

2025 Bill 37

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 37

MENTAL HEALTH SERVICES PROTECTION AMENDMENT ACT, 2025

THE MINISTER OF MENTAL HEALTH AND ADDICTION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 37

2025

MENTAL HEALTH SERVICES PROTECTION AMENDMENT ACT, 2025

(Assented to _____, 2025)

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

Amends SA 2018 cM-13.2

**1 The *Mental Health Services Protection Act* is amended by
this Act.**

2 Section 1 is amended

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

(h.1) “prescribed” means, unless the context indicates
otherwise, prescribed by the regulations;

**(b) by repealing clauses (k), (l) and (m) and substituting
the following:**

(k) “service” means a prescribed service that is treatment
or other care with the objective of maintaining or
improving the mental health and well-being of an
individual, including treatment or other care for a
mental disorder or an addiction;

(l) “service provider”, in respect of a service, means a
person who, whether directly or through an
employee, offers or provides the service but does not
include a regulated member or unregulated

Explanatory Notes

1 Amends chapter M-13.2 of the Statutes of Alberta, 2018.

2 Section 1 presently reads in part:

1 In this Act,

(k) “residential addiction treatment services” means services provided to individuals who have an addiction in which overnight accommodation is provided for all or part of the duration of the services and includes, without limitation, withdrawal management services, but does not include services provided in an approved hospital as defined in the Hospitals Act or services provided by a person or service provider exempted by the regulations;

(l) “service provider” means

(i) a person who, whether directly or through an employee, offers or provides residential addiction treatment services, or

individual who offers or provides the service in the individual's capacity as an employee of the person;

3 Section 2(1) is amended by striking out “or a member of a class of service providers”.

4 Section 3 is repealed.

5 Section 4(2) is amended by striking out “, without limitation,”.

(ii) *a person or member of a class of persons who, whether directly or through an employee, offers or provides services,*

but does not include a regulated member or unregulated individual who offers or provides services in the individual's capacity as an employee of a service provider;

(m) *“services” means treatment or other care that has the objective of maintaining or improving the mental health and well-being of an individual, and includes services to treat a mental disorder or address an addiction;*

3 Section 2(1) presently reads:

2(1) A service provider or a member of a class of service providers shall comply with any requirements specified in the regulations.

4 Section 3 presently reads:

3(1) A service provider who offers or provides residential addiction treatment services shall comply with the requirements set out in the Schedule.

(2) A service provider who offers or provides residential addiction treatment services shall ensure that every regulated member and unregulated individual engaged by the service provider to provide those services complies with the requirements set out in the Schedule.

5 Section 4(2) presently reads:

(2) A director may, in a form and manner determined by the Minister, publish information about a service provider, including, without limitation, the name of the service provider, street or municipal address of all facilities or other locations at which services are provided, contact information, fees charged, services offered, qualifications of employees, results of inspections and investigations and information respecting reported incidents and contraventions of this Act, the regulations or an order under this Act.

6 Section 5(1) is repealed and the following is substituted:

Licence required

5(1) This section applies only to a service provider prescribed as requiring a licence to offer or provide a service.

7 Section 6(4)(c) is amended by striking out “reason prescribed by the regulations” and substituting “prescribed reason”.

8 The following is added after section 11:

Protected Terms

Protected terms for facilities

11.1(1) In this section, “treatment or other care” means treatment or other care that has the objective of maintaining or improving the mental health and well-being of an individual and includes a service.

(2) Except as authorized by the regulations, a person who owns or operates a facility in which treatment or other care is offered or provided must not

- (a) use a prescribed term in the title of the facility, or
- (b) use a prescribed term to describe the facility.

9 Section 19 is amended

(a) by repealing subsection (1) and substituting the following:

Appeal

19(1) A person may, in accordance with subsection (1.1), appeal any of the following decisions:

- (a) a decision to refuse to issue, amend or renew a licence under section 6;
- (b) a decision to impose terms or conditions on a licence under section 6;

6 Section 5(1) presently reads:

5(1) This section applies only to a service provider who offers or provides residential addiction treatment services or another service provider or member of a class of service providers prescribed by the regulations as requiring a licence to offer or provide services.

