

2018 Bill 30

Fourth Session, 29th Legislature, 67 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 30

MENTAL HEALTH SERVICES PROTECTION ACT

THE MINISTER OF HEALTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 30

2018

MENTAL HEALTH SERVICES PROTECTION ACT

(Assented to , 2018)

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Schedule

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

Interpretation

1 In this Act,

- (a) "addiction" means a behaviour or use of a substance that results in a physical or psychological dependence and continues despite the negative effects;

- (b) “director” means a director designated under section 22;
- (c) “employee” means an individual engaged to provide services on a full-time or part-time basis as a paid or unpaid employee, consultant, contractor or volunteer;
- (d) “health information” means health information as defined in the *Health Information Act*;
- (e) “inspector” means an inspector designated under section 23;
- (f) “mental disorder” means a mental disorder as defined in the *Mental Health Act*;
- (g) “Minister” means the Minister of Health;
- (h) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (i) “record” means record as defined in section 1(q) of the *Freedom of Information and Protection of Privacy Act* and includes books, accounts, client records and the records that are required to be created and maintained under this Act;
- (j) “regulated member” means an individual who provides services and is registered under section 33(1)(a) of the *Health Professions 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

- (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;
- (n) "substitute decision maker", in respect of an individual, means a person legally authorized to make specific decisions on behalf of the individual;
- (o) "unregulated individual" means an individual who provides services and is not registered under section 33(1)(a) of the *Health Professions Act*.

Part 1 Service Providers

Requirements

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

(2) Where a service provider engages regulated members or unregulated individuals to provide services as employees, the service provider shall ensure that the employees comply with any requirements specified in the regulations.

Requirements for residential addiction treatment services

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.

Information and reporting duties and publication

4(1) For the purposes of this Act, a service provider shall, as required by the regulations,

- (a) create records and retain and manage the records, and
- (b) provide reports to a director.

(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.

Licensing

Licence required

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.

(2) No person shall offer or provide services except as authorized by a licence issued by a director.

(3) Subsection (2) does not apply to an individual employed by a licensee in respect of services provided in the individual's capacity as an employee of the licensee.

(4) A licence is not transferable by the licensee to any other person.

(5) A licensee shall comply with the terms and conditions of the licence issued to the licensee, including any conditions or changes referred to in sections 6, 7 and 9.

Application for licence, amendment or renewal

6(1) Subject to the regulations, a service provider to whom section 5 applies may apply to a director for a licence, the amendment of a licence or the renewal of a licence.

(2) An application must be in the form approved by the director and must, subject to the regulations, contain the information required by the director.

(3) Subject to the regulations, a director may, in respect of an application under subsection (1),

- (a) issue or renew a licence, including imposing any terms or conditions,
- (b) amend a licence or a term or condition of a licence, or
- (c) refuse to issue, amend or renew a licence.

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

- (a) if the director is not satisfied that the applicant is capable of providing services in accordance with this Act or the regulations,
- (b) if the director is satisfied that the applicant has made a false statement in the application or in any information provided to the director in support of the application, or
- (c) for any other reason prescribed by the regulations.

(5) If a director refuses to issue, amend or renew a licence, or issues or renews a licence with terms or conditions, the director shall at that time provide to the applicant

- (a) written reasons for the decision, and
- (b) a statement in writing informing the applicant of the right to appeal the decision in accordance with section 19.

(6) A person who

- (a) has been refused a licence, or a renewal of a licence under subsection (3)(c), or
- (b) has had a licence cancelled under section 9(1),

is ineligible, for a period of 2 years after the date of the refusal or cancellation, to apply for a new licence.

(7) The duration of a licence must be set by the director and must not be more than 4 years.

Licence information

7(1) A licence issued or renewed under section 6 must indicate the following:

- (a) the name of the licensee;
- (b) the location of any facilities, other than a mobile facility, at which the licensee is authorized to offer or provide services;
- (c) the description of any mobile facilities from which the licensee is authorized to offer or provide services;
- (d) whether the licensee is authorized to offer or provide services at a client's place of residence or at any other location other than a facility referred to in clause (b) or (c);
- (e) the services authorized to be offered or provided and any restrictions applicable to the offering or provision of the services by the licensee;
- (f) the terms and conditions to which the licence is subject;
- (g) the date the licence expires;
- (h) any further information required by the regulations.

