

BILL

No. 9 of 1935.

An Act respecting Health Insurance.

(Assented to _____, 1935.)

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

1. This Act may be cited as "*The Alberta Health Insurance Act*."

2. In this Act, unless the context requires a contrary meaning—

- (a) "Advisory Board" means a local advisory board of a medical district appointed pursuant to this Act;
- (b) "Board of reference" means a board of reference appointed pursuant to this Act;
- (c) "Commission" means the Health Insurance Commission;
- (d) "Dental services" means professional services such as are ordinarily afforded by persons registered as members of the Dental Association under *The Dental Association Act*;
- (e) "Employment" means any remunerated engagement of any person in any profession, trade, business or occupation;
- (f) "Employee" means any person who is in the service of an employer;
- (g) "Employer" means any person who has in his service any person under any contract of hiring or any contract of apprenticeship;
- (h) "Hospital" means an approved hospital for the purposes of *The Hospitals Act*;
- (i) "Hospital services" includes all facilities ordinarily afforded by a hospital and without derogating from the generality of the foregoing, X-Ray and other laboratory services;
- (j) "Income earner" means any person who is in receipt of any income whether temporary or continuous and whether in cash or in kind;
- (k) "Medical district" means any district constituted pursuant to this Act as a health insurance district;
- (l) "Medical services" means professional services such as are ordinarily afforded by medical practitioners registered as members of the College of Physicians and Surgeons under *The Medical Profession Act*;

- (m) "Nursing services" means professional services ordinarily afforded by registered nurses within the meaning of *The Registered Nurses Act*;
- (n) "Preventive medicine" means all services commonly called public health services and without derogating from the generality of the foregoing, includes the control and prevention of communicable diseases, periodic physical examinations, public sanitation and maternal, infant and child welfare clinics;
- (o) "Resident" means—
 - (i) any person who has at any material time had his home in a medical district for at least three successive months of the preceding six months; and
 - (ii) any person not having had a home as last aforesaid who has at any material time been a sojourner within a medical district for at least three successive months of the immediately preceding six months:
 - Provided always that any such person had not at the time a permanent home elsewhere than in the Province;
- (p) "Referred services" means such special medical or dental services as are afforded by duly qualified medical practitioners or dentists, as the case may be, who are for the time being duly authorized to engage in the practice of any branch of medicine or surgery or dentistry as specialists;
- (q) "Secretary" with reference to a municipality means, in the case of all municipalities other than improvement districts, the secretary or secretary-treasurer thereof, and in the case of improvement districts, any person appointed by the Minister of Municipal Affairs as a person whose duty it is to discharge the functions of the secretary of a municipality under this Act.

3.—(1) The Lieutenant Governor in Council may appoint a commission to be known as the Health Insurance Commission, which shall be a body corporate and shall consist of three persons of whom one shall be a medical practitioner and one shall be the chairman and another the vice-chairman who shall each receive such remuneration as may be from time to time prescribed by the Lieutenant Governor in Council.

(2) The chairman first appointed shall hold office for the term of ten years and the other persons first appointed shall each hold office for the term of eight years, and all persons subsequently appointed shall each hold office for the term of ten years and thereafter until his successor is appointed; and every member shall, on the expiration of any term for which he was appointed, be eligible for reappointment.

(3) In case a vacancy occurs in the Commission by reason of death, resignation or any other cause, the Lieutenant Gov-

ernor in Council may appoint some other person in his stead; and if the chairmanship is vacant, may appoint either another member of the Board or any other person as chairman, and every person so appointed shall hold office for the unexpired term of the member in whose place he was so appointed.

(4) Any member of the Commission may be removed from office at any time by the Lieutenant Governor in Council on the address of the Legislative Assembly.

(5) The Lieutenant Governor in Council may appoint any person to act as a member of the Board *ad hoc*, during the time whilst that member is unable to act on account of illness, absence from the Province or any other disability, and any person so appointed whilst so acting shall have all the powers and duties of a duly appointed member of the Commission.

(6) Unless authorized so to do by the Lieutenant Governor in Council, no member of the Commission shall engage in any other business or employment.