7 Section 6(4)(c) presently reads:

(4) A director may refuse to issue or to renew a licence

(c) for any other reason prescribed by the regulations.

8 Protected terms for facilities.

9 Section 19 presently reads in part:

19(1) A person may appeal a decision to

(a) refuse to issue, amend or renew a licence under section 6,

(b) impose terms or conditions on a licence under section 6,

(c) amend, suspend or cancel a licence under section 9(1)(a),

(d) issue an order under section 16, or

(e) give a notice of administrative penalty under section 18

- (c) a decision to amend, suspend or cancel a licence under section 9(1)(a);
- (d) a decision to issue an order under section 16;
- (e) a decision to give a notice of administrative penalty under section 18;
- (f) a prescribed decision.

(1.1) A person may appeal a decision referred to in subsection (1) by serving the Minister with a notice of appeal, in the form approved by the Minister, within 15 days after being notified in writing of the decision.

(b) in subsection (6) by striking out “prescribed” and substituting “set”.

10 The heading preceding section 22 is repealed and the following is substituted:

Part 3 General Provisions

11 The following is added after section 23:

Ministerial standards

23.1(1) The Minister may, in accordance with the regulations, if any, establish or amend, in writing, a standard that sets out requirements that apply to the offering or providing of a service.

(2) As soon as practicable after establishing or amending a standard under subsection (1), the Minister must make the standard or amendment publicly available on the website of the Minister’s department.

12 The following is added after section 24:

Ministerial exemption

24.1(1) The Minister may, in relation to an individual who is being provided a service by a service provider or any other person, exempt the service provider or other person from the application of this Act, the regulations or a provision of this Act

by serving the Minister with a notice of appeal, in the form approved by the Minister, within 15 days after being notified in writing of the decision.

(6) Members of the appeal panel who are not employees of the Government may

(a) be paid remuneration, and

(b) receive reasonable travelling and living expenses while away from their ordinary places of residence in the course of their duties as members of the appeal panel,

at the rates prescribed by the Minister.

10 The heading preceding section 22 presently reads:

*Part 3
Administration, Information,
Immunity and Regulations*

11 Ministerial standards.

12 Ministerial exemption.

or the regulations, if the Minister determines that the exemption is necessary in consideration of any of the following:

- (a) the medical condition or treatment of the individual;
- (b) scientific or research purposes;
- (c) the public interest.

(2) An exemption provided under subsection (1)

- (a) must be in writing, and
- (b) may be subject to any terms and conditions that the Minister considers necessary.

(3) The Minister may, in writing,

- (a) amend or revoke an exemption made under subsection (1),
or
- (b) suspend in whole or in part the application of an exemption made under subsection (1).

13 Section 27 is amended

(a) in subsection (1)

(i) by repealing clause (b) and substituting the following:

- (b) respecting service providers, including regulations
 - (i) prescribing service providers who require a licence,
 - (ii) establishing classes of service providers and providing differently for those classes, and
 - (iii) specifying requirements that apply to a service provider in respect of providing a service;

13 Section 27 presently reads in part:

27(1) The Lieutenant Governor in Council may make regulations

- (b) prescribing or describing service providers or classes of service providers that require a licence;*
- (e) regulating or prohibiting services or classes of services;*
- (h) respecting requirements for service providers or members of classes of service providers;*
- (j) respecting licences under Part 1, including, without limitation, regulations respecting*
 - (vii) the suspension or cancellation of licences, and*
 - (viii) refusals to issue licences, amendments or renewals and the criteria that may or must be considered when issuing or refusing to issue, amend or renew a licence;*
- (s) respecting appeals;*

(ii) by repealing clause (e) and substituting the following:

- (e) respecting services, including regulations
 - (i) prescribing a service for the purpose of section 1(k),
 - (ii) prohibiting the offering or providing of a service,
 - (iii) establishing classes of services and providing differently for those classes, and
 - (iv) establishing subclasses of a class of service and providing differently for those subclasses;

(iii) by repealing clause (h);

(iv) by adding the following after clause (i):

- (i.1) prescribing terms for the purpose of section 11.1;
- (i.2) respecting the use of prescribed terms by an owner or operator of a facility;

(v) in clause (j)

(A) by striking out “, without limitation,”;

(B) by striking out “and” at the end of subclause (vii), repealing subclause (viii) and substituting the following:

- (viii) refusals to issue licences, amendments or renewals, and
- (ix) criteria that may or must be considered when issuing, amending or renewing or refusing to issue, amend or renew a licence;

(vi) by adding the following after clause (n):

(2) A regulation under subsection (1) may adopt or incorporate, in whole or in part or with modifications, a code, standard or body of rules that relates to any matter in respect of which a regulation may be made under subsection (1).

- (n.1) establishing a registry for the purpose of registering service providers;
- (n.2) respecting a registry established under clause (n.1), including regulations
 - (i) prescribing service providers who are required to register with a registry,
 - (ii) prescribing the types of information that must be held in a registry,
 - (iii) respecting the provision of a service by a service provider who is required to register with a registry, including specifying requirements that apply to the provision of that service,
 - (iv) respecting an application for registration, amendment or renewal,
 - (v) respecting the terms or conditions to which a registration may be subject,
 - (vi) respecting the issuance, amendment or renewal of a registration or the amendment of a term or condition of a registration,
 - (vii) respecting the persons required, eligible or ineligible to apply,
 - (viii) respecting the types of registration that may be issued,
 - (ix) respecting a suspension or cancellation of a registration,
 - (x) respecting a refusal to issue a registration, amendment or renewal, and
 - (xi) respecting criteria that may or must be considered when issuing, amending or renewing or refusing to issue, amend or renew a registration;

(vii) **in clause (s) by adding “**, including prescribing a decision that can be appealed under section 19(1)(f)” **after “appeals”**;

(viii) **by adding the following after clause (u)**:

(u.1) respecting the establishment and amendment of standards under section 23.1;

(b) **by repealing subsection (2) and substituting the following**:

(2) A regulation under subsection (1) may adopt or incorporate, in whole or in part or with modifications, a code, standard or body of rules, including any standard established by the Minister under section 23.1, that relates to any matter in respect of which a regulation may be made under subsection (1).

(2.1) A code, standard or body of rules may be adopted or incorporated under subsection (2) as it reads on a specific date or as amended from time to time.

14 Section 28 is repealed and the following is substituted:

Transitional regulations

28(1) The Lieutenant Governor in Council may make regulations respecting transitional matters relating to the coming into force of the *Mental Health Services Protection Amendment Act, 2025*.

(2) A regulation made under subsection (1) is repealed on the earliest of the following:

- (a) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (b) the expiration of 3 years from the day that the regulation made under subsection (1) comes into force.

(3) The repeal of a regulation under subsection (2) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(4) This section is repealed 3 years after this section comes into force, but the repeal does not affect anything done, incurred or

14 Section 28 presently reads:

28(1) Notwithstanding that Part 1 comes into force on November 1, 2019, a service provider to whom section 5 applies may apply for a licence on or after July 1, 2019 in accordance with section 6 and for that purpose a director may exercise any power or function under sections 6 and 7.

(2) A licence issued before November 1, 2019 under subsection (1) is not effective until November 1, 2019.

acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

15 The Schedule is repealed.

15 The Schedule presently reads:

1 In this Schedule,

- (a) “critical incident” means an incident causing serious injury or death to a client of a service provider while receiving services or within 2 months after services cease;*
- (b) “serious injury” means a life threatening injury or an injury that has caused, is causing or may cause significant impairment of an individual’s health.*

2(1) A service provider who offers or provides residential addiction treatment services shall ensure that a written policy and a written procedure are prepared and implemented respecting

(a) consent to services, and

(b) service contracts.

