

2021 Bill 65

Second Session, 30th Legislature, 70 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 65

**HEALTH STATUTES
AMENDMENT ACT, 2021**

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 65

2021

HEALTH STATUTES AMENDMENT ACT, 2021

(Assented to _____, 2021)

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

Alberta Evidence Act

Amends RSA 2000 cA-18

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

(2) Section 9 is amended

(a) in subsection (1) by renumbering clause (a) as clause (a.4) and by adding the following before clause (a.4):

(a) “individually identifying” means that the identity of the individual who is the subject of the information can be readily ascertained from the information;

(a.1) “patient” means the patient whose death is the subject of the public fatality inquiry;

(a.2) “personal representative” means a personal representative as defined in the *Estate Administration Act*;

(a.3) “public fatality inquiry” means a public fatality inquiry as defined in the *Fatality Inquiries Act*;

(b) in subsection (2) by striking out “A witness” and substituting “Subject to subsection (6), a witness”;

Explanatory Notes

Alberta Evidence Act

1(1) Amends chapter A-18 of the Revised Statutes of Alberta 2000.

(2) Section 9 presently reads in part:

9(1) In this section,

(a) “quality assurance activity” means a planned or systematic activity the purpose of which is to study, assess or evaluate the provision of health services with a view to the continual improvement of

(i) the quality of health care or health services, or

(ii) the level of skill, knowledge and competence of health service providers;

(2) A witness in an action, whether a party to it or not,

(a) is not liable to be asked, and shall not be permitted to answer, any question as to any proceedings before a quality assurance committee, and

(b) is not liable to be asked to produce and shall not be permitted to produce any quality assurance record in that person’s or

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

(6) Subject to subsections (7) and (8), a witness in a public fatality inquiry may produce a quality assurance record, or a portion of a quality assurance record, that includes only the following information:

- (a) the fact that a quality assurance committee conducted a quality assurance activity;
- (b) the date or time when a quality assurance activity took place;
- (c) the terms of reference of a quality assurance committee;
- (d) information that has been previously disclosed to
 - (i) a family member of the patient,
 - (ii) the personal representative of the patient, or
 - (iii) a person with whom the patient was believed to have had a close personal relationship;
- (e) facts relating to the incident being investigated;
- (f) any recommendations made by the quality assurance committee relating to the incident being investigated;
- (g) any steps the owner or operator of the facility in which the incident occurred has committed to take in order to avoid or reduce the risk of a similar incident occurring in the future.

(7) A quality assurance record or a portion of a quality assurance record produced in a public fatality inquiry shall not include any

- (a) opinions expressed during a quality assurance committee proceeding, or
- (b) individually identifying information, other than information that identifies the deceased, including, without limitation, any
 - (i) name,
 - (ii) contact information, including any

the committee's possession or under that person's or the committee's control.

(5) Neither

(a) the disclosure of any information or of any document or anything contained in a document, or the submission of any report, statement, memorandum or recommendation, to a quality assurance committee for the purpose of its quality assurance activities,

nor

(b) the disclosure of any information, or of any document or anything contained in a document, that arises out of the quality assurance activities of a quality assurance committee,

creates any liability on the part of the person making the disclosure or submission.

(A) position name or title,

(B) address,

(C) telephone number,

(D) fax number, or

(E) email address,

or

(iii) unique identifying number or code associated with an individual.

(8) If information that is not authorized to be produced in accordance with this section can reasonably be severed from a quality assurance record, then the remainder of the record may be produced in a public fatality inquiry.

(3) This section comes into force on Proclamation.

Crown's Right of Recovery Act

Amends SA 2009 cC-35

2(1) The *Crown's Right of Recovery Act* is amended by this section.

(2) Section 1(1)(e) is amended by striking out “, 3”.

(3) Section 27(3) is repealed and the following is substituted:

(3) If an automobile insurer fails to file a report for a calendar year as required by this section, the President of Treasury Board and Minister of Finance may assess against the automobile insurer a penalty calculated in accordance with the regulations.

- (3) Coming into force.

Crown's Right of Recovery Act

- 2(1)** Amends chapter C-35 of the Statutes of Alberta, 2009.