(2) A licensee shall, in accordance with the regulations, if any, promptly notify a director of any change in the information provided in the application referred to in section 6 or indicated in a licence.

(3) After receiving the notice referred to in subsection (2), a director may

- (a) issue an amended licence to reflect a change in the information referred to in subsection (2), other than a term or condition of the licence, or

- (b) require the licensee to make an application under section 6.

Posting of licence

8(1) Unless a director specifies otherwise, a licensee shall post a copy of the licence issued to the licensee and any terms or conditions to which the licence is subject

- (a) in a clearly visible and prominent place in every facility to which the licence pertains, and
- (b) on the website, if any, of the licensee,

or in the place and manner required by the director.

(2) If a director specifies that a licence is not required to be posted, the licensee shall keep the licence in a place where it is accessible for viewing on request.

Amendment, suspension or cancellation of licence

9(1) When a director is of the opinion, as the result of an inspection or investigation, that a licensee has contravened

- (a) this Act or the regulations, or
- (b) an order issued under section 16 or 17,

the director may, on 45 days' notice in writing to the licensee, amend, suspend or cancel the licence.

(2) A director shall, subject to the regulations, in the case of an amendment, suspension or cancellation under subsection (1)(a), notify the licensee of the right to appeal the amendment, suspension or cancellation in accordance with section 19.

(3) When a notice has been given under subsection (1), the licensee shall post the notice of the amendment, suspension or cancellation of the licence in a manner determined by the director.

(4) If a director amends the licence, the director shall issue an amended licence to the licensee.

Surrender of licence

10 If a director cancels a licence or a licensee ceases to offer or provide the services authorized by the licence,

- (a) the licensee shall surrender the licence to a director within the time and in the manner required by the director, and
- (b) the licensee or any other person in possession of the records that the licensee is required to create and maintain under this Act, if required by a director to surrender records, shall surrender them to the person and in the manner required by the director.

Duty to notify

11 A licensee who knows or has reasonable grounds to believe that a situation exists that is or may be injurious to the safety or health of the clients of the licensee or that would jeopardize the ability of the licensee to provide the services authorized by the licence shall immediately notify a director.

Part 2 Inspections, Investigations, Enforcement and Appeals

Inspections and Investigations

Inspection and investigation

12(1) For the purposes of ensuring compliance with this Act, the regulations or an order issued under this Act, an inspector or a person authorized in writing by the inspector may at any reasonable time enter, without a warrant, any facility or other location at which a licensee is authorized to offer or provide services or any other premises or place being used in connection with the provision of services by a service provider, other than a private dwelling, to conduct an inspection.

(2) Subject to subsection (3), where an inspector has reasonable grounds to believe that a person has contravened this Act, the regulations or an order issued under this Act in relation to a contravention of this Act or the regulations and that evidence of the contravention will be found in or on any premises or place, the inspector or a person authorized in writing by the inspector may, at

any reasonable time, enter, without a warrant, the premises or place to conduct an investigation.

(3) An inspector shall not enter a private dwelling to conduct an investigation except with the consent of the occupant of the private dwelling or under the authority of a warrant obtained pursuant to section 14.

(4) On entering any premises or place,

- (a) an inspector must carry identification in the form established by the Minister and present it on request to the owner or occupant of the premises or place that is the subject of the inspection or investigation, and
- (b) a person authorized in writing by the inspector must carry the written authorization and identification approved by the Minister and present them on request to the owner or occupant of the premises or place that is the subject of the inspection or investigation.