(7) In case a vacancy occurs in the Commission the two continuing members shall constitute the Commission pending the making of an appointment to fill the vacancy.

(8) The office of the Commission shall be in the City of Edmonton.

(9) Ordinary meetings of the Commission shall be held on the call of the chairman or vice-chairman at the office of the Commission: special meetings of the Commission may be held at any place at the call of the chairman if in the circumstances the Commission deems it expedient and in the public interest to do so.

(10) For all of the purposes of this Act the presence of two members at any meeting of the Commission shall constitute a quorum.

4. The Commission shall have all the powers which may be conferred upon commissioners appointed under *The Public Enquiries Act* for compelling the attendance of witnesses and of taking evidence under oath and compelling the production of books, papers and other documents in relation to any enquiry held by the Commission pursuant to this Act.

5.—(1) The Commission is hereby empowered to examine into, hear and determine all matters and questions arising under this Act, and the action or decision of the Commission as to any question of fact shall be final and conclusive, and shall not be open to question or review in any Court.

(2) No action shall be maintained or brought against the Commission or any commissioner or anyone appointed by the Commission in respect of any act or proceeding of the Commission done or taken in the purported exercise of its powers under this Act or in the honest belief that the same was within such powers.

(3) The Commission may from time to time reconsider any matter with which it has previously dealt and rescind or amend any decision or order previously made.

6. The Commission in dealing with or enquiring into any matter may receive evidence in all or any of the following modes:

- (a) By oral evidence on oath;
- (b) By affidavit or statutory declaration;
- (c) By written statements not under oath made by officers of the Commission or by any board of enquiry or other person appointed by the Commission to enquire and report into any matter or thing.

7. No proceeding or act of the Commission shall be invalidated for any irregularity which is not material to the decision having regard to the substantial merits thereof.

8. It shall be the duty of the Commission and it is hereby empowered—

- (a) to collect and receive from the Provincial Treasurer and from every municipality all sums payable by municipalities to the Commission pursuant to this Act and to deal with the moneys so collected and received in the manner prescribed by this Act;
- (b) to appoint such officers as it may deem necessary for carrying out the provisions of this Act, to prescribe the duties and fix their remuneration, and every person so appointed shall hold office during the pleasure of the Commission;
- (c) to make such regulations and prescribe such forms as may be deemed expedient for carrying out the provisions of this Act and any such regulations shall come into force upon publication thereof in *The Alberta Gazette* or at such later date as may be fixed by the Commission for that purpose;
- (d) to present, on or before the fifteenth day of February of each year, a report to the Lieutenant Governor in Council of its transactions during the next preceding calendar year, and every such report shall be forthwith laid before the Legislature if the Legislature is then in session, and if it is not then in session the report shall be presented within fifteen days after the opening of the next session;
- (e) to make all books and accounts and any other information required available to the Provincial Auditor when, and as often as required by the Provincial Auditor to do so and to present the Auditor's report to the Legislature with the annual report referred to in paragraph (d) hereof;
- (f) to appoint such boards of enquiry as may be deemed necessary by the Commission, such board to have, for purposes of an enquiry, all the powers conferred on the Commission under this Act;

- (g) to cause a survey of the Province to be made and to divide the Province into proposed medical districts for the purposes of this Act.

9.—(1) Upon it being made to appear to the Commission by resolutions of a majority of the councils or governing bodies of the municipalities or improvement districts in a proposed medical district or by petitions signed by at least twenty-five per centum of the residents of a proposed medical district that there is a desire for the formation of a medical district under this Act, the Commission may direct that a vote shall be taken of the electors of each municipality or part of a municipality included in the proposed district in the manner prescribed by *The Municipal Hospitals Act* as to whether or not they are in favor of the proposed district being constituted a medical district for the purposes of this Act, and the provisions of *The Municipal Hospitals Act* shall, *mutatis mutandis*, apply to the taking of such vote.

(2) The Commission may in its discretion direct that a vote shall be taken in any proposed medical district without having received any of the resolutions or petitions above mentioned.