- (2) Section 1(1) presently reads in part:

1(1) In this Part,

- (e) "Crown's right of recovery" means the Crown's right under Division 1, 3 or 4, as the case may be, to recover the Crown's cost of health services;*

- (3) Section 27(3) presently reads:

(3) An automobile insurer that fails to file a report for a calendar year as required by this section shall pay a penalty to the Crown in accordance with the regulations.

(4) The following is added after section 28:

Waiver of penalty or interest

28.1 Notwithstanding the *Financial Administration Act*, the President of Treasury Board and Minister of Finance may waive or cancel all or any portion of any penalty or interest payable under this Division by an automobile insurer, or refund all or any portion of any penalty or interest paid under this Division by an automobile insurer

- (a) at any time, if the waiver is in response to an application made by the automobile insurer within the time set out in clause (b), or
- (b) in any other case, on or before 4 years from the end of the calendar year in which a penalty or interest is assessed against the automobile insurer.

(5) The following is added after section 38:

Limit on costs awards

38.1(1) In an action based on the Crown's right of recovery or based on a claim that gives rise to the Crown's right of recovery, the Court may order the Crown to pay a defendant's costs, including disbursements, only if

- (a) the costs relate directly to the Crown's right of recovery,
- (b) the costs are reasonable and proper,
- (c) the defendant would not have incurred the costs if the Crown had not brought an action based on the Crown's right of recovery, and
- (d) the Crown has not obtained a judgment against the defendant based on the Crown's right of recovery.

(2) The Court may order the Crown to pay costs referred to in subsection (1) only on a several liability basis.

(3) For greater certainty, the Crown is not jointly liable with any plaintiff for any costs, including disbursements, incurred by a defendant to defend against an action that is joined with or includes an action based on the Crown's right of recovery or based on a claim that gives rise to the Crown's right of recovery.

(4) Waiver of penalty or interest.

(5) Limit on costs awards.

Health Professions Act

Amends RSA 2000 cH-7

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

(2) Section 1(1) is amended by adding the following after clause (b):

(b.1) “animal” means animal as defined in the *Animal Health Act*;

(3) Schedule 19 is amended in section 3

(a) in subsection (1) by striking out “and” at the end of clause (h), by adding “and” at the end of clause (i) and by adding the following after clause (i):

(j) provide professional services to support animal health, as authorized by the regulations.

(b) in subsection (2) by striking out “and” at the end of clause (f), by adding “and” at the end of clause (g) and by adding the following after clause (g):

(h) provide professional services to support animal health, as authorized by the regulations.

(4) This section comes into force on Proclamation.

Health Statutes Amendment Act, 2020 (No. 2)

Amends SA 2020 c35

4(1) The *Health Statutes Amendment Act, 2020 (No. 2)* is amended by this section.

(2) Section 7 is amended

(a) in the proposed section 20.32(3) and (4) by striking out “Division 5” and substituting “Part 5 of the *Hospitals Act* as it read immediately before the coming into force of

Health Professions Act

3(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(b) “alternative complaint resolution process” means a process to help the complainant, the college and the investigated person settle a complaint;

(3) Schedule 19 presently reads in part:

3(1) In their practice, pharmacists promote health and prevent and treat diseases, dysfunction and disorders through proper drug therapy and non-drug decisions and, in relation to that, do one or more of the following:

(h) conduct or administer drug and other health-related programs, and

(i) provide restricted activities authorized by the regulations.

(2) In their practice, pharmacy technicians promote safe and effective drug distribution and, in relation to that, do one or more of the following under the direction of a pharmacist:

(f) instruct patients about the use of health aids and devices, and

(g) teach the practice of pharmacy technicians.

(4) Coming into force.

Health Statutes Amendment Act, 2020 (No. 2)

4(1) Amends chapter 35 of the Statutes of Alberta, 2020.

(2) Section 7 presently reads in part:

20.32(3) For the purposes of assessing the standards of care furnished to patients, improving hospital or medical procedures, compiling medical statistics, conducting medical research, enforcing

section 60 of the *Crown's Right of Recovery Act*, or Part 1 of the *Crown's Right of Recovery Act*”;

- (b) **in the proposed section 20.4(3) by striking out** “the local welfare officer.”.

