

2018 Bill 24

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Fourth Session, 29th Legislature, 67 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 24**

## **AN ACT TO RECOGNIZE AMA REPRESENTATION RIGHTS**

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THE MINISTER OF HEALTH

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 24

2018

### AN ACT TO RECOGNIZE AMA REPRESENTATION RIGHTS

(Assented to \_\_\_\_\_, 2018)

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

**Amends RSA 2000 cA-20**

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

**(2) The following is added after section 40:**

**AMA representation rights**

**40.1(1)** In this section,

- (a) “AMA Agreement” means the agreement between Her Majesty the Queen in Right of Alberta, as represented by the Minister of Health, and the Alberta Medical Association (C.M.A. Alberta Division) made effective April 1, 2011, as amended from time to time;
- (b) “compensation matters” means
  - (i) the rates of benefits payable for the provision of insured services by a physician, and
  - (ii) funding for the physician assistance programs and physician support programs referred to in the AMA Agreement, or any successors to those programs;
- (c) “physician” means a physician referred to in section 1(t)(i) who provides insured services and is paid in accordance with this Act.

## **Explanatory Notes**

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

(2) AMA representation rights.

(2) The Minister recognizes the Alberta Medical Association as the exclusive representative of physicians on compensation matters.

(3) The Minister recognizes the Alberta Medical Association as a representative of physicians on health matters that touch and concern physicians.

(4) The Minister shall engage the Alberta Medical Association in good faith and consider the Association's representations on matters for which the Association represents physicians.

**Amends RSA 2000 cR-10**

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

**(2) The following is added after section 22:**

**AMA representation rights**

**22.1(1)** In this section,

- (a) "employee" includes an independent contractor and a dependent contractor;
- (b) "group" means one or more physicians who are employees of Alberta Health Services and who are involved in a similar area of practice or specialty;
- (c) "physician" means a regulated member of the College of Physicians and Surgeons of Alberta under the *Health Professions Act* authorized to use the title "physician" and who holds a practice permit issued under that Act, or a professional corporation registered with the College of Physicians and Surgeons of Alberta.

(2) If a majority of a group formally expresses to the Alberta Medical Association a wish to be represented by the Alberta Medical Association in the negotiation, renewal or extension of a particular contract governing the group's service with Alberta Health Services and the Alberta Medical Association and Alberta Health Services agree that the group is suitable for that purpose, Alberta Health Services shall, subject to subsection (3), recognize the Alberta Medical Association as the exclusive

**2(1)** Amends chapter R-10 of the Revised Statutes of Alberta 2000.

(2) AMA representation rights.

representative of the group in the negotiation, renewal or extension of that contract.

**(3)** For the purposes of subsection (2), Alberta Health Services is not required to recognize the Alberta Medical Association as the exclusive representative of the group for contracts or portions of contracts that pertain to

- (a) managerial services,
- (b) services provided by resident physicians or fellows when acting in that capacity, and
- (c) any other services or classes of services prescribed by the regulations.

**(4)** If Alberta Health Services and the Alberta Medical Association are unable to agree on

- (a) whether services are managerial services for the purposes of subsection (3)(a),
- (b) whether a physician is a member of a suitable group, or
- (c) whether a group is suitable for the purpose under subsection (2),

the dispute shall be arbitrated under the *Arbitration Act*.

**(5)** Notwithstanding section 10 of the *Arbitration Act*, if the parties are unable to agree on the appointment of an arbitrator, either Alberta Health Services or the Alberta Medical Association may request the Director of Mediation Services under the *Labour Relations Code* to appoint an arbitrator, in which case the Director shall appoint the arbitrator.

**(6)** If a physician is a member of a group that is represented by the Alberta Medical Association under subsection (2), but is a party to an existing individual contract with Alberta Health Services governing the physician's service with Alberta Health Services, the physician may opt out of representation by the Alberta Medical Association during the term of the physician's existing individual contract.



**(7)** On the expiry of the physician's existing individual contract referred to in subsection (6), the physician is bound by a contract negotiated between Alberta Health Services and the Alberta Medical Association with respect to a group referred to in subsection (6).

**(8)** The Minister may make regulations

- (a) respecting the process for formally expressing a physician's wish to be represented by the Alberta Medical Association;
- (b) respecting criteria for determining whether a group is suitable;
- (c) respecting matters relating to the conduct of an arbitration under this section, including the participation of other affected or interested parties;
- (d) respecting the sharing of information between Alberta Health Services and the Alberta Medical Association for the purposes of this section;
- (e) prescribing other services or classes of services for the purpose of subsection (3)(c).