(3) Upon it being made to appear to the Commission that a majority of the persons voting at such a vote are in favor of the constitution of the area into a medical district for the purposes of this Act, the Commission may, with the approval of the Lieutenant Governor in Council, make an order—

- (a) constituting the area to be a district for the purposes of this Act;
- (b) fixing a date as and from which that order is to take effect, which date shall not be earlier than the thirtieth day after the date of publication thereof in *The Alberta Gazette*.

(4) Immediately upon the taking effect of any order constituting a medical district, the council of every municipality, wholly or in part included therein, shall appoint a person who may be a member of an appointing council as the representative of the municipality on the advisory board for the medical district, and every person so appointed shall hold office at the pleasure of the council of the municipality; and the persons so appointed shall constitute the advisory board of the district.

(5) The advisory board shall hold its first meeting at such time and place as may be fixed by the Commission.

10. It shall be the duty of every advisory board—

- (a) to appoint a chairman and secretary from their members who shall hold office during the pleasure of the board;
- (b) to meet at least once in every successive period of six months at the call of the chairman;
- (c) to make such recommendations to the Commission for the conduct of the affairs of the medical district as it may deem advisable.

11. A member or representative of the Commission shall have the right to be present at all meetings of the board in an advisory capacity and a notice in writing of every meeting of the board shall be given or sent by registered mail to the Commission at least seven days before the day fixed for the holding of any such meeting.

12. Every member of an advisory board shall be entitled to receive such expenses for travelling to, staying at and returning from the place of any meeting as the council which appointed him may from time to time prescribe, and shall be entitled to be paid by that council out of the funds of the municipality.

13. The Commission may from time to time appoint professional boards of reference for the purpose of enquiring into, considering and reporting on any question arising out of or relating to any dental service, hospital service, medical service or nursing service.

14. Every professional board of reference shall consist of a chairman and two other members, all of whom shall be members of the profession concerned in the question referred to the board; the chairman shall be appointed by the Commission and one member shall be nominated by the local advisory board of the medical district in which the question arises and the third shall be nominated by the governing body of the profession affected by or concerned in the question; and in case the local advisory board, governing body, or either of them, does not nominate within seven days after being requested by the Commission so to do, the Commission may proceed to appoint without any such nomination.

15. Every professional board of reference is hereby empowered to enquire into all questions referred to it by the Commission and to report thereon to the Commission and to make such recommendations as it thinks proper in the circumstances, and for the purpose of holding any such enquiry, shall have the same powers of compelling the attendance of witness and taking evidence as are by this Act conferred on the Commission.

16. The member of the advisory board for each municipality included in a medical district and the chairman and secretary of the advisory board shall be a local board of reference for that municipality and shall hear and determine all questions and disputes not being questions or disputes of a professional nature arising as to any claim of a resident of the municipality to receive any benefit under this Act or to deal with emergency situations arising in the municipality, and for the purpose of any hearing, shall have the same powers of compelling the attendance of witness and taking evidence as are by this Act conferred upon the Commission.

17. In case it is made to appear to a local board of reference that any resident is persistently unreasonable in the

demands he makes for services under this Act, the board may enquire into the circumstances and if as a result of that enquiry it is satisfied that the resident is persistently unreasonable in his demands, shall make a report thereof to the Commission and if the Commission approves the report, the board may declare that the resident is no longer entitled to demand as of right any benefit under this Act.

18.—(1) Upon the constitution of any medical district every municipality wholly or partially included therein shall proceed as soon as possible to take a census of all persons whatsoever in the municipality or the part thereof included within the medical district, and in taking the census shall ascertain whether or not the persons included therein are residents, income earners, are likely to become income earners, and such other information as may be prescribed by any regulations made pursuant to this Act.

(2) The municipality shall upon the completion of the census cause a return to be made in such form as may be prescribed by the regulations of the census so taken and shall set forth therein such information as may be so prescribed.

(3) For the purposes of this section the expression "income earner" does not include—

- (a) any female who is a married woman or who is a domestic servant who receives no remuneration for her services over and above her board, lodging and clothing and who is not in receipt of any other income; and
- (b) any male under the age of eighteen years who is a relative of and resides with an income earner and who receives no remuneration for services to that income earner over and above his board, lodging and clothing and who has no other income.