(5) In carrying out an inspection or investigation, an inspector may, at any reasonable time,

- (a) require the production of any records relevant to the inspection or investigation and examine them, make copies of them or remove them temporarily for the purpose of making copies,
- (b) inspect and take samples of any material, product or thing relevant to the inspection or investigation that is being used or found in or on the premises or place,
- (c) perform tests, take photographs or make recordings relevant to the inspection or investigation, and
- (d) make inquiries of any person with respect to matters relevant to the inspection or investigation.

(6) In carrying out an inspection or investigation, an inspector is entitled to access to electronic data processing equipment at or in respect of the premises or place that is relevant to the inspection or investigation and any person who has custody or control of the equipment shall assist the inspector with the use of the equipment.

(7) An inspector may interview employees and clients of a service provider and any other person who may have information relevant to the inspection or investigation.

(8) When an inspector removes any records under subsection (5)(a), the inspector shall

- (a) give a receipt for those records to the person from whom those records were taken,
- (b) make any record available to the person from whom it was taken on request and at a time and place that is convenient for the person and for the inspector, and
- (c) promptly return the records to the person from whom they were taken when those records have served the purposes for which they were taken.

(9) When an inspector takes samples of any material, product or thing under subsection (5)(b), the inspector shall

- (a) give a receipt for those samples to the person from whom those samples were taken, and
- (b) on that person's request, promptly return those samples to that person when those samples have served the purposes for which they were taken.

(10) A service provider or an employee of a service provider shall provide to an inspector, on request, a complete list of names and contact information of clients of the service provider and, where applicable, the names and contact information of each client's substitute decision makers.

(11) An inspector shall inform the person who is the subject of the inspection or investigation and any other person the inspector considers appropriate of the results of an inspection or investigation.

(12) An inspector may, as the inspector considers appropriate, request the assistance of a peace officer when exercising powers or carrying out duties under this section.

Obstructing an inspection or investigation

13 No person shall

- (a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection or investigation under this Part, or
- (b) provide an inspector with false information on matters relevant to an inspection or investigation under this Part.

Enforcement and Appeals

Warrant

14 Where a justice of the peace or judge of the Provincial Court is satisfied by information on oath by an inspector that there are reasonable grounds to believe that a person has contravened this Act, the regulations or an order issued under this Act and that evidence of that offence is likely to be found, the justice of the peace or the judge of the Provincial Court may issue a warrant to authorize an inspector to do either or both of the following:

- (a) enter and search any place or premises named in the warrant;
- (b) seize and remove anything that may be evidence of an offence under this Part.

Application to Court

15(1) If any person prevents an inspector from exercising powers under section 12 or obstructs or hinders the inspector in the exercise of those powers, a judge of the Provincial Court may on the application of the inspector make any order that the judge considers necessary to permit the inspector to conduct an inspection or investigation or exercise those powers.

(2) An application under subsection (1) may be made ex parte if the judge considers it appropriate in the circumstances.

Inspector's order

16(1) Where an inspector is of the opinion that this Act or the regulations have been or are being contravened, the inspector may, in writing, do one or more of the following:

- (a) inform a director of the contravention;

- (b) order a service provider or any other person to take the measures as specified in the order within the period specified in the order;
- (c) order the service provider or any other person to do one or more of the following, either permanently or for the period specified in the order:
 - (i) cease the contravention as specified in the order;
 - (ii) stop any activity as specified in the order either permanently or for the period specified in the order;
 - (iii) stop, as specified in the order, either permanently or for the period specified in the order,
 - (A) offering or providing services at one or more facilities or other locations specified in the order, or
 - (B) offering or providing one or more services specified in the order.

(2) Where, in the opinion of the inspector, it is necessary, the inspector may issue the order orally.

(3) As soon as is reasonably possible after issuing an oral order under subsection (2), the inspector shall serve a written version of the order in accordance with subsection (6).

(4) The inspector may post or direct that an order issued under subsection (1) or a notice of the requirements of an order issued under subsection (2) be posted in a particular place.

(5) An order must contain the reasons for making it.

(6) Not more than 48 hours after issuing an order, the inspector shall cause a copy of it to be served on the person to whom it is directed.

