

2007 Bill 48

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 48

**HEALTH FACILITIES ACCOUNTABILITY
STATUTES AMENDMENT ACT, 2007**

HEALTH AND WELLNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 48

BILL 48

2007

HEALTH FACILITIES ACCOUNTABILITY 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:

Hospitals Act

Amends RSA 2000 cH-12

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

(2) Section 1 is amended

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

(c.1) “board” means the corporate body or person that owns
or operates a hospital, and includes a regional health
authority;

(b) by repealing clause (d);

(c) by repealing clause (i);

(d) by repealing clause (k).

Explanatory Notes

Hospitals Act

1(1) Amends chapter H-12 of the Revised Statutes of Alberta 2000.

(2) Section 1(d), (i) and (k) presently read:

1 In this Act,

(d) “board of management” means a board of management referred to in section 5;

(i) “included municipality” means a municipality the whole or a part of which is included in a health region;

(k) “municipality” means a city, town, village, summer village, municipal district, improvement district and special area;

(3) The heading preceding section 3 is repealed and the following is substituted:

**Part 1
Plan for Hospital Services**

(4) Section 3 is repealed.

(5) Section 4 is repealed and the following is substituted:

Plan for hospitals

4(1) The Minister may establish a plan

- (a) for the services provided by a hospital and the use of the services of the hospital,
- (b) for the integration of the operation, management and financing of one or more hospitals serving the health region, or
- (c) for the matters set out in both clauses (a) and (b),

and may by order declare the plan to be in force, amend the plan or terminate the plan.

(2) The board of a hospital that is subject to a plan established under subsection (1), and the regional health authority to the extent required by the plan, shall comply with the plan.

(3) The existing heading presently reads:

Part 1
Non-regional Hospitals

(4) Section 3 presently reads:

3 Without limiting the generality of section 8(4) of the Hospitals Act (RSA 1980 cH-11) as it read on July 31, 1996, an order rescinding an order under section 8(2) of that Act as it read on July 31, 1996 may contain any provisions the Lieutenant Governor in Council considers necessary

- (a) to provide for the transfer of the assets and property of the district to a regional health authority under the Regional Health Authorities Act,*
- (b) to provide for the assumption of liabilities and obligations of the district by a regional health authority under the Regional Health Authorities Act, and*
- (c) to facilitate the taking over of the affairs of the district by a regional health authority under the Regional Health Authorities Act.*

(5) Section 4 presently reads:

4(1) On the request of the owner of a non-regional hospital that serves a health region, or on the request of the regional health authority, the Minister may cause a plan to be prepared for the use of the services of the non-regional hospital by the regional health authority and for the integration of the operation, management and financing of all hospitals serving the health region.

(2) On being satisfied that a plan prepared pursuant to subsection (1) meets the needs of the regional health authority and the owners of the non-regional hospitals and serves the interests of the residents of the health region, the Minister may, by order, declare the plan to be in force in the health region.

(3) After consultation with the regional health authority and the owners of non-regional hospitals who are parties to a plan prepared pursuant to this section, the Minister, by order,

- (a) may amend the plan, and*

(3) An order terminating a plan may contain any provisions the Minister considers necessary

- (a) to provide for the disposition of assets and property,
- (b) to provide for the assumption of liabilities and obligations, and
- (c) to facilitate the winding-up of the plan.

Official administrator

4.1(1) The Minister may by order appoint a person or persons, including a regional health authority, to act as an official administrator of a hospital specified in the order if, in the Minister's opinion,

- (a) in the case of a non-regional hospital, the board of the hospital
 - (i) has contravened this Act or the regulations,
 - (ii) has failed to comply with the terms of any agreement with the regional health authority,
 - (iii) has failed to comply with any directions or order of the Minister, or
 - (iv) has done or omitted to do anything in respect of the hospital that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of patients,

or

- (b) in the case of a hospital other than a non-regional hospital, the board of the hospital
 - (i) has contravened this Act or the regulations,
 - (ii) has failed to comply with any directions or order of the Minister, or
 - (iii) has done or omitted to do anything in respect of the hospital that, because of the nature or gravity of the

(b) may, on reasonable notice in writing to the parties, terminate the plan.

