



Province of Alberta

# **PERSONS WITH DEVELOPMENTAL DISABILITIES SERVICES ACT**

Revised Statutes of Alberta 2000  
Chapter P-9.5

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Persons with Developmental Disabilities Services Act* that are filed as Alberta Regulations under the Regulations Act.

Alta. Reg.	<i>Amendments</i>
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#### Persons with Developmental Disabilities

##### Services Act

Developmental Disabilities .....	230/2013	.....	26/2018
Persons with Developmental Disabilities			
Safety Standards Repeal .....	46/2016		
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# **PERSONS WITH DEVELOPMENTAL DISABILITIES SERVICES ACT**

## Chapter P-9.5

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#### **Preamble**

WHEREAS the people of Alberta honour and respect the dignity and equal worth of adults with developmental disabilities;

WHEREAS it is important that adults with developmental disabilities have opportunities to exercise self-determination and to be fully included in community life;

WHEREAS the individual needs of adults with developmental disabilities are most effectively met through the provision of services that are based on equitable opportunity, funding and access to resources;

WHEREAS the Government of Alberta recognizes, values and supports communities responding to the needs of adults with developmental disabilities; and

WHEREAS the Government has ongoing responsibility to ensure the provision of programs, resources and services to adults with developmental disabilities;

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

**Definitions**

**1(1)** In this Act,

- (a), (b) repealed 2013 cB-7.5 s8;
- (c) “developmental disability” means a state of functioning that
  - (i) began in childhood, and
  - (ii) is characterized by a significant limitation, described in the regulations, in both intellectual capacity and adaptive skills;
- (c.1) “director” means the director designated under section 1.1;
- (d) repealed 2006 c25 s3;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) repealed 2006 c25 s3;
- (f.1) repealed 2013 cB-7.5 s8;
- (g) “service provider” means a person or organization that provides services under this Act to adults with developmental disabilities.

**(2)** In this Act, a reference to “services” means programs or services provided to or for an adult with developmental disabilities.

RSA 2000 cP-8 s1;2006 c25 s3;2013 cB-7.5 s8

**Director**

**1.1(1)** The Minister may designate an employee of the Government under the administration of the Minister as the director for the purposes of this Act.

**(2)** The director may delegate any powers and duties of the director, including the power to subdelegate, to any person employed or assisting in the administration of this Act.

2013 cB-7.5 s8

**Services to adults with developmental disabilities**

**1.2** If an assessment, in a format satisfactory to the director, of an adult’s condition or impairment indicates that the adult has a developmental disability, the director may

- (a) develop a plan with respect to the provision of services to the adult to meet the needs of the adult, and

- (b) enter into an agreement with a service provider with respect to the provision of services to the adult in accordance with the plan.

2013 cB-7.5 s8

**2 and 3** Repealed 2006 c25 s4.

**4 to 6** Repealed 2013 cB-7.5 s8.

**7 and 8** Repealed 2006 c25 s8.

**9 and 9.1** Repealed 2013 cB-7.5 s8.

**10** Repealed 2006 c25 s11.

**11** Repealed 2013 cB-7.5 s8.

**12** Repealed 2006 c25 s13.

**13 and 14** Repealed 2013 cB-7.5 s8.

#### **Alternative dispute resolution mechanisms**

**14.1(1)** An individual who is receiving services or has applied to receive services and who is affected by a decision of the director respecting those services may request, before appealing the decision under section 15, that the issue in dispute be the subject of mediation provided for in the regulations.

**(2)** A request under subsection (1) must be made within 30 days from the day the individual was notified of the decision.

2013 cB-7.5 s8

#### **Appeals**

**15(1)** The Minister may, in accordance with the regulations, establish one or more appeal panels to hear appeals under this Act.

**(1.1)** In establishing an appeal panel, the Minister may

- (a) appoint or provide for the manner of the appointment of its members,

- (b) prescribe the term of office of any member,
- (c) designate a chair and one or more vice-chairs, and
- (d) authorize, fix or provide for the payment of remuneration and expenses to its members.