(2) The policies and procedures referred to in subsection (1) must address mechanisms for ensuring that explanations are provided in a manner that the individual or applicable substitute decision maker is able to understand and that the individual or substitute decision maker has an opportunity to ask questions and have them answered.

(3) The policy and procedure respecting consent to services must address, at a minimum, the following:

- (a) proposed assessments;*
- (b) proposed services and the philosophy behind the services;*
- (c) the benefits and material risks of any proposed services and of declining the proposed services;*
- (d) reasonable alternative services, whether or not they are provided by the service provider who provides the residential addiction treatment services;*
- (e) costs of the proposed services, including accommodation, meals and amenities;*

- (f) requirements of the service provider or an employee of the service provider respecting real, potential and perceived conflicts of interest;*
 - (g) the need to consult or make a referral to ensure appropriate treatment and care.*
- (4) The policy and procedure respecting the service contract must address, at a minimum, mechanisms for*
- (a) ensuring that the contents of the service contract comply with section 3,*
 - (b) explaining the full content of the service contract to the individual or the individual's substitute decision maker, as the case may be,*
 - (c) ensuring that the service contract is signed by the parties at the earliest appropriate time, and*
 - (d) ensuring that the service contract is reviewed with the client or applicable substitute decision maker as necessary to address any arising issues.*

3(1) A service contract must be in writing and must contain the following information or terms:

- (a) a description of the services, including accommodation, meals and amenities to be provided, at the level of detail as is reasonably available at the time;*
- (b) a description of the philosophy of the services;*
- (c) the costs for all items under clause (a) to be provided, itemized to a reasonable level of detail, including all charges and fees;*
- (d) the terms and conditions for payment of the costs and for a refund of costs;*
- (e) the qualifications of the service providers who will be providing services;*
- (f) a description of the terms and conditions of receiving or continuing to receive services, including accommodation;*

(g) *a description of the process to file a complaint with the service provider in respect of the service provider or employees of the service provider, or the residential addiction treatment services;*

(h) *name and contact information for critical incident contacts, substitute decision makers or other contacts authorized and the purpose for which contact is authorized.*

(2) *Before any residential addiction treatment services are provided to an individual, whenever reasonably possible, the entire service contract must be fully explained to the individual or applicable substitute decision maker and the individual or applicable substitute decision maker must have agreed in writing to accept and pay for the services by executing the service contract.*

4(1) *A service provider who offers or provides residential addiction treatment services shall ensure that a written policy and a written procedure are prepared and implemented respecting the recruitment of employees.*

(2) *The written policy and procedure referred to in subsection (1) must*

(a) *require a criminal record check for each employee who provides services directly to a client, other than an employee who*

(i) *is acting as a consultant, contractor or volunteer on a temporary short-term basis, or*

(ii) *is a regulated member,*

and

(b) *set out the circumstances in which a vulnerable sector check may be required for employees.*

(3) *A service provider who offers or provides residential addiction treatment services shall ensure that written policies and procedures are developed and implemented respecting incident prevention and incident response.*

(4) *A service provider who offers or provides residential addiction treatment services shall ensure that a written policy is developed and implemented respecting the treatment of clients with dignity and respect.*

5(1) A service provider who offers or provides residential addiction treatment services shall report a critical incident to a director as soon as possible and no later than 48 hours after the service provider becomes aware of the critical incident.

(2) A report of a critical incident must be in writing and contain all of the following information, as available:

- (a) the date, time, place and nature of the incident;*
- (b) the name and age of the client affected;*
- (c) the name of any witnesses to the incident;*
- (d) the action taken or planned.*

(3) A service provider who offers or provides residential addiction treatment services shall, as soon as possible after a critical incident, notify the client's specified critical incident contacts and any substitute decision makers who need to know of the critical incident in order to fulfill their duties under their legal authorization.

