

GOVERNMENT AMENDMENT

AMENDMENTS TO BILL 30
Amendment A1 Agreed to on July 27, 2020
HEALTH STATUTES
AMENDMENT ACT, 2020

The Bill is amended as follows:

A Section 1 is amended

(a) in subsection (7)

(i) by renumbering clause (a) as (a.1) and adding the following before clause (a.1):

(a) by renumbering section 16 as section 16(1);

(ii) in clause (b) by adding the following after the proposed clause (n.1):

(n.2) further defining or setting out criteria in respect of “publicly funded health services” for the purposes of section 20.3(1)(b);

(n.3) respecting any matter or thing relating to a regulation under section 20.3(2) or (4), including regulations

(i) respecting the identification of any person or any part or all of an organization or body, whether incorporated or not, as a health entity for the purposes of section 20.3(2)(e), and

- (ii) specifying part or all of any person, organization or body, whether incorporated or not, as a health entity for the purposes of section 20.3(2)(f);
- (n.4) establishing criteria that must be met to exclude the disclosure of information, documents or records under section 20.3(5);
- (n.5) respecting the documents, records and information, including practitioners' personal information, required to be disclosed under section 20.3(2) and (4), including the types of documents, records and information required to be disclosed;
- (n.6) respecting the disclosure of information, records and documents under section 20.3(2) and (4), including regulations respecting
 - (i) the form and manner of disclosure,
 - (ii) the time period and extension of the time period within which disclosure must take place, and
 - (iii) the disclosure of information, records and documents in partial or redacted form;
- (iii) **by adding the following after clause (b):**

(c) by adding the following after subsection (1):

(2) A regulation made under subsection (1)(n.2) to (n.6) may apply to all persons, organizations or bodies to which this section applies or to a class of persons, organizations or bodies to which this section applies, and there may be different regulations for different classes of such persons, organizations or bodies.

(b) in subsection (11) by adding the following after the proposed section 20.2:

Disclosure re practitioners and publicly funded health services

20.3(1) In this section,

- (a) "benefits" means

- (i) the amounts payable by the Minister in respect of the cost of health services provided to residents, and
 - (ii) any other amounts payable by a health entity or the Minister in respect of publicly funded health services and in respect of practitioners;
- (b) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (c) subject to the regulations, “publicly funded health services” includes health-related programs and services that are funded fully or partially and directly or indirectly with public funds.

(2) The Lieutenant Governor in Council may, by regulation, require the following health entities to disclose to the Minister, subject to the regulations and in the form and manner determined by the Minister or under the regulations, the information, documents and records, including practitioners’ personal information, required by the regulations with respect to any funding received, payments made or benefits provided by that health entity in respect of publicly funded health services and in respect of practitioners:

- (a) the Government of Alberta;
- (b) a regional health authority and a subsidiary health corporation under the *Regional Health Authorities Act*;
- (c) the Alberta Medical Association;
- (d) Covenant Health and the subsidiaries of Covenant Health;
- (e) any part or all of any other person, organization or body, whether incorporated or not, that provides or receives funding in respect of publicly funded health services;
- (f) any part or all of any other person, organization or body, whether incorporated or not, that is specified in the regulations.

(3) Subject to the regulations, the Minister may require an officer, director or employee of a person, organization or body, whether incorporated or not, that the Minister believes to be a health entity under subsection (2)(e) to provide any information, including practitioners' personal information, required to determine whether the person, organization or body is a health entity.

(4) The Lieutenant Governor in Council may, by regulation, require the Minister to disclose to the public, subject to the regulations and in the form and manner determined by the Minister or under the regulations,

- (a) all or part of the information, documents and records, including practitioners' personal information, that have been disclosed to the Minister under subsection (2), and
- (b) all or part of the information, documents and records, including practitioners' personal information, that are in the Minister's custody or control and that are required by the regulations with respect to any payments made or benefits provided by the Minister in respect of publicly funded health services and in respect of practitioners.

(5) The Minister may, on application by a practitioner or a health entity on behalf of a practitioner, exclude information, documents or records, including practitioners' personal information, from disclosure to the public under subsection (4) if the Minister is of the opinion that

- (a) disclosure could unduly threaten the safety of the practitioner, or
- (b) other criteria established by the regulations are met.

(6) The Minister may use the information, records and documents disclosed under subsection (2), including practitioners' personal information, for purposes other than disclosure to the public under subsection (4).

(7) This section does not authorize the disclosure of personal information about patients.

Disclosure permitted despite other laws

20.4(1) Except for the *Alberta Bill of Rights*, section 20.3 prevails over any enactment that it conflicts or is inconsistent with, and a regulation under section 16(1)(n.2) to (n.6) or 20.3(2) or (4) prevails over any other bylaw, rule, order or regulation with which it conflicts.

(2) A disclosure required under section 20.3 or the regulations does not contravene any enactment made on or before the day this section comes into force.

(3) A disclosure required under section 20.3 or the regulations does not breach or contravene any contractual or other legal right of confidentiality.

(4) No cause of action lies against any person by reason of a disclosure required under section 20.3 or the regulations.