(7) An order served on a person under this section must inform the person of the right to appeal the order in accordance with section 19.

Court order

17(1) If the person to whom an order under section 16 is directed fails to comply with the order, the inspector may, notwithstanding that the person has served a notice of appeal under section 19, apply to the Provincial Court and the Court may issue an order directing

- (a) the person to comply with the order,
- (b) any peace officer to assist the inspector and other persons referred to in subsection (2)(b) in enforcing their powers and performing their duties under subsection (2)(b), and
- (c) any other relief in respect of matters coming under this Act that the Court considers appropriate in the circumstances.

(2) If the person to whom an order of the Court under subsection (1) is directed fails to comply with the order, following service of a copy of the order of the Court,

- (a) the failure to comply with the order may be dealt with by the Court as a civil contempt of the Court,
- (b) any person authorized by the inspector for the purpose and any other persons assisting that person may, without further permission of the Court and without incurring liability for it, enter the premises or place and take any actions that are necessary to carry out the order, and
- (c) the inspector may recover by action any expenses incurred under clause (b) in carrying out the order from the person to whom the order is directed.

Administrative penalties

18(1) If a director is of the opinion that a person

- (a) has contravened this Act or the regulations, or
- (b) has contravened an order made under this Act,

the director may, by notice in writing given to the person, require the person to pay to the Crown an administrative penalty in the amount set out in the notice.

(2) The amount of the administrative penalty must not exceed

- (a) \$10 000 for each contravention, or
- (b) for a contravention that continues for more than one day, \$10 000 for each day or part of a day on which the contravention occurs or continues to a total that does not exceed \$100 000.

(3) A person who pays an administrative penalty in respect of a contravention shall not be charged under this Act with an offence in respect of the same contravention that is described in the notice of administrative penalty.

(4) A notice of administrative penalty may be given within 2 years after the alleged contravention occurs, but not afterwards.

(5) Subject to the right to appeal, where a person fails to pay an administrative penalty in accordance with the notice of administrative penalty and this Act, the Minister may file a copy of the notice of administrative penalty with the clerk of the Court of Queen's Bench and, on being filed, the notice has the same force and effect and may be enforced as if it were a judgment of the Court of Queen's Bench.

Appeal

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

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.

(2) The Minister shall, within 30 days after being served with the notice of appeal, appoint an appeal panel consisting of 3 individuals to hear the appeal.

- (3) The Minister shall designate one of the members of the appeal panel as chair.
- (4) The Minister may set the time within which the appeal panel is to hear an appeal and render a decision and the Minister may extend that time.
- (5) An appeal panel may, by order, confirm, revoke or vary 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.
- (7) A decision of the appeal panel under this section is final.

Service of notice or order

20 When an order is issued under section 16 or 17, a notice of administrative penalty is given under section 18 or an order is issued by an appeal panel under section 19, that order or notice, as the case may be, may be served

- (a) by personal service,
- (b) by any form of mail that requires a receipt in acknowledgment of delivery if the post office receipt is signed by the person to whom the notice or order is directed or by a person on behalf of that person, or
- (c) in any manner provided for by the regulations.

Offences and penalties

21(1) A person who contravenes this Act, the regulations or an order issued under this Act is guilty of an offence and liable

- (a) to a fine of not more than \$100 000, and

(b) in the case of an offence that occurs or continues for more than one day, to a further fine of not more than \$100 000 per day for each day or part of a day that the contravention occurs or continues after the first day.

(2) Where a corporation commits an offence under this Part, any officer, director or agent of the corporation who directed, authorized, acquiesced in, assented to or participated in the commission of the offence is guilty of the offence and liable

(a) to a fine of not more than \$100 000, and

(b) in the case of an offence that occurs or continues for more than one day, to a further fine of not more than \$100 000 per day for each day or part of a day that the contravention occurs or continues after the first day,

whether or not the corporation has been prosecuted for or convicted of the offence.

(3) In the prosecution of an offence under this Part, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused while acting in the course of being engaged as an employee or agent, whether or not the employee or agent has been prosecuted for the offence.