(4) An order terminating a plan under subsection (3) may contain any provisions the Minister considers necessary

(a) to provide for the disposition of assets and property;

(b) to provide for the assumption of liabilities and obligations;

(c) to facilitate the winding-up of the plan.

thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of patients.

(2) An official administrator appointed under subsection (1) is entitled to possession of the hospital and all records, supplies and equipment in it that in the official administrator's opinion are necessary for the continued operation of the hospital, to the exclusion of the board or any person claiming through the board.

(3) An official administrator may pay

- (a) the salaries, wages and benefits of persons employed in the hospital, and
- (b) the costs of goods and services that are, in the official administrator's opinion, necessary for the continued operation of the hospital,

out of funds due to the board, including funds from a regional health authority or, with the approval of the Minister, from funds voted by the Legislature for the purposes of this Act.

(4) A payment made under subsection (3) from regional health authority funds discharges the regional health authority from liability to pay the funds, to the extent of the payment.

(5) In addition to the powers granted by this section, the Minister may confer on an official administrator those powers that, in the opinion of the Minister, are reasonably necessary for the efficient administration of the hospital.

(6) An official administrator shall report to the Minister on the operation of a hospital under the official administrator's administration at the time and in the manner prescribed by the Minister.

(7) An official administrator shall operate the hospital for the period set out in the order under subsection (1).

(8) The Minister may by order at any time terminate an appointment under subsection (1).

Authority of Minister to give directions

4.2(1) If in the opinion of the Minister it is in the public interest, or if in the opinion of the Minister a direction would provide for matters related to the health, safety or well-being of the patients of a hospital, the Minister may give directions to the board or to an official administrator, if appointed, and to the regional health authority with respect to the provision of services or the operation of the hospital.

(2) The Minister must provide a copy of any directions under subsection (1) to the affected board or official administrator and to the regional health authority.

(3) On receipt of directions, the board or the official administrator and the regional health authority shall comply with the directions.

(6) Sections 5 and 6 are repealed.

(6) Sections 5 and 6 presently read:

5(1) A plan under section 4 may require the establishment of a board of management for a non-regional hospital consisting of members appointed by the regional health authority and a greater number of members appointed by the owner of the non-regional hospital.

(2) On the coming into force of a plan under section 4 that requires a board of management for a non-regional hospital, the board of management

(a) is on that coming into force constituted as a corporation with the name and membership given in the plan and with the powers, objects and duties necessary for it to operate and administer the affairs of the hospital, except the power to dispose of the real and personal property of the non-regional hospital, and

(b) becomes the governing board of the hospital and has full control of the hospital and has absolute and final authority and responsibility in respect of all matters appertaining to the operation of the hospital,

subject to any limitations on its authority imposed by statute or the regulations or the plan.

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

Authority to act in place of board

7 When under this Act an act or thing is directed to be done forthwith or within a specified time by a board, a regional health authority or an official administrator, or by an officer of one of those bodies, and the act or thing is not done, the Minister may do the act or thing with the same effect as if it had been done by that body.

6 The Lieutenant Governor in Council may make regulations to carry out the intent of this Part and, without restricting the generality of the foregoing, may make regulations to

- (a) govern the manner of appointment, including nomination of members of boards of management;*
- (b) subject to the Local Authorities Election Act and the regulations under that Act, govern the qualifications for membership and conditions of disqualification from membership, terms of office, procedure for filling vacancies, and other matters pertaining to members of boards of management;*
- (c) govern the election of officers, fixing quorums, times of meetings, books and records to be kept, reports and returns to be made, travelling and expense allowances to be paid and other matters pertaining to the organization of boards of management and the management of their affairs;*
- (d) prescribe the manner in which boards of management may borrow money and fix the rate of interest on it, fix the terms of borrowing and the periods of borrowing;*
- (e) prescribe conditions that must be contained in or that apply to plans prepared pursuant to section 4 and other matters that are relevant to the relationship between regional health authorities and the owners of non-regional hospitals;*
- (f) prescribe any procedures relating to the provision of financial assistance to a board of management or the owner of a non-regional hospital by a regional health authority pursuant to a plan under section 4.*

(7) Section 7 presently reads:

7 When under this Act an act or thing is directed to be done forthwith or within a specified time by an included municipality or by a council of it or by a regional health authority or board of management or by an officer of one of those bodies and the act or thing is not done, the Minister may do the act or thing with the same effect as if it had been done by that body.

