

2011 Bill 208

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Fourth Session, 27th Legislature, 60 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 208**

**HEALTH STATUTES (CANADA HEALTH ACT  
REAFFIRMATION) AMENDMENT ACT, 2011**

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MR. MASON

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 208*  
*Mr. Mason*

## **BILL 208**

2011

### **HEALTH STATUTES (CANADA HEALTH ACT REAFFIRMATION) AMENDMENT ACT, 2011**

*(Assented to \_\_\_\_\_, 2011)*

WHEREAS the public health care system must be run in a cost-effective manner;

WHEREAS all ministries of the Government of Alberta must address the key determinants of health, namely income and social status, social support networks, education and literacy, employment and working conditions, social environments, physical environments, personal health practices and coping skills, healthy child development, biology and genetic endowment, health services, gender, and culture; and

WHEREAS the Government and the people of Alberta are committed to the principles and program criteria of the *Canada Health Act*, namely public administration, comprehensiveness, universality, accessibility and portability;

THEREFORE 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 by adding the following after clause (n):**

## **Explanatory Notes**

### **Alberta Health Care Insurance Act**

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

(2) Adds definition of “long-term care”.

- (n.1) “long-term care” means personal or nursing care that, because of infirmity, injury, illness or disability, is required over a prolonged period.

**(3) The following is added after section 4:**

**Receipt of basic health services under the Plan**

**4.1** The Lieutenant Governor in Council shall by regulation establish maximum distances that residents of Alberta may be required to travel from their ordinary place of residence to receive basic health services under the Plan.

**Access to long-term care or home care**

**4.2** The Minister shall ensure that all residents of Alberta who require long-term care or home care have access to that care.

**Prescription drug and dental services**

**4.3(1)** The Minister shall prepare a comprehensive plan, including cost estimates, setting out the means by which the following may be accomplished:

- (a) access to prescription drugs by residents of Alberta shall not be impeded by the cost of the drugs;
- (b) dental services, excluding those services that are provided solely for cosmetic reasons, shall be provided to all residents of Alberta who are under 18 or over 64 years of age.

**(2)** The Minister shall lay a copy of the comprehensive plan before the Legislative Assembly on or before December 31, 2012.

**(4) Section 9 is amended by adding the following after subsection (3):**

**(4)** For greater clarity, this section prohibits extra billing as defined in the federal Act.

(3) New sections added concerning the receipt of basic health services.

(4) Section 9 presently reads:

*9(1) No physician or dentist who is opted into the Plan who provides insured services to a person shall charge or collect from any person an amount in addition to the benefits payable by the Minister for those insured services.*

*(2) If a physician or dentist contravenes subsection (1), the Minister may,*

- (a) in the case of a first or subsequent contravention, send a written warning to the physician or dentist,*
- (b) in the case of a 2nd or subsequent contravention, refer the contravention to the College or the Alberta Dental Association and College, as the case may be, and*

## **Health Care Protection Act**

**Amends RSA 2000 cH-1**

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

**(2) The following is added after section 2:**

**Provision of insured surgical services in public facilities**

**2.1** On or before July 1, 2015, the Minister shall introduce legislation amending this Act that provides that no physician or dentist shall provide an insured surgical service except in a facility that is owned by the Government of Alberta, the Government of Canada or a charitable or non-profit organization, and makes any necessary consequential changes to implement this requirement.

**(3) Section 3 is amended by striking out “surgical” wherever it occurs.**

**(4) Section 25(1) is amended by adding the following after clause (s):**

- (t) respecting the appointment and remuneration of the members of the Health Care Planning Council;
- (u) defining “uninsured service” for the purposes of section 3.

(c) *in the case of a 3rd or subsequent contravention, order that, after a date specified in the order, the physician or dentist is deemed to have opted out of the Plan for the period specified in the order.*

(3) *An order under subsection (2)(c) shall, prior to the effective date of the order, be served personally or by registered mail on the physician or dentist affected by the order.*

## **Health Care Protection Act**

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

(2) Provision of insured surgical services in public facilities.

(3) Section 3 presently reads:

*3 No person shall*

*(a) give or accept any money or other valuable consideration,*

*(b) pay for or accept payment for enhanced medical goods or services or non-medical goods or services, or*

*(c) provide an uninsured surgical service*

*for the purpose of giving any person priority for the receipt of an insured surgical service.*

(4) Section 25(1) presently reads:

*25(1) The Lieutenant Governor in Council may make regulations*





- (a) *providing for the exemption from the definition of surgical services of minor surgical procedures that may safely be performed in a dentist's office;*
- (b) *respecting what constitutes a major surgical service for the purposes of section 2(2)(b);*
- (c) *governing the rates that may be charged*
  - (i) *for enhanced medical goods or services and non medical goods or services that are provided to a person who receives an insured surgical service at a public hospital or a designated surgical facility,*
  - (ii) *for private and semi private room accommodation that is provided to a person who receives an insured surgical service at a designated surgical facility, and*
  - (iii) *for facility services that are provided to a person who is a resident of another province or territory with which the Government of Alberta has an agreement, where that person would be entitled to receive those facility services under the health plan of the other province or territory if they were provided in the other province or territory, and for private and semi private room accommodation provided to such a person;*
- (d) *respecting statements for the purposes of section 5(3)(b) including, without limitation, regulations respecting the form of the statement, prescribing additional matters to be contained in the statement and when the statement must be given and prescribing the period of time for which the statement must be retained by the operator of the public hospital or designated surgical facility;*
- (e) *varying or making inapplicable any of the requirements of section 5 in the case of a medical emergency;*
- (f) *governing all aspects of how the right to rescind in section 5(5) is to be exercised, and the return of all or part of the money paid under the agreement;*
- (g) *prescribing services to be facility services for the purposes of this Act;*
- (h) *regarding whether a particular medical good or service is or is not an enhanced medical good or service or whether a particular good or service is or is not a medical good or service;*
- (i) *governing procedural matters related to obtaining the Minister's consent for the purposes of section 10;*