(4) No prosecution may be commenced under this section later than 2 years after the alleged contravention.

Part 3 Administration, Information, Immunity and Regulations

Designation of director

22(1) The Minister may, by order, designate one or more employees of the Government as a director for the purposes of this Act.

(2) A director designated under subsection (1) may, in writing, delegate to any person any of the duties imposed or powers conferred on a director under this Act, including the power to form an opinion.

(3) A director has all the powers of an inspector under this Act.

Designation of inspectors

23 A director may designate one or more individuals as inspectors for the purposes of this Act.

Ministerial direction

24(1) The Minister may, by order, give directions to a service provider or any other person for the purposes of this Act where the Minister considers it to be

- (a) in the public interest, or
- (b) appropriate for the purpose of providing for matters related to health or safety.

(2) A service provider or other person to whom a direction is given shall comply with the direction.

Authority to require, collect, use and disclose information

25 Subject to the regulations, a director or an inspector may, for the purposes of enforcing this Act or providing for continuity of services for clients in the event that a service provider ceases to provide services to the clients or ceases to be authorized to provide services to the clients,

- (a) require a service provider or other person to provide information, including personal information and individually identifying health information, and
- (b) collect, directly or indirectly, use and disclose personal information and individually identifying health information.

Protection from liability

26 No action lies against the Minister, a director, an inspector or anyone acting under the authority of any of them for anything done or omitted to be done in good faith in exercising powers or authority or carrying out duties, responsibilities or functions under this Act.

Regulations

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

- (a) defining any word or term used but not defined in this Act;
- (b) prescribing or describing service providers or classes of service providers that require a licence;
- (c) exempting persons and service providers, or classes of them, from the application of this Act or the regulations or any provision of this Act or the regulations;
- (d) respecting requirements for facilities and other locations at which services are provided;
- (e) regulating or prohibiting services or classes of services;
- (f) respecting service contracts for the provision of services;
- (g) respecting the duties and responsibilities of a licensee and the licensee's employees for the purposes of Part 1;
- (h) respecting requirements for service providers or members of classes of service providers;
- (i) respecting requirements for employees referred to in section 2(2);
- (j) respecting licences under Part 1, including, without limitation, regulations respecting
 - (i) applications for licences, amendments or renewals,
 - (ii) the terms or conditions to which a licence may be subject,
 - (iii) the issuance, renewal or amendment of a licence or the amendment of a term or condition of a licence,
 - (iv) any further information required for the purpose of section 7(1)(h),
 - (v) the persons required, eligible or ineligible to apply,
 - (vi) the types of licence that may be issued,
 - (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;
- (k) respecting the notice of change in a licensee's information to be provided under section 7;
- (l) respecting the circumstances in which a director may amend, suspend or cancel a licence for the purposes of section 9(1)(b);
- (m) respecting the notice of an amendment, suspension or cancellation of a licence that a director must provide for the purposes of section 9(2);
- (n) respecting records that a licensee, service provider or other person is required to create, maintain and submit for the purposes of this Act;
- (o) respecting the reporting referred to in section 4(1);
- (p) respecting the publication of information or the provision of information to the public respecting service providers for the purposes of section 4(2);
- (q) respecting the identification for inspectors referred to in section 12(4);
- (r) respecting administrative penalties;
- (s) respecting appeals;
- (t) respecting fees that may be imposed for the purposes of this Act;
- (u) respecting the service of a notice or order under section 20;
- (v) respecting the collection, use and disclosure of information, including personal information and individually identifying health information, for the purposes of this Act.

(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).

(3) Where a code, standard or body of rules is incorporated or adopted by a regulation made under subsection (1), the Minister shall ensure that a copy of the standard or document is readily available to the public.

Part 4 Transitional, Related Amendments and Coming into Force

Transitional

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.

Amends RSA 2000 cH-7

29(1) The *Health Professions Act* is amended by this section.