(8) Section 8 is repealed.

(9) Section 9(c) is repealed.

(10) Section 10 is repealed and the following is substituted:

Board

10(1) Each approved hospital must have a board.

(2) A board may be the board of more than one approved hospital.

(3) The board of an approved hospital is responsible for the day-to-day operations of the approved hospital and shall ensure that all operations of the approved hospital comply,

(a) in the case of a non-regional hospital, with

(i) any directions of the regional health authority regarding matters of patient safety, quality of care or the coordination of services,

(8) Section 8 presently reads:

8(1) The Minister by order may for cause dismiss the members of a board of management and appoint an official administrator in their place.

(2) An official administrator appointed under this section

(a) has the powers and authorities conferred by this Act on a board of management,

(b) shall perform all the duties of a board of management, and

(c) shall be paid the salary the Minister determines together with proper expenses, as an operating expense of the regional health authority.

(3) The Minister may by order terminate at any time the appointment of an official administrator and restore the affairs of the board of management to an authority selected pursuant to the regulations.

(9) Section 9(c) presently reads:

9 In this Part,

(c) “board” means the corporate body or person that owns or operates a hospital, and includes a regional health authority;

(10) Section 10 presently reads:

10(1) Each approved hospital must have a governing board and, subject to any limitations of its authority imposed by Acts of the Legislature and regulations under it, the board has full control of that hospital and has absolute and final authority in respect of all matters pertaining to the operation of the hospital.

(2) A board may be the board of more than one approved hospital.

- (ii) any orders or directions of the Minister, and
- (iii) the terms of any agreement with the regional health authority,

or

- (b) in the case of a hospital other than a non-regional hospital, with any orders or directions of the Minister.

(4) The orders and directions of the Minister relating to an approved hospital prevail over any other directions or agreements relating to the approved hospital.

(11) Section 11 is amended by adding the following after subsection (2):

(2.1) If the approved hospital is a non-regional hospital, the board shall provide a copy of its bylaws, or changes to its bylaws, to the regional health authority and shall consult with the regional health authority before submitting its bylaws, or changes to its bylaws, to the Minister under subsection (2).

(12) The following is added after section 11:

Minister's authority relating to general bylaws

11.1(1) The Minister may

- (a) request the board of an approved hospital
 - (i) to amend the general bylaws enacted under section 11, or
 - (ii) to adopt bylaws to replace those bylaws
in accordance with the Minister's directions,
- (b) amend or adopt general bylaws on behalf of a board where the board fails to comply with clause (a), or
- (c) prescribe model general bylaws.

(2) General bylaws amended, adopted or prescribed pursuant to subsection (1) prevail over the bylaws that existed prior to the amendment, adoption or prescription.

(11) Section 11 presently reads in part:

11(1) The board of each approved hospital shall enact general bylaws governing the organization, management and operation of the hospital that it owns or operates.

(2) The board or the administrator shall send to the Minister a true copy of all general bylaws enacted including all amendments, variations or repeals.

(12) New section giving the Minister authority respecting general bylaws.

(13) Section 12 is repealed and the following is substituted:

Board may appoint medical staff

12 The board may appoint the medical staff of the approved hospitals it owns or operates.

(14) Section 17 is amended

(a) by adding the following after subsection (2):

(2.1) If the approved hospital is a non-regional hospital, the board shall provide a copy of its bylaws under this section, or changes to its bylaws, to the regional health authority and shall consult with the regional health authority before submitting its bylaws, or changes to its bylaws, to the Minister for approval.

(b) by adding the following after subsection (5):

(5.1) After approving bylaws under this section, the Minister may withdraw that approval by giving written notice of the withdrawal to the board of the affected approved hospital and, on receipt of that notice by the board, the bylaw in respect of which approval is withdrawn ceases to have effect.