Mental Health Act

Amends RSA 2000 cM-13

5(1) The *Mental Health Act* is amended by this section.

(2) Section 9.1(1)(b)(i)(B) is amended by striking out “2(a) and (b)” and substituting “2(a) and (c)”.

the Crown's right of recovery under Division 5, or for any other purpose considered by the Minister to be in the public interest, the Minister, or a person authorized by the Minister, may require that all or any of the following be sent to the Minister or authorized person or a person designated by the Minister or authorized person:

- (a) health information and other records of any patient;*
- (b) extracts from and copies of any health information or other records of any patient.*

(4) The Minister or any person authorized by the Minister may, for the purpose of enforcing the Crown's right of recovery under Division 5, disclose information obtained under subsection (3).

20.4(3) The administrator shall send a copy of any notice given pursuant to subsection (2) to the local welfare officer, the Department of Community and Social Services and the Minister.

Mental Health Act

5(1) Amends chapter M-13 of the Revised Statues of Alberta 2000.

(2) Section 9.1(1) presently reads in part:

9.1(1) Two qualified health professionals, one of whom must be a psychiatrist, may, in accordance with the regulations, issue a community treatment order with respect to a person if

- (b) one or more of the following apply:*
 - (i) within the immediately preceding 3-year period the person has on 2 or more occasions, or for a total of at least 30 days,*
 - (B) been in an approved hospital or been lawfully detained in a custodial institution where there is evidence satisfactory to the 2 qualified health professionals that, while there, the person would have met the criteria set out in section 2(a) and (b) at that time or those times,*
or

(3) Section 49.1(a) is amended by striking out “the forms required for the detention of a patient” **and substituting** “admission certificates and renewal certificates”.

Mental Health Amendment Act, 2020

Amends SA 2020 c15

6(1) The *Mental Health Amendment Act, 2020* is amended by this section.

(2) Section 22 is amended

- (a) by repealing clauses (b) and (c);**
- (b) by repealing clause (d)(i).**

(3) Section 37 is amended

- (a) by repealing clause (a)(i);**
- (b) by repealing clause (b).**

(3) Section 49.1(a) presently reads:

49.1 On an annual basis and on any other basis or schedule specified by the Minister, a regional health authority shall provide the Minister with a written report

(a) assessing the completion, accuracy and use of the forms required for the detention of a patient, and

Mental Health Amendment Act, 2020

6(1) Amends chapter 15 of the Statutes of Alberta, 2020.

(2) Section 22 presently reads in part:

22 Section 14 is amended

(b) in subsection (1.1) by striking out “person designated in accordance with the regulations” and substituting “qualified health professional”;

(c) in subsections (2), (3) and (4) by striking out “designated person” wherever it occurs and substituting “qualified health professional”;

(d) in subsection (5)

(i) by striking out “designated person” and substituting “qualified health professional”;

(3) Section 37 presently reads in part:

37 Section 42 is amended

(a) in subsection (2)

(i) by striking out “or the Court of Queen’s Bench”;

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

(3) In a hearing before the Court of Queen’s Bench under this Act in respect of a community treatment order, the onus is on the qualified health professional who issued, amended or renewed the community treatment order, as the case may be, the chair or

(4) Section 38(b) is amended

- (a) by repealing subclause (i)(B);**
- (b) by repealing subclause (ii).**

(5) Section 42(a)(v) is repealed.

Pharmacy and Drug Act

Amends RSA 2000 cP-13

7(1) The *Pharmacy and Drug Act* is amended by this section.

(2) Section 1(1)(z.1)(ii) is repealed and the following is substituted:

- (ii) any record required to be kept under
 - (A) this Act or the regulations or standards under this Act, or
 - (B) the *Health Professions Act*, the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada) or the regulations or standards under those Acts;

vice-chair of the review panel that made a decision under section 41 in respect of the community treatment order or the person supervising the community treatment order to show that the person meets the criteria set out in section 9.1(1)(a) to (e).