(2) Section 128 is amended by adding the following after subsection (11):

(12) No person shall use the word “psychotherapist” alone or in combination with other words in connection with providing a health service unless the person is authorized to use the word pursuant to Schedule 3.1, 21 or 22.

(3) The Schedules are amended by adding the following after Schedule 3:

Explanatory Notes

29(1) Amends chapter H-7 of the Revised Statutes of Alberta 2000.

(2) Section 128 presently reads in part:

(11) No regulated member shall use the term "specialist" or hold himself or herself out to be a specialist in connection with providing a health service unless the regulated member is authorized to use the term "specialist" by a Schedule to this Act or by a regulation made under section 131 or by a bylaw made under section 132 or as otherwise authorized by a council.

(3) Schedule 3.1 Profession of Counselling Therapists, Addiction Counsellors and Child and Youth Care Counsellors.

Schedule 3.1

Profession of Counselling Therapists, Addiction Counsellors and Child and Youth Care Counsellors

Continuation of corporation

1 On the coming into force of this Schedule, the society incorporated under the *Societies Act* known as the Association of Counselling Therapy of Alberta is continued as a corporation under the name College of Counselling Therapy of Alberta.

Use of titles, etc.

2 A regulated member of the College of Counselling Therapy of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

- (a) counselling therapist;
- (b) psychotherapist;
- (c) addiction counsellor;
- (d) drug and alcohol counsellor;
- (e) child and youth care counsellor;
- (f) provisional counselling therapist;
- (g) provisional addiction counsellor;
- (h) provisional child and youth care counsellor;
- (i) CT;
- (j) CT(P);
- (k) AC;
- (l) AC(P);
- (m) CYCC;
- (n) CYCC(P).

Practice

3(1) In their practice, counselling therapists do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat individuals or groups of individuals to enhance, maintain and promote health and wellness;
- (b) engage in education with respect to the practice of counselling therapy;
- (c) engage in research related to the practice of counselling therapy;
- (d) provide restricted activities authorized by the regulations.

(2) In their practice, addiction counsellors do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat individuals or groups of individuals with addictions to enhance, maintain and promote health and wellness;
- (b) engage in education with respect to the practice of addiction counselling;
- (c) engage in research related to the practice of addiction counselling;
- (d) provide restricted activities authorized by the regulations.

(3) In their practice, child and youth care counsellors do one or more of the following:

- (a) within a counselling relationship, assess, guide, support and treat children, youth and their families to enhance, maintain and promote health and wellness;
- (b) engage in education with respect to the practice of child and youth care counselling;
- (c) engage in research related to the practice of child and youth care counselling;

- (d) provide restricted activities authorized by the regulations.

Fines

4 Column 2 of the unprofessional conduct fines table applies to proceedings of the College of Counselling Therapy of Alberta under Part 4.

(4) Schedule 21 is amended in section 2 by adding the following after clause (vvvv):

(www) psychotherapist.

(5) Schedule 22 is amended in section 2 by adding the following after clause (a):

(a.1) psychotherapist;

Coming into force

30(1) This Act, except Parts 1 and 2, section 29 and the Schedule, comes into force on January 1, 2019.

(2) Parts 1 and 2 and the Schedule come into force on November 1, 2019.

(3) Section 29 comes into force on Proclamation.

Schedule
Requirements Respecting Residential Addiction
Treatment Service Providers and Services

Definitions

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;

(4) Section 2 of Schedule 21 presently reads in part:

2 A regulated member of the College of Physicians and Surgeons of Alberta may, as authorized by the regulations, use any of the following titles, abbreviations and initials:

(vvvv) PA.

(5) Section 2 of Schedule 22 presently reads:

2 A regulated member of the College of Alberta Psychologists may, as authorized by the regulations, use any of the following titles:

(a) psychologist;

(c) provisional psychologist;

(d) associate psychologist.

30 Coming into force.

- (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.

**Consent, service contract policy
and procedure requirements**

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.

Service contract requirements

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.

Other policy and procedure requirements

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.

Critical incident reporting

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.

Record creation, maintenance and retention

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;

- (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.

Duty to train

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.

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