(15) The following is added after section 17:

Minister's authority relating to medical staff bylaws

17.1(1) The Minister may

- (a) request the board of an approved hospital

(13) Section 12 presently reads:

12 The board has final authority in respect of the appointment of the medical staff of the approved hospitals it owns or operates.

(14) Section 17 presently reads in part:

17(1) The board of an approved hospital

(a) shall require the preparation and adoption of bylaws by its medical staff governing the organization and conduct of the medical staff practising in the hospital and the procedures whereby the medical staff must make recommendations to the board concerning the appointment, re-appointment, termination or suspension of appointment of, and the delineation of hospital privileges of, members of the medical staff;

(b) may from time to time require the amendment or repeal of the bylaws of the medical staff.

(2) Bylaws under this section are ineffective until they have been approved by the board and the Minister.

(3) Where the board and the medical staff agree on the contents of bylaws under this section, the board shall send a true copy of the bylaws signed by the appropriate officers of the medical staff and of the board to the Minister for approval.

(4) Where the board and the medical staff cannot agree on the contents of bylaws under this section, the board shall refer the draft bylaws and the matters in dispute to the Minister, whose decision is final, and the medical staff shall adopt the bylaws and the board shall approve them in accordance with the Minister's decision.

(5) The board and the medical staff may make independent written representations to the Minister on the matters in dispute.

(15) New section giving the Minister authority respecting medical staff bylaws.

- (i) to amend the medical staff bylaws enacted under section 17, or
 - (ii) to adopt bylaws to replace those bylaws
in accordance with the Minister's directions,
 - (b) amend or adopt medical staff bylaws on behalf of a board where the board fails to comply with clause (a), or
 - (c) prescribe model medical staff bylaws.
- (2) Medical staff bylaws amended, adopted or prescribed pursuant to subsection (1) prevail over the bylaws that existed prior to the amendment, adoption or prescription.

(16) Section 22 is repealed.

(16) Section 22 presently reads:

22(1) After consultation with the Associations, the Minister may prescribe

- (a) model general bylaws for the guidance of boards of approved hospitals, and*
- (b) model bylaws of the medical staff for the guidance of physicians practising in an approved hospital and for the guidance of the board of an approved hospital.*

(2) In respect of model bylaws prescribed under subsection (1), the Minister may designate that the bylaws are applicable to all approved hospitals or to any type, grade or size-group of approved hospitals the Minister may specify.

(3) If model bylaws are prescribed pursuant to this section, the Minister may, by order, direct

- (a) that bylaws of the same or like effect must be enacted by the board or must be prepared and adopted by the medical staff and approved by the board, as the case may be, in respect of all approved hospitals or in respect of the type, grade or size-group of approved hospitals to which the model bylaws have been designated as applicable, and*
- (b) that true copies of the bylaws and amendments shall be sent to the Minister within 6 months of the date of publication of the Minister's order.*

(17) Section 25(2) and (3) are repealed.

(18) Section 26 is amended by striking out “employees of the Government” and substituting “any person”.

(19) Section 27(1) is amended

- (a) by striking out “When the Minister is requested to do so by the board of an approved hospital, the Minister may authorize” and substituting “The Minister may authorize”;**
- (b) in clause (a) by striking out “operation of the hospital” wherever it occurs and substituting “operation of a hospital”;**
- (c) in clause (b) by striking out “the hospital” and substituting “a hospital”.**

(4) The approval of a bylaw by the Minister may be withdrawn at any time by notice in writing to the board of the hospital and, on that withdrawal, the bylaw for which approval has been withdrawn ceases to have effect.

(17) Section 25 presently reads:

25(1) The board of an approved hospital shall on the written request of the Minister provide to the Minister at the times and in the manner specified in the request the records, reports and returns that are specified in the request.

(2) Subject to subsection (3), the council of a municipality that is included in a health region may, if the regional health authority appoints members to a board of management, require the board of management to send to the council a copy of the minutes of each of the meetings of the board of management.

(3) A board of management shall remove from any copy of minutes sent to a council under subsection (2) any portion of those minutes pertaining to personal matters affecting an individual employee of the board or any matter affecting the diagnosis or treatment of an individual patient, where the name of the employee or patient is revealed or is otherwise identifiable in the minutes.

