by regulation declare the code, standard, guideline or body of rules to be in force either in whole or in part and with any specified variations.

