



Province of Alberta

## REGIONAL HEALTH AUTHORITIES ACT

# **ALBERTA MENTAL HEALTH BOARD REGULATION**

### **Alberta Regulation 286/1994**

With amendments up to and including Alberta Regulation 251/2001

### Office Consolidation

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(Consolidated up to 251/2001)

**ALBERTA REGULATION 286/94**

**Regional Health Authorities Act**

**ALBERTA MENTAL HEALTH BOARD REGULATION**

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**Definition**

**1** In this Regulation, “Board” means the Alberta Mental Health Board continued under section 2.

AR 286/94 s1;164/96;84/99

**Board continued**

**2(1)** The provincial health board with the name “Provincial Mental Health Advisory Board” is hereby continued as a provincial health board with the name “Alberta Mental Health Board”.

**(2)** The Board is a corporation consisting of its members.

**(3)** The Board shall consist of the number of persons determined by the Minister, not to exceed 15, all of whom shall be appointed by the Minister.

**(4)** In the order appointing members the Minister may make provision for

- (a) the terms of office of members,
- (b) the filling of vacancies,
- (c) the appointment or election of officers subject to subsection (5), and

- (d) the payment of remuneration and expenses to the members.

(5) The Minister shall appoint one of the members of the Board as chair.

AR 286/94 s2;164/96;84/99

#### **Purposes of Board**

**3** The Board shall carry out the following purposes on a province-wide basis:

- (a) to promote, preserve and restore the mental health of Albertans and work towards the prevention of mental disorders;
- (b) to assess the mental health of Albertans on an ongoing basis;
- (c) to deliver or co-ordinate the delivery of mental health services in Alberta;
- (d) to promote and act as an advocate for the provision of mental health services in a manner that is responsive to the needs of individuals and communities and supports the integration of services and facilities;
- (d.1) to develop and monitor standards for, and monitor performance in, the delivery of mental health services;
- (e) to determine priorities in the provision of mental health services in Alberta and allocate resources accordingly;
- (f) to ensure reasonable access to quality mental health services;
- (g) to engage in and promote research in matters related to mental health.
- (h) repealed AR 164/96 s5.

AR 286/94 s3;164/96;84/99

#### **Prior approval**

**3.1** The Board must obtain the approval of the Minister before carrying out the following:

- (a) making a change to an existing program or service provided by the Board;
- (b) terminating a program or service provided by the Board;

(c) starting a new program or service.

(d) repealed AR 84/99 s6.

AR 164/96 s6;84/99

#### Sections of Act applicable

**4(1)** Sections 6(1), (2), 8(9) (except subsection (4)(b) and (c)), 11, 12, 13(4), 14, 15, 20, 21 and 22 of the *Regional Health Authorities Act* apply in respect of the Board as if it were a regional health authority.

**(2)** For the purposes of the application of section 9(4)(a) of the *Regional Health Authorities Act* to the Board, the reference to section 5 of the Act shall be read as a reference to section 3 of this Regulation.

AR 286/94 s4;274/96;84/99;251/2001

#### Interpretation

**5** Except where a contrary intention is expressed as a result of this Regulation, for the purposes of the application of section 6, references to a regional health authority shall be interpreted as if they were references to the Board and references to a health region shall be read as if they were references to Alberta.

AR 274/96 s3

#### Regulations applicable

**6(1)** The *Property and Assets (Transitional) Regulation* (Alta. Reg. 14/95) applies in respect of the Board as if it were a regional health authority, but section 2 of that Regulation shall be interpreted as if it did not refer to requisitioned funds.

**(2)** The *Regional Health Authorities Regulation* (Alta. Reg. 15/95) applies, with the following modifications, in respect of the Board as if it were a regional health authority:

(a) section 2(2) of that Regulation shall be interpreted as if it read as follows:

**(2)** The Provincial Mental Health Advisory Board shall, within 90 days after the coming into force of the *Provincial Mental Health Advisory Board Amendment Regulation (No. 1)*, make by-laws respecting guarantees, indemnities and capital leasing by the Board, and those by-laws must contain at least the following:

(a) the maximum total amount of outstanding guarantee obligations, indemnity obligations and capital lease

obligations that the Board is permitted to incur, with separate totals shown for

- (i) the maximum permitted capital leasing obligations,
  - (ii) the maximum potential liability that may be incurred through guarantees and indemnities;
- (b) terms and conditions respecting guarantee transactions, indemnity transactions and capital leasing transactions between the Board and persons and entities in respect of which it is not dealing at arm's length;
- (c) the disclosure requirements in respect of transactions referred to in clause (b);
- (d) the means by which and the time within which the Board will bring itself into compliance with the requirements of the by-laws and this Regulation respecting guarantees, indemnities and capital leasing, where the Board is not in compliance with those requirements on the effective date of those by-laws;
- (e) any other information specified by the Minister by notice in writing to the Board.
- (b) section 2(4) of that Regulation shall be interpreted as if "on or before September 30, 1995" read "within 90 days after the coming into force of the *Provincial Mental Health Advisory Board Amendment Regulation (No. 1)*";
- (c) section 2.2(7) of that Regulation shall be interpreted as if it read as follows:
- (7)** Where the Board enters into a transaction referred to in section 2.1(1) or establishes or amends a line of credit, it shall ensure that by the terms of the agreement
- (a) only the Board is liable in respect of the agreement, and
  - (b) the other parties to the contract acknowledge and agree that the Crown is not liable for the acts or omissions of the Board, except where the Crown specifically assumes such liability.
- (d) section 2.51 of that Regulation shall be interpreted as if it read as follows:

**2.51(1)** Where the Board enters into a joint venture agreement, it shall ensure that its financial commitment in the agreement is clearly specified in the agreement or can be determined from the terms and conditions of the agreement.

**(2)** Unless the Board has the Minister's approval, the Board shall not enter into a joint venture agreement with any person other than a regional health authority.

(e) section 2.8(3) of that Regulation shall be interpreted as if it read as follows:

**(3)** The Board may engage in an ancillary operation

- (a) itself,
- (b) through a joint venture agreement, or
- (c) with the Minister's approval, through a subsidiary health corporation,

and a reference in this section to an ancillary operation includes an ancillary operation engaged in by any of those means.

(f) section 2.8(6) of that Regulation shall be interpreted as if it read as follows:

**(6)** The Board may market ancillary operations to regional health authorities and to other provincial health boards.

(g) section 2.8(11) of that Regulation shall be interpreted as if "other regional health authorities or to provincial health boards" read "regional health authorities or to other provincial health boards";

(h) section 2.9(1)(a)(ii) and (b)(ii) of that Regulation shall be interpreted as if "authority" read "Board";

(i) sections 2.91, 5 and 7 of that Regulation do not apply.

**(3)** The *Regional Health Authorities (Ministerial) Regulation* (Alta. Reg. 17/95) applies, with the following modifications, in respect of the Board as if it were a regional health authority:

- (a) section 1 of that Regulation does not apply;
- (b) section 2(2) and (3) of that Regulation shall be interpreted as if they read as follows:

(2) The Board shall provide its annual report to the Minister not later than the July 31 immediately following each fiscal year.

(3) The Board shall provide its audited financial statements and the information referred to in section 3 to the Minister not later than the June 30 immediately following each fiscal year.

(c) section 5 of that Regulation does not apply.

(4) Sections 1 to 13 of the *Regional Health Authorities Foundations Regulation* (Alta. Reg. 16/95) apply in respect of the Board as if it were a regional health authority.

AR 274/96 s3

#### **Order of agreement for the purpose of winding up**

**7(1)** The Minister may

- (a) make an order providing for the winding up of the affairs of the Board and the assumption of the affairs of the Board by a regional health authority, or
- (b) direct the Board and a regional health authority to enter into an agreement for the purposes of winding up the affairs of the Board and the assumption of the affairs of the Board by the regional health authority.

(2) An order or agreement under this section may contain any provisions that are necessary to accomplish the purposes set out in subsection (1).

(3) The Minister may require the parties to include in an agreement under this section any provisions that the Minister considers are necessary to accomplish the purpose set out in subsection (1), and if the parties neglect or refuse to include such a provision, the Minister may by order deem the agreement to contain such a provision.

(4) The following applies in the case of an order or agreement under this section, unless the order or agreement provides otherwise:

- (a) the property and assets of the Board are the property and assets of the regional health authority;
- (b) the regional health authority is liable for the obligations and liabilities of the Board;
- (c) an existing cause of action, claim or liability to prosecution of, by or against the Board is unaffected and



may be continued by or against the regional health authority;

(d) a civil, criminal or administrative action or proceeding pending by or against the Board may be continued by or against the regional health authority;

(e) a conviction against, or ruling, order or judgment in favour of or against, the Board may be enforced by or against the regional health authority.

**(5)** An agreement under this section is ineffective until it is approved by the Minister.

AR 274/96 s3







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