

*The following document provides a brief overview of the legislative framework for the governance and delivery of Emergency Medical Services (EMS) in the province. Wherever the term registrar is used in this document, it refers to the Alberta Health and Wellness appointee designated for the purposes of this Act. If you have any questions regarding this overview please contact Jim Garland at 780-422-9632 or by e-mail at jim.garland@gov.ab.ca.*

## **Emergency Health Services Act**

### **Overview**

#### **Introduction**

This document provides an overview of the legislative framework for the governance and delivery of emergency health services in the province. This will include a new *Emergency Health Services Act* (EHSA) to replace the *Ambulance Services Act*, as well as supporting regulations, standards and policies.

The new legislation reflects and enables the implementation of the government’s decision to transfer the governance of ambulance services to the provincial health authority, and provides a framework for regulations and standards that support a broader range of emergency health services which are integrated into the health system.

More information about the proposed regulations and standards will be provided in the coming months, and stakeholders will have an opportunity to provide input into their development.

#### **Scope**

Current ambulance legislation establishes a licensing regime for ambulances. The governance provisions in the Act pertaining to “ambulance districts” have never been brought into force.

While many of the existing requirements for the operation of ambulances will remain largely unchanged, the new legislation is prospective in nature and is designed to allow for alternative ways of delivering emergency health services.

Emergency health services in the context of the proposed framework include those services traditionally provided by ambulance attendants including assessment, stabilization, treatment, and transportation. In addition, provision will be made for regulations respecting inter-facility patient transfer services as well as services provided by first responders. The scope of the legislation does not include emergency health services that are traditionally provided in a hospital emergency department or urgent care centre.

## Emergency health services system

The EHSA will require the health authority to establish a system of emergency health services in accordance with the Act and regulations and a plan which must be approved and may be amended by the Minister. The health authority becomes responsible for discharging its duties under the Act on the date the Minister approves the plan.

While the health authority will be responsible for the delivery of services, they may enter into agreements to do so. The Minister may prescribe a form or specify terms or conditions for these agreements.

## Registrar

The Minister will appoint a Registrar, who will continue to be responsible for issuing and renewing ambulance operator's licences and for maintaining a register of all ambulance operators licensed under the Act.

The Registrar function will remain an important part of the regulatory framework and important for provincial accountability and oversight. As the health authority will be directly providing or contracting to provide services, it would put the authority in a conflict of interest to also license ambulances. This function will remain with the province.

## Licensing

Licensing and appeal requirements will remain essentially as they are today under the *Ambulance Services Act*, with the exception that the maximum term of an ambulance operator's licence may be increased from the current three years to five years.

The Act will prohibit anyone from operating an ambulance operation without a valid operator's licence.

Additionally, an ambulance operator must have an agreement with the health authority or the Minister to provide ambulance services, and must comply with all terms and conditions of the licence and agreement.

In addition to the current authority of the Registrar to revoke, amend or suspend a licence, the Registrar will be enabled to impose conditions on a licence. The ability to impose and modify licence conditions will allow enforcement initiatives to be more finely tuned to address specific problems rather than the current "all or nothing" suspension provisions. By providing for a more measured response to regulatory issues, unnecessary disruption of general services to the public and to the specific operator's broader ambulance services may be avoided.

## Dispatch centre

The health authority must establish a system for coordinated dispatch. While some flexibility is enabled in the Act, the details of how the health authority plans to establish a coordinated dispatch system will be set out in the emergency health services plan that the Minister must approve. Additional requirements for dispatch centres will be set out in regulation.

## **Ambulance attendants**

The Act will prohibit a person from acting as an ambulance attendant or employing a person as an ambulance attendant unless they meet the requirements that will be established in regulation.

The current requirement for an ambulance operator to respond to a request to provide emergency health services continues, unless providing the services would result in imminent danger to the ambulance attendant or the ambulance operator or attendant is not qualified to provide the service. Where a service is refused, the attendant must inform dispatch immediately.

An ambulance attendant will be authorized to use forcible entry to a premise to provide emergency health services where the attendant is of the opinion that immediate attention is required to provide for the safety of the person requiring the services.

This will remove a current barrier and allow ambulance attendants to provide immediate emergency assistance when required. This need was raised by the Alberta Urban EMS Chiefs.

