



Province of Alberta

PROTECTION FOR PERSONS IN CARE ACT

PROTECTION FOR PERSONS IN CARE (MINISTERIAL) REGULATION

Alberta Regulation 104/2010

With amendments up to and including Alberta Regulation 38/2018

Office Consolidation

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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.

(Consolidated up to 38/2018)

ALBERTA REGULATION 104/2010

Protection for Persons in Care Act

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(MINISTERIAL) REGULATION**

Table of Contents

- 1 Meaning of “legal representative” in the Act
- 2 Application for review
- 3 Review and decision on review
- 4 Contents of notice of appeal
- 5 Personal information
- 6 Expiry
- 7 Coming into force

Meaning of “legal representative” in the Act

1 In the Act, “legal representative” means

- (a) an agent designated in a personal directive that is in effect under the *Personal Directives Act*,
- (b) a co-decision-maker as defined in the *Adult Guardianship and Trusteeship Act*, or
- (c) a guardian as defined in the *Adult Guardianship and Trusteeship Act*,

and, in respect of a person who has more than one of the legal representatives referred to in clauses (a) to (c), means all of them.

Application for review

2(1) A complainant who wishes to have a complaints officer’s decision under section 11(3) of the Act reviewed by the Director must apply for the review within 15 days after being notified in writing of the decision.

(2) Despite subsection (1), the Director may extend the time for making an application for a further period of time that the Director considers proper if, in the opinion of the Director, there are extenuating circumstances in the particular case.

(3) An application for a review must be in writing and contain the following:

- (a) the complainant's name;
- (b) the complainant's address, telephone number, fax number and e-mail address, if any;
- (c) a brief description of the complaints officer's decision that is requested to be reviewed and the date on which it was made;
- (d) the date the complainant received notification in writing of the complaints officer's decision;
- (e) the reasons for requesting the review;
- (f) the date on which the application for a review is made;
- (g) the signature of the complainant.

Review and decision on review

3(1) On receiving an application for a review, the Director

- (a) shall review and either confirm or reverse the complaints officer's decision, and
- (b) may take any other action the Director considers appropriate in the circumstances.

(2) The Director shall, within 30 days after receiving an application for a review, complete the review and issue to the applicant a written decision, including the reasons for it.

(3) A decision of the Director under this section is final and not subject to appeal.

Contents of notice of appeal

4 A notice of appeal under section 17 of the Act must contain the following:

- (a) the appellant's name;
- (b) the appellant's address, telephone number, fax number and e-mail address, if any;
- (c) a brief description of the Director's decision being appealed and the date on which it was made;

- (d) the date the appellant received notification of the Director's decision;
- (e) an indication of whether the appellant is a complainant, service provider, client or other individual involved in the matter that is subject of the Director's decision;
- (f) the reasons for requesting the appeal;
- (g) the file number indicated on the copy of the Director's decision received by the appellant;
- (h) the date on which the notice of appeal is made;
- (i) the signature of the appellant.

Personal information

5 A person who claims to have authority to receive personal information, health information or financial information respecting another person, on behalf of that other person under any provision of the Act or its regulations, must provide a copy of the legal instrument that sets out the authority to the person responsible for disclosing the information.

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2023.

AR 104/2010 s6;70/2015;38/2018

Coming into force

7 This Regulation comes into force on the coming into force of the *Protection for Persons in Care Act*, 2009 cP-29.1.



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