**(5) The following is added after section 28:**

**Part 4.1  
Health Care Planning Council**

**Council established**

**28.1** The Health Care Planning Council is established and consists of the persons appointed under the regulations.

- (j) *determining what constitutes a change in ownership for the purposes of section 10(2);*
- (k) *authorizing the Minister to amend designations under Part 2 or to add, remove or vary a term or condition to which such a designation is subject;*
- (l) *governing the giving of notice of orders under section 18;*
- (m) *governing reinstatement of designations that have been withdrawn and surgical services that have been deleted under section 18;*
- (n) *respecting the keeping of records by operators of designated surgical facilities;*
- (o) *requiring operators of designated surgical facilities to provide reports, returns and information to a health authority or the Minister and requiring health authorities to provide reports, returns and information to the Minister, including regulations respecting the nature and contents of the reports, returns or information to be provided, the form in which they are to be provided and the times at which they are to be provided;*
- (p) *governing publication of reports, returns and information referred to in clause (o);*
- (q) *governing standards of operation applicable to designated surgical facilities, in addition to standards that apply by virtue of the operation of the Health Professions Act;*
- (r) *providing, with respect to any provision of the regulations, that its contravention constitutes an offence, and prescribing penalties in respect of such offences;*
- (s) *respecting the appointment of the members of the Premier's Advisory Council on Health.*

(5) Health Care Planning Council established.

**Council’s mandate**

**28.2** The mandate of the Health Care Planning Council is to develop and maintain comprehensive plans and make recommendations to the Minister aimed at ensuring that plans for infrastructure, capital spending, human resources and other organizational needs of Alberta’s health care system are appropriately planned and coordinated with a clear timeline.

**Annual report**

**28.3(1)** The Health Care Planning Council shall for each fiscal year submit to the Minister an annual report that summarizes the work and recommendations of the Council.

**(2)** The Minister shall lay a copy of the report before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**(6) Section 29 is amended**

**(a) by adding the following after clause (h):**

(h.1) “insured service” has the meaning given to it in the *Alberta Health Care Insurance Act*;

**(b) by adding the following after clause (t):**

(u) “uninsured service” has the meaning given to it in the regulations.

**Regional Health Authorities Act**

**Amends RSA 2000 cR-10**

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

**(2) The following is added after section 14:**

**Estimates**

**14.1(1)** A regional health authority shall provide the Minister with detailed budgets for the authority for each fiscal year that shall contain information that is of similar detail as estimates prepared pursuant to section 24 of the *Financial Administration Act*.

(6) Adds definitions of “insured service” and “uninsured service”.

### **Regional Health Authorities Act**

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

(2) Estimates.

(2) The estimates prepared by the Minister pursuant to section 24 of the *Financial Administration Act* shall include the information prepared by each regional health authority pursuant to subsection (1).

**Regional health advisory bodies**

**14.2** The Minister shall establish regional health advisory bodies, and the members of those bodies shall be elected, in accordance with the regulations.

**Public consultation**

**14.3** The Minister and the regional health authorities shall, in accordance with the regulations, regularly consult with Albertans and the regional health advisory bodies established pursuant to section 14.2 on the operation of the health care system.

**(3) Section 23(1) is amended**

**(a) by adding “, regional health advisory bodies” after “regional health authorities” in the following clauses:**

clause (a)  
clause (c)  
clause (d);

**(b) in clause (b) by adding “, regional health advisory body” after “regional health authority” wherever it occurs;**

**(c) by adding the following after clause (e):**

(e.01) respecting the manner in which members of regional health advisory bodies are elected, the terms of office of members, the filling of vacancies and the appointment or election of officers;

(3) Section 23(1) presently reads in part:

*23(1) The Lieutenant Governor in Council may make regulations*

- (a) respecting the management, functions, duties and jurisdiction of regional health authorities and community health councils;*
- (b) authorizing or requiring a regional health authority and a community health council to make bylaws regarding the general conduct and operation of the affairs of the regional health authority or community health council;*
- (c) respecting the size and composition of regional health authorities and community health councils;*
- (d) respecting eligibility for membership on regional health authorities and community health councils;*
- (e) respecting the manner in which members of regional health authorities and community health councils are nominated, appointed or elected, the terms of office of members, the filling of vacancies and the appointment or election of officers;*
- (e.1) governing all matters related to the election finances of candidates for election for membership on a regional health authority including, without limitation, regulations*
  - (i) governing who may make and accept contributions to candidates, the maximum amounts of contributions and the time and manner in which they may be made;*
  - (ii) governing the disposition of contributions that are made in contravention of the regulations;*

**4 This Act comes into force on Proclamation.**



- (iii) *requiring a person who makes a contribution in excess of the maximum amount permitted in the regulations to pay a penalty, and governing the amount of the penalty, the person to whom it is payable and the manner in which it may be recovered;*
- (iv) *governing the manner in which contributions are to be held and accounted for, and the disposition of a surplus where the candidate decides not to contest the next election;*
- (v) *governing the keeping of election finances records;*
- (vi) *providing that a member of a regional health authority who fails to submit audited financial statements in respect of election finances as required by the regulations ceases to be a member, subject to any appeal provisions in the regulations;*
- (s) *respecting the drugs that a regional health authority may provide for the treatment of cancer.*

#### **4** Coming into force.