As in the previous Act, an ambulance operator shall ensure that emergency health services are provided by ambulance attendants who meet the requirements of the legislation.

## **Inspection**

Current inspection authority will be clarified and enhanced to ensure that inspectors may carry out their responsibilities effectively and efficiently, without unduly affecting private business interests. In addition to conducting routine inspections to determine compliance with the Act and regulations, inspectors may also be appointed to conduct investigations in response to complaints that are received or on the Minister's initiative.

Following an inspection or an investigation, the Registrar and the owner or operator of the place that was the subject of the inspection or investigation will receive a report. Upon review of the report the Registrar may take further action if required such as requesting additional information or further investigation or revoking, suspending or imposing terms or conditions on a licence.

## **Appeal**

A decision of the Registrar may be appealed. An appeal panel to be appointed by the Minister will hear appeals. The decision of the appeal panel will be final.

## **Offences**

Penalties under the new Act will be increased. A person who contravenes the Act or a regulation is guilty of an offence and liable, in the case of an individual, to a fine of not more than \$10,000, up from \$5,000. In the case of a corporation, the fine is not more than \$100,000, up from \$10,000.

A prosecution of an offence under the Act shall not be commenced more than two years after the date on which the alleged offence occurred.

## Liability protection

Liability protection is continued for the Minister and for those responsible for the administration and execution of duties under the Act. Liability protection is an important aspect enabling those responsible for the implementation and administration of a new emergency health service system to undertake their responsibilities in good faith.

## Minister's authority

In accordance with the authority currently established under the *Ambulance Services Act*, the Minister will continue to be enabled to do anything considered necessary to promote, facilitate and ensure the provision of emergency health services in Alberta. This authority will continue and apply to the new scope of emergency health services.

The Minister may impose service requirements, standards, protocols or guidelines; may request any information from a health authority or ambulance operator; and may in the public interest, exempt any person from the requirements of the Act.

The scope and magnitude of the transition will require a number of tools to be available to ensure that services can be implemented by a number of means and that government has flexibility to respond to issues that may arise once the Act comes into force.

A new, provincially led system requires Ministerial ability to direct, enter into agreements regarding and provide for the system.

A health authority or ambulance operator will be required to provide to the Minister any information requested by the Minister in the form and manner requested.

## Crown's right of recovery

As in the previous Act, the Crown in right of Alberta may recover the Crown's cost of emergency health services under Part 5 of the *Hospitals Act*.

## Regulation making authority

Lieutenant Governor in Council regulation making authority is provided for regulations defining first response operation and respecting the use of first response operations to respond to requests for emergency health services, including regulations requiring first response operators to register with the Registrar.

Today, a number of first response operators, such as municipal fire departments or vehicles used to meet occupational health and safety requirements, respond to requests for emergency services. While these services remain with the municipalities and will not be licensed under the proposed new Act, the intent is to enable better coordination of the array of services that are currently used in the system to ensure the best possible response to a request for services.

Ministerial regulation making authority will remain largely unchanged from the current *Ambulance Services Act*. These regulations will establish the requirements needed to provide for the safe and effective operation of an emergency health response system, including requirements for ambulance attendants, ambulances and dispatch centres. Regulation making authority is broad to enable the Act to facilitate and regulate an emergency health services system that evolves over time.

## **Transitional provisions**

The EHSA includes transitional provisions and regulation-making authority in order to ensure the proper transfer of authority for emergency health services to the health authority and the continued operation of ambulance services in a manner that minimizes disruption in the transition period.

## **Consequential amendments**

### **Municipal Government Act**

Consequential amendments will be required to the *Municipal Government Act* to remove the specific provisions which allow for municipalities to provide exclusive ambulance services. Under the new governance structure, ambulance services may only be provided by a health authority or by third parties through contracts with a health authority. This requirement is essential to developing a coordinated system of emergency health services in the province.

### **Health Information Act**

Amendments to the *Health Information Act* (HIA) will also be required to bring ambulance operators and ambulance attendants under the HIA. In keeping with the concept that emergency health services are health services, ambulance operators and ambulance attendants should be custodians under the HIA and subject to the same privileges and responsibilities as other health service providers.

Other minor consequential amendments will be made to reflect the change in name of the new statute.

### **Coming into force**

The Act will come into force upon proclamation.