19.—(1) Every person who subsequently to the taking of any census pursuant to this Act, being a resident of the medical district, becomes an income earner, and every person who is an income earner and who subsequently to the taking of any census commences to reside in a medical district, shall forthwith upon his commencing to be an income earner or his commencing to reside in the health district, as the case may be, apply to the secretary of the municipality in which he resides for registration under this Act in writing in the form prescribed by the regulations.

(2) Upon the registration of any person under this section he shall be deemed to be an income earner at the expiration of three months after registration in the case of a person commencing to reside in a district and upon registration in all other cases.

(3) Any person who does not comply with the requirements of this section shall be guilty of an offence and in addition to any penalty to which he may be liable in respect thereof, neither he nor any person dependent upon him shall

be entitled to any of the benefits which are provided by this Act for a resident of a health district.

20. Every person being a resident of a health district who intends to take up his residence elsewhere shall before so doing notify the secretary of the municipality of his intention.

21.—(1) Upon the completion of any census in any municipality it shall be the duty of the secretary to enter upon a register in alphabetical order the names of all persons included therein, and the register shall be in such form and contain such information as may be prescribed by the regulations, and the secretary shall, as the occasion may arise, strike off the register the names of persons who have ceased to be residents of the municipality and add thereto the names of persons who have become residents of the municipality.

(2) The register shall be kept at the office of the secretary and shall be open to inspection by any person at any reasonable time.

22. Upon the constitution of a medical district—

(a) every municipality wholly or partially included therein shall pay to the Commission in the year in which it is constituted an annual sum of such amount as will equal the amount obtained by multiplying eleven dollars and twenty-eight cents by the number of persons resident in the municipality or the included part of a municipality as at the taking of the first census, and in every subsequent year an annual sum of such amount as will equal the sum obtained by multiplying eleven dollars and twenty-eight cents by the number of persons resident in the municipality or the included part of a municipality as at the first day of January as shown by the register kept pursuant to this Act;

(b) the Provincial Treasurer shall, without any further or other appropriation than is made by this Act, pay to the Commission out of the General Revenue Fund in the year in which it is constituted an annual sum equal to the amount obtained by multiplying three dollars and twenty-two cents by the number of persons resident in the district as at the taking of the census by the municipalities wholly or partially included therein, and in every subsequent year an annual sum of such amount as will equal the amount obtained by multiplying three dollars and twenty-two cents by the number of persons who are shown by the register to be resident in the district as at the first day of January of that year.

23. The annual sums so payable shall be paid by equal quarterly instalments; and the first instalment shall be paid immediately upon the completion of every census required to be made upon the constitution of a district, and all subsequent instalments shall be paid on the first days of January, April, July and October.

24. Every municipality which pays to the Commission any amount payable to the Commission upon the date fixed for the payment thereof shall be entitled to a discount on the amount so payable and paid of two per centum by way of compensation for the expense incurred by the municipality under this Act.

25. In case the Commission receives any money for the purpose of its activities otherwise than by reason of the sums contributed by the Province and municipalities pursuant to this Act, the amounts payable by the Province and municipalities shall be reduced in the case of amounts payable by the Province by a sum equal to two-ninths of the money so received, and in the case of amounts payable by municipalities by a sum equal to seven-ninths.

26. Every person who is employed at salary or wages in and a resident of a medical district shall pay to the municipality in which he resides a monthly sum of two dollars and one cent in the manner hereinafter provided.

27. Every employer of any person at salary or wages who is a resident of a medical district shall pay to the municipality in which the employee resides the monthly sum of eighty-one cents for each such employee employed by him.

28. Every person who casually employs any person who is a resident of a health district shall pay monthly to the municipality in which the employee resides the sum of one-half a cent for every hour during which any such person has been so employed by him.

29. Every person who is a resident of a medical district who is casually employed shall pay monthly to the municipality in which he resides the sum of one cent per hour for every hour during which he is so employed in the manner hereinafter provided.