**(1.2)** The quorum to hear an appeal is 3 members, but an appeal may be heard by one member for procedural matters related to the appeal or in emergency circumstances provided for in the regulations.

**(1.3)** A member of an appeal panel may be reappointed.

**(1.4)** Notwithstanding subsection (1.1), where an appeal panel member's appointment expires, the member continues to hold office until

- (a) the member is reappointed,
- (b) a successor is appointed, or
- (c) a period of 3 months has elapsed,

whichever occurs first.

**(2)** An individual who is receiving services or has applied to receive services and is affected by a decision of the Director respecting those services may, in accordance with the regulations, appeal that decision if the decision is not exempt from appeal under the regulations.

**(3)** A request for an appeal must be made in writing to an appeal panel

- (a) where mediation has been requested under section 14.1, within 30 days from the day the mediation ends, as determined under the regulations, or
- (b) where mediation has not been requested under section 14.1, within 45 days from the day the individual was notified of the decision.

**(4)** An appeal panel may, subject to this Act and the regulations, confirm, reverse or vary the decision that is the subject of the appeal.

**(5)** The decision of the appeal panel is final.

(6) The Minister may extend the time for requesting an appeal under subsection (3) if the Minister is satisfied that there are apparent grounds of appeal and that there is a reasonable explanation for the delay.

RSA 2000 cP-8 s15;2006 c25 s15;2013 cB-7.5 s8;  
2016 c19 s9

### **Inspection powers**

**16(1)** The following are inspectors for the purposes of this Act:

- (a) the director;
- (b) persons appointed by the Minister as inspectors.

(2) Subject to subsection (3), for the purpose of ensuring compliance with this Act and the regulations, an inspector may

- (a) enter premises,
- (b) require the production for examination of any documents or records in the possession of the service provider and make copies of them or temporarily remove them for the purpose of making copies, and
- (c) inspect and take samples of any material, food, medication or equipment being used in the provision of services to adults with developmental disabilities.

(3) Before exercising any powers under subsection (2) with respect to a service provider, an inspector must obtain the permission of the service provider.

(4) An inspector who removes documents or other records or samples of any material, food, medication or equipment under subsection (2) must

- (a) give a receipt for the items to the person from whom the items were taken,
- (b) on request, provide a copy of the documents or records removed to the person from whom they were taken or to a person who is entitled to custody of them, and
- (c) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

(5) If anyone prevents an inspector from or obstructs or hinders an inspector in exercising powers under subsection (2), or if the permission required under subsection (3) is refused or cannot

reasonably be obtained, a judge of the Court of Queen's Bench may, on the application of the inspector, make any order that the judge considers necessary to permit the inspector to exercise those powers.

**(6)** An application under subsection (5) may be made *ex parte* if the judge considers it proper in the circumstances.

RSA 2000 cP-8 s16;2006 c25 s16;2013 cB-7.5 s8

### **Inquiry**

**17(1)** The Minister may appoint a person to conduct an inquiry with respect to any matter concerning the provision of services under this Act to adults with developmental disabilities.

**(2)** In conducting an inquiry under this section, the appointed person has all the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

**(3)** The Minister may authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by the appointed person in the course of that person's duties.

RSA 2000 cP-8 s17;2013 cB-7.5 s8

**18 to 21, 21.1, 22** Repealed 2013 cB-7.5 s8.

### **Regulations**

**23** The Minister may make regulations

- (a) describing the limitations in intellectual capacity and adaptive skills for the purposes of the definition of developmental disability;
- (b) respecting services that may be provided under this Act;
- (c) respecting the standards for services to be provided pursuant to agreements under section 1.2;
- (d) respecting the mediation process, including the form and manner of requesting mediation;
- (e) respecting appeals, the decisions of a director that are exempt from appeal and the emergency circumstances in which an appeal may be heard by one member of an appeal panel;









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