

2023 Bill 201

First Session, 31st Legislature, 2 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 201

**ALBERTA HEALTH CARE INSURANCE (ACCESS
FEES) AMENDMENT ACT, 2023**

MEMBER BRAR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 201

2023

ALBERTA HEALTH CARE INSURANCE (ACCESS FEES) AMENDMENT ACT, 2023

(Assented to _____, 2023)

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

Amends RSA 2000 cA-20

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

2 The following is added immediately after section 2:

Purpose

2.1 The purposes of this Act are

- (a) to administer and operate a plan to provide benefits for basic health services to residents of Alberta in a manner that is consistent with the *Canada Health Act* (Canada),
- (b) to ensure the timely, safe and sustainable delivery of insured services to residents of Alberta in accordance with the following program criteria set out in the *Canada Health Act* (Canada):
 - (i) public administration;
 - (ii) comprehensiveness;
 - (iii) universality;
 - (iv) portability;

Explanatory Notes

- 1** Amends chapter A-20 of the Revised Statutes of Alberta 2000.
- 2** Purpose.

- (v) accessibility,
- (c) to prohibit any form of private payment in relation to insured services, and
- (d) to prohibit the provision of accelerated, preferred or exclusive access to insured services through private payment.

3 Section 9 is amended as follows:

(a) in subsection (2)

- (i) by striking out “the Minister may,” and substituting “the Minister must”, and**
- (ii) in clauses (a) and (b) by striking out “or subsequent” wherever it appears;**

(b) in subsection (2.1)

- (i) by striking out “the Minister may,” and substituting “the Minister must”, and**
- (ii) in clauses (a) and (b) by striking out “or subsequent” wherever it appears.**

4 Section 11 is amended as follows:

(a) subsection (1) is struck out and the following is substituted:

- (1) In this section, “access fee” means an amount that is**
 - (a) either of the following:**

3 Section 9 presently reads in part:

- (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*
 - (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.*
- (2.1) *If a person referred to in section 20.1 contravenes subsection (1.1), the Minister may,*
 - (a) *in the case of a first or subsequent contravention, send a written warning to the person,*
 - (b) *in the case of a 2nd or subsequent contravention, send a notice to the person that a 3rd or subsequent contravention will result in the immediate termination of the agreement or arrangement referred to in section 20.1(1)(a), and*
 - (c) *in the case of a 3rd or subsequent contravention, terminate the agreement or arrangement referred to in section 20.1(1)(a).*

4 Section 11 presently reads:

- 11(1) *No person shall charge or collect from any person*
 - (a) *an amount for any goods or services that are provided as a condition to receiving an insured service provided by a physician or dentist who is opted into the Plan, or*
 - (b) *an amount the payment of which is a condition to receiving an insured service provided by a physician or dentist who is opted into the Plan*

- (i) an amount for goods or services that are provided as a condition to receiving an insured service provided by a physician or dentist who is opted into the Plan;
 - (ii) an amount the payment of which is a condition to receiving an insured service provided by a physician or dentist who is opted into the Plan, and
- (b) in addition to the amount of the benefits payable by the Minister for the insured service provided by a physician or dentist who is opted into the Plan.

(1.1) For the purpose of subsection (1)

- (a) an access fee includes an amount that is paid
 - (i) periodically or as a lump sum, or
 - (ii) in advance of, or following the receipt of, an insured service provided by a physician or dentist who is opted into the Plan, and
- (b) receiving an insured service referred to in subsection (1)(a)(ii) includes receiving accelerated, preferred or exclusive access to the insured service.

(1.2) A person must not charge or collect from any person an access fee.

- (b) subsection (2) is amended by striking out** “Subsection (1)” **and substituting** “Subsection (1.2)”;
- (c) subsection (3) is amended by striking out** “an amount in contravention of subsection (1), the Minister may recover that amount” **and substituting** “an access fee in contravention of subsection (1.2), the Minister may recover the amount charged or collected”.

5 Section 12 is amended by striking out “an amount in contravention of section 11” **wherever it appears and substituting** “an access fee in contravention of section 11”.

where the amount is in addition to the benefits payable by the Minister for the insured service.

(2) Subsection (1) does not prohibit the charging or collecting of an amount paid for non-insured health or pharmaceutical goods or services where the charging or collecting of that amount is not otherwise prohibited under this Act or the Hospitals Act and a physician or dentist reasonably determines that it is necessary to provide the non-insured health or pharmaceutical goods or services before the insured service is provided.

(3) If a person receives an amount in contravention of subsection (1), the Minister may recover that amount in a civil action in debt as though that amount were a debt owing from the person to the Crown in right of Alberta.

(4) Where the Minister recovers any amount under subsection (3), the Minister shall reimburse the person who was charged the amount.

5 Section 12 presently reads:

12(1) A physician or dentist who is opted into the Plan and provides insured services to a person in circumstances where the physician or dentist knows or ought reasonably to know that the person is being charged an amount in contravention of section 11 shall not receive the payment of benefits from the Minister for those insured services.

(1.1) A person referred to in section 20.1 who employs or has entered into a service agreement with a physician who provides insured services to a person

in circumstances where the person referred to in section 20.1 knows or ought reasonably to know that a person is being charged an amount in contravention of section 11 shall not receive the payment of benefits from the Minister for those insured services.

(2) Section 9(2) applies where

- (a) a physician or dentist contravenes subsection (1), or*
- (b) a person referred to in section 20.1 contravenes subsection (1.1).*