30. Every income earner of every description other than the wage earners hereinbefore described who is a resident of a medical district shall pay to the municipality in which he resides on demand either the annual sum of thirty-three dollars and eighty-three cents or in each month the monthly sum of two dollars and eighty-two cents.

31. The sums payable by persons who are employed on salary or wages or as casual labourers shall be paid by the employee to his employer as collector for the municipality entitled to the payment in the case of a hiring by the month or any longer period, or in case the employees' wages are payable monthly on the first day of each month commencing with the month following the month in which the district is constituted in case the employment is subsisting at the time

of it being constituted, and in other cases commencing with the month following the month in which the employment commenced.

32. Every employer shall keep a true and correct account of all persons employed by him and of all wages or salary whatsoever earned by or payable to any employee, and in the case of casual employees, the rate of pay and the time worked, and shall produce the same on demand to the secretary of the municipality of which any person employed by him is a resident and to any person authorized by the secretary or by the commission to inspect the same.

33. Every employer shall, before the fifth day of each month, transmit to the secretary of the municipality a return in the form prescribed by the regulations setting out the names and addresses of all persons employed by him, the nature of each person's hiring, the wages payable and in the case of casual employees, the time worked and the rate of pay, and shall at the same time pay to the secretary the amounts payable by him in respect of each employee and the amounts collected by him from each employee.

34. All sums payable by any person under any of the provisions of this Part shall be added to, included in and form part of the taxes payable by that person in respect of land to the municipality under the provisions of *The Town and Village Act*, *The Municipal District Act* or *The Improvement Districts Act, 1927*, as the case may be; and if there are no such taxes payable by that person, the same shall be recoverable by the municipality in any manner in which it is authorized to enforce the payment of taxes levied under the statute applicable thereto.

35. In case a resident of a health district is a contributor to a hospital under the provisions of *The Municipal Hospitals Act*, the amount payable by such resident under this Act in any year shall be reduced by the amount of the hospital contribution paid by him in that year.

36. The municipality shall have a charge upon the lands situate in the Province and owned by any person who is indebted to the municipality for any moneys payable by him to the municipality under this Act, including any money collected or received by him from any other person pursuant to this Act, and may file a caveat in the proper land titles office for the purpose of protecting that charge and upon so doing the charge shall have priority as at the date of the filing of the caveat.

37. Subject to the other provisions of this Act, every resident of a medical district, so long as he continues to be a resident thereof, shall be entitled to receive without charge to him the following benefits:

- (a) Any necessary hospitalization in a public ward;

- (b) Any necessary nursing services;
- (c) Any necessary medical and surgical attention, advice and treatment;
- (d) Any necessary dental attention, advice and treatment;
- (e) The benefit of such laboratory services such as X-ray and biochemical services and such hospital facilities as may be requisite for the purpose of diagnosis;
- (f) All such drugs, medical and surgical supplies and appliances as may be prescribed by the medical practitioner under whose care he is for the time being.

38. Any resident of a medical district who deems himself in need of any of the benefits may consult any medical practitioner or dentist, as the case may be, who carries on his practice in the medical district, and the medical practitioner or dentist so consulted shall be paid by the Commission for his services in the manner according to the tariff and subject to the conditions prescribed by this Act or any conditions prescribed by any regulations made pursuant thereto.

39. No medical practitioner or dentist shall be entitled to receive from the Commission any payment for any services rendered to a person who is not a resident of the district in which he carries on his practice except only in cases where the services are rendered to residents of a health district upon the written request of the medical practitioner or dentist practising in that health district under whose care the resident is.

40. The medical practitioner having charge of a resident patient shall in the first instance decide as to the necessity of any benefit receivable under this Act.

41. In case the resident patient disputes the propriety of any decision made by the medical practitioner, he may appeal to the local advisory board by sending to the secretary thereof notice in writing of his appeal, and thereupon the board shall proceed to make such enquiries into the circumstances as it deems proper and to decide as to the necessity of the benefit.

42. In case any resident patient receives any benefit which the medical practitioner or the board upon appeal deems unnecessary, the liability to pay for any unnecessary benefit shall be the same as if this Act had not been passed.