(18) Section 26 presently reads:

26 The Minister and employees of the Government authorized by the Minister for the purpose may make all necessary inquiries into the management and affairs of hospitals, may visit and inspect hospitals and may examine hospital records for the purpose of verifying the accuracy of reports and ensuring that this Act and the regulations are adhered to.

(19) Section 27(1) presently reads:

27(1) When the Minister is requested to do so by the board of an approved hospital, the Minister may authorize

- (a) an investigation into the administration or operation of the hospital or any particular matter or problem that has arisen in connection with the administration or operation of the hospital, or*
- (b) the mediation of any dispute that has arisen in the course of the administration or operation of the hospital.*

(20) Section 28(1) is amended

- (a) in clause (b) by striking out “approved”;
- (b) in clause (c) by striking out “approved”;
- (c) in clause (h) by striking out “or board of management”;
- (d) by adding the following after clause (k):
 - (k.1) respecting the powers, duties and responsibilities of an official administrator;
 - (k.2) prescribing the basis on which and the circumstances under which land, buildings and other property that is being used, or is to be used, for a non-regional hospital may be purchased or sold;
 - (k.3) respecting the powers, duties and responsibilities of hospital staff and management;
 - (k.4) respecting the powers, duties and responsibilities of the Chief Medical Officer of Health appointed under the *Public Health Act* and of medical officers of health under that Act;
 - (k.5) respecting
 - (i) any plan declared in force and still in force, and
 - (ii) any board of management established and still in existenceimmediately before the coming into force of this clause and respecting the transition of the plan or board of management, or both, in accordance with amendments to this Act;

(21) The following is added before the heading “Part 3 Hospitalization Benefits Plan”:

Offence

35.1(1) A person who

- (a) contravenes any provision of

(20) Section 28 presently reads in part:

28(1) The Lieutenant Governor in Council may make regulations

- (h) prohibiting a board or board of management from using any of its funds to pay a physician for providing insured services, as defined in the Alberta Health Care Insurance Act, without the prior approval of the Minister;*
- (k) governing the establishment of central placement offices for admission to an auxiliary hospital or a nursing home;*

(21) New provisions to add an offence section and a section adding protection from liability for persons carrying out duties under Parts 1 and 2.

- (i) Part 1 or this Part,
- (ii) the regulations made under Part 1 or this Part, or
- (iii) an agreement with a regional health authority,

or

- (b) fails to comply with any directions of a regional health authority or any order or directions of the Minister,

is guilty of an offence.

(2) A person who is guilty of an offence under subsection (1) is liable

- (a) for a first offence, to a fine of not more than \$10 000, and
- (b) for a 2nd or subsequent offence, to a fine of not more than \$50 000.

Protection from liability

35.2 No action for damages may be commenced against

- (a) the Minister,
- (b) an employee under the administration of the Minister,
- (c) a contractor or agent of the Minister,
- (d) a member, employee or agent of a regional health authority,
- (e) an official administrator or an agent, contractor or employee of an official administrator, or
- (f) a person appointed by the Minister to carry out duties or exercise powers provided for in Part 1 or this Part or in regulations made under Part 1 or this Part

for anything done or omitted to be done by that person in good faith while carrying out that person's duties or exercising that person's powers under Part 1 or this Part, or under regulations made under Part 1 or this Part, including, without limitation,

any failure to do something when that person has discretionary authority to do something but does not do it.

Nursing Homes Act

Amends RSA 2000 cN-7

2(1) The *Nursing Homes Act* is amended by this section.

(2) Sections 13 and 14 are repealed and the following is substituted:

Authority of Minister

13(1) If in the opinion of the Minister

- (a) a nursing home is being, or has been, operated in contravention of this Act or the regulations, or
- (b) an operator is doing or omitting to do, or has done or omitted to do, anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, safety or well-being of the residents of the nursing home,

the Minister may order

- (c) that the operator prepare a plan or amend an existing plan to address the contravention, action or inaction and submit the plan to the Minister for approval within the time specified in the order,
- (d) that a nursing home contract is cancelled on the date specified in the order,
- (e) that a nursing home contract is suspended for the period specified in the order and may be reinstated subject to the terms and conditions set out in the order, or
- (f) that a nursing home contract continue subject to terms and conditions set out in the order.

