

December 17, 2007

An Open Letter from Minister Hancock to Self-Regulated Health Professionals

Bill 41, the *Health Professions Statutes Amendment Act, 2007*, passed Third Reading in the Legislative Assembly on December 5, 2007 and received Royal Assent on December 7, 2007.

Bill 41 amends the *Health Professions Act* (HPA) and the *Medical Profession Act* to clarify mandatory reporting requirements for health professionals with respect to public health issues, facilitate bringing smaller or emerging health professional colleges under the HPA, and ensure government has the necessary legislative and regulatory authority to meet increasing public expectations for accountability in the health care system.

It reflects the public expectation that partners in the health care system will work together, in the public interest, to ensure public safety, patient safety and quality of care.

The bill was the subject of much public consultation. Bill 41 was one of the first bills to benefit from the all-party Standing Committee process which took place over several months. The committee received 35 written submissions—the vast majority from health professional regulatory bodies. After considering the bill and all written and oral submissions, the Standing Committee on Community Services recommended that the bill proceed in the fall sitting of the Legislature.

In addition to the Committee process, ongoing discussions were held with a number of colleges to identify concerns and possible amendments. As a result, government introduced a number of substantive house amendments to clarify the bill's intent, as follows:

- The authority under the legislation to issue a direction to a college or to implement a regulation will be a Cabinet responsibility that may be exercised on a recommendation from the Minister. This will ensure a higher level of discussion before any action is taken, and that any action taken is made public immediately to allow for review.
- Direction can only be made following consultation with the affected college in accordance with the regulations. No action under authority of the legislation will be contemplated until every effort has been made to have all parties clearly understand the issues needing to be addressed and try to resolve concerns appropriately within existing structures.

Together, these two provisions recognize that common standards of practice must apply in the health care system and across the professions. They also support current work to implement province-wide infection prevention and control standards. Most importantly, they recognize that health care professionals are more than ever going to be working in interdisciplinary teams at all levels, and will be working in facilities with increasing levels of acuity and complexity. Public confidence requires that health professionals and health regions work cooperatively and that responsibility is shared in an appropriate and understandable manner.

None of these amendments affect existing self-regulating privileges granted to health professionals in our province. The underlying principles of self-regulation are clearly understood and accepted. As a professional myself, I definitely support and uphold professional self-regulation. However, our first and common duty must continue to be the safe and accountable provision of health services to the public.

- At the request of several colleges, references in the direction and regulatory provisions to “codes of ethics” were removed. These provisions will still apply to matters of public interest, health, safety or quality assurance and may be addressed through standards of practice, bylaws, or regulations.
- The provision for government support to be provided to a health professional college was clarified as applying to situations where a college requires support in carrying out its powers and duties and it is in the public interest to provide the support.
- A consultation component has been included in the provision that enables a variation to be made to the requirements of the Act, as may be required to accommodate the circumstances of a college. The amendments providing for support to colleges and the ability to vary the Act’s application to colleges is required to accommodate smaller colleges as they transition to the *Health Professions Act*.
- Any steps taken by government will be based on consultations with the colleges, will be a matter of public record and will be published in the Alberta Gazette.

Bill 41 does not change the role and responsibility of health professionals or their colleges to self-govern in the public interest. While the focus of colleges is on the governance of their members, the government’s responsibility is system-wide oversight. The two other provinces with similar health professions legislation include provisions to allow for government oversight.

Importantly, Bill 41 recognizes that in a multi-disciplinary health system, no one college has the authority to address all matters regarding patient safety and quality of care. Regulation of the health care system is a shared responsibility among various parties, including the regulatory bodies, the regional health authorities and government.

Over the years, since long before I was elected to government, and most certainly since before I was appointed Minister of Health and Wellness, I have been and remain a strong advocate for health professionals and professions. I will continue to fulfill that role and work to ensure that health professionals can maximize the quality of their professional lives by being able to practice to the full extent of their training, education and expertise. Implementation of primary care networks, multidisciplinary practices and teams, improved emergency rooms, and many other important priorities remain on the agenda and will only be successfully addressed through collaboration between the professions and the ministry. We have much to do together.

Thank you for taking the time to read this letter. I wish you and your families the most joyous and peaceful of holidays.

Yours truly,

Dave Hancock, Q.C.
Minister