43. In case any surgical treatment is given by a medical practitioner to any resident patient which appears to the Commission to be unnecessary, the Commission may refer to the professional board of reference or proceed to enquire into the circumstances and if the Commission is satisfied

by that enquiry that the treatment was unnecessary, shall so certify and thereupon the medical practitioner shall not be entitled to any payment in respect of it from the Commission.

44. Every resident who avails himself of any right under this Act shall avoid causing any unnecessary trouble or expense and shall, wherever possible, attend at the office or place at which the practitioner giving the service ordinarily carries on his practice.

45. In every medical district the Commission may make provision for instituting and carrying on the following services for the promotion of the public health of the district:

- (a) Prenatal clinics;
- (b) "Well baby" clinics;
- (c) Clinics for children of pre-school age;
- (d) Clinics for children of school age;
- (e) Periodic complete physical examination of all children in the medical district;
- (f) The control of communicable diseases;
- (g) The control of sanitation in all municipalities or districts in the medical district;
- (h) The control of milk supplies, water supplies, food supplies, sewage disposal, refuse disposal and all other matters pertaining to sanitation;
- (i) Vaccination and inoculation;
- (j) Dental preventive services;
- (k) In general, all services pertaining to the maintenance of community health and disease prevention.

46. For the purpose of providing the said services the Commission may employ the services of a medical officer, a dental officer, a nurse who has had special training in public health work, a secretary technician who has had laboratory training, a sanitary inspector who has had a special training in sanitation, and such other nurses, clerks, officers and employees as it may deem necessary who shall each hold office during the pleasure of the Commission and discharge such duties and receive such remuneration as the Commission may prescribe.

47. In any case in which it appears to the local board of reference that any person has taken up residence in a health district for the purpose of obtaining benefits under this Act and without a *bona fide* intention of becoming a permanent resident of the district, the local board of reference may make such enquiries into the circumstances as it thinks proper, and if it is satisfied that the residence was so taken up, may declare such person to be not a resident of the district and to be disqualified for any benefits under this Act until the local board of reference orders to the contrary or the expiration of six months from the time when the residence was first taken up, whichever event first happens.

48. In any case in which it is made to appear to the Commission that any medical or other practitioner habitually provides residents with unnecessary attention or treatments or hospitalization or nursing services or supplies, the Commission may either refer the matter to the professional board of reference for investigation or may itself enquire into the matter, and if it is satisfied either by the report of the professional board of reference or by its own enquiry that a medical or other practitioner has been habitually providing unnecessary treatments or hospitalization or supplies, it may by order declare that such practitioner shall not be entitled thereafter to receive any remuneration from the Commission pursuant to this Act.

49.—(1) The Commission may from time to time, with the approval of the Lieutenant Governor in Council, make regulations—

- (a) prescribing the procedure to be followed in any proceeding authorized by this Act;
- (b) defining the extent of the benefits or of any benefits to which any resident shall be entitled to receive under this Act and excluding therefrom any specified service, treatment or the supply of any specified appliance;
- (c) with respect to any matter or thing arising out of or in the course of the administration of this Act, and providing for any event or contingency for which no express provision is made having regard to the intent and purpose of this Act.

(2) Every regulation made pursuant to this section shall be published in *The Alberta Gazette* and shall take effect upon publication or upon such date thereafter as may be specified for that purpose, and a copy of any regulations so made shall be laid before the Legislature within fifteen days after the commencement of the session thereof which follows next after the date of the making of the regulations.

50. All moneys received by the Commission on account of any medical district shall be dealt with by the Commission as follows:

- (a) Two per centum of all moneys received on account of each medical district shall be appropriated for and paid into and kept in a separate contingency fund for each medical district which shall be used only for the purpose of dealing with emergencies or other unusual conditions arising in the district;
- (b) A sum not in excess of ten per centum of all moneys received on account of all medical districts shall be appropriated for the purpose of defraying the lawful expenses of the Commission; and
- (c) the balance of all moneys received on account of each medical district shall be available for the purpose of paying any sums payable under this Act in respect of any resident of the medical district.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

BILL

An Act respecting Health Insurance.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935