



Province of Alberta

## REGIONAL HEALTH AUTHORITIES ACT

# PATIENT CONCERNS RESOLUTION PROCESS REGULATION

### **Alberta Regulation 124/2006**

With amendments up to and including Alberta Regulation 28/2016

### Office Consolidation

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### **Note**

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(Consolidated up to 28/2016)

**ALBERTA REGULATION 124/2006**

**Regional Health Authorities Act**

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**Definitions**

**1** In this Regulation,

- (a) “administrative head” means the administrative head of a health authority within the meaning of the *Ombudsman Act*;
- (b) “complaint” means a complaint made under section 2;
- (c) “health authority” means
  - (i) repealed AR 28/2016 s2,
  - (ii) a regional health authority, and
  - (iii) a provincial health board established under section 17 of the *Regional Health Authorities Act* for the purpose of delivering health services;
- (d) “patient” means an individual who has received, is receiving or who has requested health services from a health authority or a service provider;

- (e) “patient concerns officer” means an individual appointed by a health authority under section 3(b);
- (f) “service provider” means any person who provides goods or services under the direction, control or authority of a health authority.

AR 124/2006 s1;28/2016

### **Complaint to health authority**

**2(1)** A patient or a person acting on behalf of a patient or in the interest of a patient may make a complaint to a health authority if the patient or person has concerns regarding

- (a) the provision of goods and services to the patient,
- (b) a failure or refusal to provide goods and services to the patient, or
- (c) the terms and conditions under which goods and services are provided to the patient

by the health authority or by a service provider under the direction, control or authority of that health authority.

**(2)** A person may make a complaint to a health authority if, after the death of a patient, the person has concerns regarding

- (a) the provision of goods and services to the patient,
- (b) a failure or refusal to provide goods and services to the patient, or
- (c) the terms and conditions under which goods and services were provided to the patient

during the patient’s life by the health authority or by a service provider under the direction, control or authority of that health authority.

**(3)** Any complaint under this section must be made in accordance with the patient concerns resolution process established by the health authority.

**(4)** Nothing in this section prevents a health authority or service provider from addressing a concern raised by a patient or other person before the patient or person has made a complaint under the health authority’s patient concerns resolution process.

AR 124/2006 s2;28/2016

### **Duties of health authorities**

**3** A health authority must

- (a) establish and maintain a patient concerns resolution process in accordance with this Regulation, and
- (b) appoint one or more patient concerns officers who
  - (i) report directly to the administrative head of the health authority or to a senior officer who reports directly to the administrative head, and
  - (ii) are responsible for receiving and dealing with complaints.

**Patient concerns resolution process**

**4** A patient concerns resolution process must

- (a) provide a fair process for managing complaints,
- (b) include a written process describing the means by which complaints are received, processed, considered and responded to,
- (c) provide that the health authority must attempt in good faith to resolve complaints within a reasonable time,
- (d) provide that complaints to the patient concerns officer may be made orally or in writing,
- (e) provide that a written record is to be made of complaints made orally to the patient concerns officer,
- (f) provide for the rejection of frivolous or vexatious complaints, and
- (g) provide for the redirection of complaints to other organizations or persons that have the authority to address them.

**Patient concerns officer**

**5** A patient concerns officer must

- (a) be reasonably available to respond to complaints and to assist patients, and persons acting on behalf of or in the interest of patients, who want to use the patient concerns resolution process,
- (b) facilitate the timely, expeditious and efficient management of complaints,
- (c) inform complainants about

- (i) other persons or organizations that may have authority to address the complaint, and
- (ii) the authority of the Ombudsman in relation to the patient concerns resolution process,
- (d) co-operate with the patient concerns officers of any other health authority involved in the complaint,
- (e) give notice of a complaint to a service provider that is responsible for the goods or services that are the subject of the complaint, and
- (f) prepare a written statement regarding the outcome of each complaint made under the patient concerns resolution process.

**Discontinuing on grounds of delay**

**5.1(1)** Subject to subsection (2), a patient concerns officer may discontinue the patient concerns resolution process in respect of a complaint if the patient concerns officer is satisfied that

- (a) the complainant had knowledge of the subject matter of the complaint more than 2 years before making the complaint, and
- (b) the delay in making the complaint is likely to impede the ability of the patient concerns officer to conduct a fair review of the matter.

**(2)** If the complaint relates to continued conduct, the patient concerns officer may discontinue the patient concerns resolution process only if, in addition to being satisfied of the matters referred to in subsection (1)(a) and (b), the patient concerns officer is satisfied that the last instance of the conduct occurred more than 2 years before the complaint was made.

AR 28/2016 s4

**Discontinuing where complaint made anonymously**

**5.2** Where a complaint is made anonymously, a patient concerns officer may discontinue the patient concerns resolution process in respect of the complaint if the patient concerns officer is not satisfied that there is sufficient information on which to conduct a fair review of the matter.

AR 28/2016 s4

**Policies**

**5.3** A health authority must establish policies that its patient concerns officers must follow in considering

- (a) for the purposes of section 5.1(1)(b), whether the delay is likely to impede the ability of the patient concerns officer to conduct a fair review of the matter, and
- (b) for the purposes of section 5.2, whether there is sufficient information on which to conduct a fair review of the matter.

AR 28/2016 s4

**Delegation**

**5.4** Subject to the policies of the health authority that appointed the patient concerns officer, a patient concerns officer may delegate any power, duty or function under this Regulation to an employee of the health authority.

AR 28/2016 s4

**Publication**

**6** A health authority must make available to patients and the public written information about the patient concerns resolution process established in accordance with this Regulation, the patient concerns officers to whom complaints can be made and how complaints may be made.

**Annual report of regional health authority**

**6.1** Each annual report of a regional health authority under section 14(2) of the Act must include a report on activities under the regional health authority's patient concerns resolution process for the previous fiscal year.

AR 124/2006 s6;28/2016

**7** Repealed AR 28/2016 s6.

**Coming into force**

**8** This Regulation comes into force on the date on which sections 15 and 16 of the *Ombudsman Amendment Act, 2003* come into force.



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