(4) Section 38(b) presently reads in part:

38 Section 43 is amended

(b) in subsection (3.1)

(i) in clause (a)

(B) by striking out “and”;

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

(a.1) the chair or vice-chair of the review panel if the decision appealed is an order to a board to issue a community treatment order, and

(5) Section 42(a)(v) presently reads:

42 Section 53 is amended

(a) in subsection (1)

(v) by repealing clause (m);

Pharmacy and Drug Act

7(1) Amends chapter P-13 of the Revised Statutes of Alberta 2000.

(2) Section 1(1)(z.1)(ii) presently reads:

(z.1) “record” means the records of a pharmacy, whether in written, photographic, magnetic, electronic or other form, and includes, without limitation,

(ii) any record required to be kept under this Act, the Health Professions Act, the Controlled Drugs and Substances Act (Canada) or the Food and Drugs Act (Canada) or the regulations or standards under those Acts,

(3) Section 5.01(1)(b) is repealed and the following is substituted:

- (b) the proprietor
 - (i) meets the requirements set out in the regulations, and
 - (ii) will act in accordance with this Act,

(4) Section 13 is amended by striking out “the regulations” and substituting “any standards adopted by the council”.

(5) Section 27.2 is amended

- (a) **in subsection (1) by adding “, pharmacy technicians” after “pharmacists”;**
- (b) **in subsection (2) by striking out “pharmacies or pharmacists” and substituting “pharmacists, pharmacy technicians or pharmacies”.**

(6) The heading preceding section 28 is repealed and the following is substituted:

**Part 3
Regulations, Bylaws,
Code and Standards**

(7) Section 28(1) is amended

- (a) **in clause (a.2) by adding “or a proprietor” after “pharmacy”;**
- (b) **by repealing clauses (d), (d.2), (d.3), (e), (f), (h), (p.1) and (p.2).**

(3) Section 5.01(1)(b) presently reads:

5.01(1) The registrar may issue a licence referred to in section 5 to an applicant if the registrar is satisfied that

(b) the proprietor will act in accordance with this Act,

(4) Section 13 presently reads:

13 If a licensed pharmacy does not occupy 100% of the public area of the premises in which it is located, the licensed pharmacy must be identified in accordance with the regulations.

(5) Section 27.2 presently reads:

27.2(1) The Minister may enter into agreements with any government, government agency or body referred to in section 27.1(3) or any other person or group of persons that regulates pharmacists or pharmacies

(a) respecting any matter relating to the administration or enforcement of this Act, or

(b) respecting the reciprocal enforcement of this Act and legislation in another jurisdiction.

(2) The Minister may make regulations respecting reciprocal enforcement agreements that may be entered into by the college with a body that regulates pharmacies or pharmacists in another jurisdiction.

(6) The heading preceding section 28 presently reads:

*Part 3
Regulations and Bylaws*

(7) Section 28(1) presently reads in part:

28(1) The council may make regulations

(a.2) respecting licences, including limitations on a category of licence and the requirements that a pharmacy must meet;

(8) Section 29(1) is amended

(a) in clause (a) by striking out “prescribing” and substituting “respecting”;

(b) by adding the following after clause (g):

(h) respecting the identification of field officers.

(9) This section comes into force on Proclamation.

- (d) respecting requirements that apply to the identification of a licensed pharmacy described in section 13 and the prescription department and the dispensary and patient services areas of a licensed pharmacy;*
 - (d.2) respecting the storage of drugs, blood products, parenteral nutrition and health care products, aids and devices in a pharmacy;*
 - (d.3) respecting information management systems in pharmacies and the keeping of records by licensees and proprietors;*
 - (e) respecting the physical facilities and space required for the prescription department of a licensed pharmacy;*
 - (f) respecting the supply of drugs that must be kept in a licensed pharmacy;*
 - (h) respecting the identification of field officers;*
 - (p.1) respecting the creation and maintenance of records for the purposes of this Act;*
 - (p.2) respecting the types of records that constitute records for the purpose of section 1(1)(z.1);*
- (8) Section 29(1) presently reads:
- 29(1) The council may, in accordance with the regulations, make bylaws*
- (a) prescribing the fees, dues and levies payable to the college respecting licences and reviews;*
 - (g) respecting the development or adoption of a code of ethics and standards for the operation of licensed pharmacies.*
- (9) Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To
Stage	Date	Member	From	To
		Questions and Comments	From	To