(2) If in the opinion of the Minister it is in the public interest, or if in the opinion of the Minister a direction would provide for matters related to the health, safety or well-being of the

Nursing Homes Act

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

(2) Sections 13 and 14 presently read:

13 If the Minister or any person authorized by the Minister is of the opinion that a nursing home is or has been operated in contravention of this Act or the regulations, the Minister may order that the operator prepare a correction plan and submit it for the approval of the Minister or authorized person within the time specified in the order.

14(1) The Minister may by order cancel or suspend a nursing home contract effective on the date specified in the order if the Minister is of the opinion that the operator

(a) has contravened this Act or the regulations, or

(b) has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home.

(2) Where the Minister is of the opinion that any of the circumstances set out in subsection (1) exist, the Minister may make an order prohibiting or restricting the admission of residents to the operator's nursing home.

(3) The Minister may make an order under subsection (1) suspending a nursing home contract subject to any terms and conditions the Minister considers appropriate.

(4) Where the Minister makes an order under this section, the Minister shall forthwith give a copy of the order to the regional health authority and the operator.

residents of a nursing home, the Minister may give directions to the operator of the nursing home or to an official administrator, if appointed, and to the regional health authority with respect to the provision of services or the operation of the nursing home.

(3) The Minister shall provide a copy of any order under subsection (1) or any directions under subsection (2) to the affected operator or official administrator and to the regional health authority.

(4) On receipt of an order or directions, the operator or the official administrator and the regional health authority shall comply with the order or directions.

(5) The Minister may authorize a person to take any action under this section on behalf of the Minister, and in that case the person so authorized has all of the authority and the duties of the Minister under this section.

(3) Section 15(1) is amended by striking out “section 14” and substituting “section 13(1)(d)”.

(4) Section 16 is amended

(a) in subsection (2) by striking out “section 14(1)” wherever it occurs and substituting “section 13”;

(b) in subsection (6)(c) by striking out “a contract under section 14(1)” and substituting “a nursing home contract under section 13”.

(3) Section 15(1) presently reads:

15(1) If an order under section 14 is made effective on a date after the date of the order, the Minister may, at the operator's request, establish a board of review to hold a hearing of the matter giving rise to the order.

(4) Section 16(2) and (6) presently read:

(2) The Minister may appoint a person to be an official administrator of a nursing home if,

(a) in the Minister's opinion,

(i) the operator has contravened this Act or the regulations or has done or omitted to do anything in respect of the nursing home that, because of the nature or gravity of the thing, has prejudicially affected or is likely to prejudicially affect the health, well-being or safety of the residents of the nursing home, or

(ii) it is in the public interest to appoint an official administrator,

(b) the Minister has made an order under section 14(1) suspending the nursing home contract, or

(5) Section 17 is amended

- (a) in subsection (1) by striking out “section 14” and substituting “section 13(1)(d) or (e)”;**
- (b) in subsection (5) by striking out “section 14” and substituting “section 13(1)(d) or (e)”.**

(6) Section 22(1) is repealed and the following is substituted:

Offence and penalties

22(1) Subject to section 20(3), a person who

- (a) contravenes any provision of
 - (i) this Act or the regulations,
 - (ii) a nursing home contract, or

(c) *the Minister intends to make an order under section 14(1) cancelling the nursing home contract.*

(6) *An official administrator shall administer the nursing home only until*

(a) *the residents are removed from it,*

(b) *in the opinion of the Minister, the event or circumstance referred to in subsection (2)(a) no longer exists,*

(c) *an order suspending a contract under section 14(1) lapses or is cancelled by the Minister or on appeal,*

(d) *the contract is terminated or cancelled, or*

(e) *a period of 90 days has expired from the day the administrator was appointed unless that period is extended by the Minister.*

(5) Section 17(1) and (5) presently read:

17(1) Subject to subsection (5), when the Minister makes an order under section 14 or confirms or varies an order under section 15(4), the operator concerned may, within 60 days after being served with the order, appeal by originating notice to the Court of Queen's Bench.