(4) In addition to submitting a report under subsection (1), within 2 weeks after a critical incident, a service provider who offers or provides residential addiction treatment services shall ensure that a further report respecting the critical incident, including an analysis of the circumstances leading to the incident and any action taken or planned in addition to the action referred to in a report under subsection (2), is submitted to a director.

(5) On request by a director, within the time period specified by the director, a service provider who offers or provides residential addiction treatment services shall ensure that a report is submitted respecting the steps taken or needed to prevent similar incidents in the future and any other matters specified by the director.

6(1) A service provider who offers or provides residential addiction treatment services shall create and maintain records containing the following:

- (a) in respect of each client,*
 - (i) the name of the client's critical incident contacts, substitute decision makers, as applicable, and other authorized contacts and the purposes for which contact is authorized,*

- (ii) *a copy of applicable legal authorizations for substitute decision makers, as available,*
- (iii) *a description of the services the client receives, including, without limitation, any*
 - (A) *treatment, including any drug as defined in the Pharmacy and Drug Act or any unscheduled drug that is prescribed, dispensed or administered to the client, and*
 - (B) *other services,*
- (iv) *a copy of the signed service contract,*
- (v) *a statement of the costs charged for all goods and services provided or to be provided, itemized to a reasonable level of detail, including all charges and fees,*
- (vi) *copies of all critical incident reports relating to the client, and*
- (vii) *a copy of any complaint filed by or on behalf of the client or in respect of the client;*
- (b) *in respect of each employee engaged in providing residential addiction treatment services,*
 - (i) *copies of any required criminal record check and any required vulnerable sector check of the employee, and*
 - (ii) *documentation of the employee's position title and description and the qualifications and training of the employee for his or her position;*
- (c) *in respect of each facility or other location at which residential addiction treatment services are provided, the following information and documents:*
 - (i) *name, address, phone number and e-mail address of the facility or other location;*
 - (ii) *date on which residential addiction treatment services began to be delivered at the facility or other location;*
 - (iii) *description of the philosophy of the services provided at the facility or other location;*

- (iv) *overview of the fees that are charged for the services, including accommodation, meals and amenities;*
 - (v) *number of employees at the facility or other location who provide services directly to clients, other than employees who provide services only in respect of accommodation, meals or amenities;*
 - (vi) *number of beds in the facility or other location;*
 - (vii) *other permits issued in respect of the facility or other location that are required to operate the facility or other location, including, without limitation, municipal permits and zoning approval;*
 - (viii) *accreditation status of the facility, including, without limitation, the date of validity of any certificate of accreditation, the name of the accreditation body issuing the certificate and any terms or conditions to which the accreditation is subject;*
- (d) *copies of all critical incident reports;*
 - (e) *a copy of the consent to services policy and procedure;*
 - (f) *a copy of the service contract policy and procedure;*
 - (g) *a copy of the incident prevention policy and procedure;*
 - (h) *a copy of the incident response policy and procedure;*
 - (i) *a copy of the employee recruitment policy and procedure;*
 - (j) *a copy of the policy respecting the treatment of clients with dignity and respect;*
 - (k) *the following information and documents relating to the service provider:*
 - (i) *a copy of the business licence and business permits issued in respect of the service provider;*
 - (ii) *a copy of the articles of incorporation or association, if applicable, of the service provider;*
 - (iii) *proof of insurance, including property and liability insurance;*

16 This Act comes into force on Proclamation.

(iv) a declaration signed by or on behalf of the service provider setting out all criminal charges, convictions or investigations concerning the service provider;

(v) a declaration signed by or on behalf of the service provider setting out all civil lawsuits concerning the service provider.

(2) The records referred to in subsection (1)(a) must be kept by the service provider providing the residential addiction treatment services for at least 5 years after the date of the last entry in the records respecting the client.

7 A service provider who offers or provides residential addiction treatment services shall ensure that each employee is trained in the implementation and delivery of all applicable policies, procedures, reporting and record keeping in this Schedule.

16 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To