(5) If an operator who is the subject of an order under section 14 requests the Minister to establish a board of review under section 15 and the Minister establishes the board of review, the operator's right of appeal under this section in respect of the order is suspended until the Minister deals with the order under section 15(4).

(6) Section 22(1) presently reads:

22(1) Subject to section 20(3), a person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$5000.

(iii) a plan referred to in section 13(1)(c),

or

(b) fails to comply with any order or directions of the Minister,

is guilty of an offence.

(1.1) A person who is guilty of an offence under subsection (1) is liable

(a) for a first offence, to a fine of not more than \$10 000, and

(b) for a 2nd or subsequent offence, to a fine of not more than \$50 000.

(7) Section 23 is amended by adding the following after clause (g):

(g.1) prescribing the basis on which and the circumstances under which land, buildings and other property that is being used, or is to be used, for a nursing home may be purchased or sold;

(8) The following is added after section 24:

Protection from liability

25 No action for damages may be commenced against

(a) the Minister,

(b) an employee under the administration of the Minister,

(c) a contractor or agent of the Minister,

(d) a member, employee or agent of a regional health authority,

(e) an official administrator or an agent, contractor or employee of an official administrator, or

(f) a person appointed by the Minister to carry out duties or exercise powers provided for in this Act or the regulations

(7) Section 23(g) presently reads:

23 The Lieutenant Governor in Council may make regulations

(g) prescribing the basis on which and circumstances under which the Minister may purchase the land and buildings and personal property used for a nursing home;

(8) New section adding protection from liability for persons carrying out duties under the Act.

for anything done or omitted to be done by that person in good faith while carrying out that person's duties or exercising that person's powers under this Act, or under regulations made under this Act, including without limitation any failure to do something when that person has discretionary authority to do something but does not do it.

Regional Health Authorities Act

Amends RSA 2000 cR-10

3(1) The *Regional Health Authorities Act* is amended by this section.

(2) Section 15 is amended by adding the following after subsection (2):

(2.1) Despite subsection (2), where an agreement under subsection (1) that was entered into before January 1, 2008 includes the provision described in subsection (2), that provision has no effect after December 31, 2007.

(3) Section 21(1) is amended

- (a) in clause (a) by adding** “or any place where health services are provided or funded, directly or indirectly, by a regional health authority” **after** “health corporation”;
- (b) in clause (b) by adding** “or other person providing health services that are funded, directly or indirectly, by a regional health authority” **after** “health corporation”.

Regional Health Authorities Act

3(1) Amends chapter R-10 of the Revised Statutes of Alberta 2000.

(2) Section 15 presently reads:

15(1) Subject to subsection (3),

(a) the Minister, and

(b) a regional health authority

may enter into agreements for the purposes of this Act with the government of another jurisdiction or any person including, without limitation, an existing non-regional health authority.

(2) An agreement under subsection (1) may provide that it is to operate notwithstanding this Act, the regulations or any other enactment.

(3) A regional health authority may not enter into an agreement under subsection (1) with the government of another jurisdiction or an agreement referred to in subsection (2) without the prior approval of the Minister.

(3) Section 21(1) presently reads:

21(1) For the purposes of ensuring that this Act and the regulations are complied with, the Minister or a person authorized by the Minister for the purpose may

(a) enter and inspect any place under the jurisdiction of an existing health authority, regional health authority, community health council or subsidiary health corporation,

Repeal and Coming into Force

4 The *Hospitals Amendment Act*, RSA 2000 c14 (Supp), is repealed.

5 This Act comes into force on Proclamation.

- (b) require the production for examination of any documents or records in the possession of the existing health authority, regional health authority, community health council or subsidiary health corporation, and make copies of them or temporarily remove them for the purpose of making copies, and*
- (c) require the production for examination of any documents or records that are in the possession of a person who is or was a candidate in an election for membership on a regional health authority and that relate to that person's election finances, and make copies of them or temporarily remove them for the purpose of making copies.*

Repeal and Coming into Force

4 Repeal.

5 Coming into force.

