



Province of Alberta

HEALTH PROFESSIONS ACT

FUNDING FOR TREATMENT AND COUNSELLING REGULATION

Alberta Regulation 256/2020

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Extract

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ALBERTA REGULATION 256/2020

Health Professions Act

**FUNDING FOR TREATMENT AND
COUNSELLING REGULATION**

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Definitions

1 In this Regulation,

- (a) “familial relationship” means a relationship with any of the following persons:
 - (i) a parent or guardian, including a step-parent;
 - (ii) a spouse;
 - (iii) an adult interdependent partner as defined in the *Adult Interdependent Relationships Act*;
 - (iv) a child, including a step-child;
 - (v) a grandparent, including a step-grandparent;

- (vi) a grandchild, including a step-grandchild;
- (vii) a sibling or step-sibling;
- (viii) an extended family member of either the patient or the patient's spouse or adult interdependent partner, such as an aunt, uncle or cousin;
- (b) "funding" means, for the purposes of Part 8.2 of the Act and this Regulation, funding for treatment and counselling;
- (c) "funding college" means the college to which a request for funding is made under this Regulation;
- (d) "regulated health professional" means a health professional regulated by the Act or the *Health Disciplines Act*, and includes a health professional regulated by equivalent health statutes in other Canadian jurisdictions;
- (e) "SOMB" means the Schedule of Medical Benefits prepared and published by the Department of Health and approved by the Minister;
- (f) "treatment or counselling provider" means a treatment or counselling provider selected under section 5;
- (g) "unregulated counselling professional" means a member of the Association of Counselling Therapy of Alberta (ACTA).

Eligibility

2(1) Subject to subsection (3) and section 135.9 of the Act, a patient is eligible for funding if

- (a) a complaint is made under section 54 of the Act or information is treated as a complaint under section 56 of the Act, and
- (b) the complaint or information in clause (a) is made in relation to sexual abuse or sexual misconduct towards that patient.

(2) A patient who is eligible for funding must submit a request for funding in accordance with section 6 or 7, as the case may be, to the college that received the complaint or information under subsection (1).

(3) To be eligible for funding, a patient must make an initial request for funding in the period beginning on the day the complaint is made or information is treated as a complaint under subsection (1) and ending on the date 5 years after the date on which a finding of unprofessional conduct based in whole or in part on sexual abuse or sexual misconduct towards that patient is made.

(4) If a patient does not make an initial request for funding within the period set out in subsection (3), then the patient ceases to be eligible for funding.

Colleges must provide information

3 Colleges must provide all information needed for a patient referred to in section 2(1) to make a request for and access funding.

Treatment or counselling provided prior to complaint

4 Funding may be provided for treatment or counselling provided prior to the date that the complaint or information referred to in section 2(1) is received if the treatment or counselling is provided after the date of the incident that is the subject of the complaint or information.

Selecting treatment or counselling providers

5 A patient who is eligible for funding may select any number, or any combination, of the following treatment or counselling providers as the patient's treatment or counselling provider:

- (a) a regulated health professional;
- (b) an unregulated counselling professional.

Conditions for regulated health professional

6(1) The following conditions must be met before funding is provided for treatment or counselling by a regulated health professional selected under section 5(a):

- (a) the patient must notify the funding college of the name and contact information of the regulated health professional;
- (b) the funding college must confirm with the college that regulates the health professional that the health professional is a regulated member in good standing with the regulatory college or was a regulated member in good standing with the regulatory college at the time the treatment or counselling was provided, as the case may be;

- (c) the regulated health professional and the patient must each provide a written statement to the funding college indicating that
 - (i) there is no familial relationship between the regulated health professional and the patient, and
 - (ii) any funds received from the funding college will be used only to reimburse the provision of treatment or counselling to the patient.

(2) Funding must not be provided

- (a) if there is a familial relationship between the regulated health professional selected under section 5(a) and the patient, or
- (b) if the regulated health professional selected under section 5(a) is not in good standing with the college with which the regulated health professional is registered.

Conditions for unregulated counselling professional

7(1) The following conditions must be met before funding is provided for treatment or counselling by an unregulated counselling professional selected under section 5(b):

- (a) the patient must
 - (i) notify the funding college of the name and contact information of the unregulated counselling professional, and
 - (ii) sign a document provided by the funding college confirming that the patient understands that the unregulated counselling professional is not subject to professional discipline;
- (b) the unregulated counselling professional must submit to the funding college a written statement attesting that the unregulated counselling professional is a member with ACTA or was a member at the time the treatment or counselling was provided, as the case may be;
- (c) the patient and the unregulated counselling professional must each provide a written statement to the funding college indicating that
 - (i) there is no familial relationship between the unregulated counselling professional and the patient, and

- (ii) any funds received from the funding college will be used only for the provision of treatment or counselling to the patient.

(2) Funding must not be provided if there is a familial relationship between the unregulated counselling professional selected under section 5(b) and the patient.

Approval or denial of funding

8(1) Subject to sections 6(2) and 7(2) and subsection (2), if the conditions for funding set out in section 6(1) or 7(1), as the case may be, are met, then the funding college must notify the patient in writing, as soon as practicable, that the funding request has been approved.

(2) If the conditions in section 6(1) or 7(1), as the case may be, are not met or section 6(2) or 7(2), as the case may be, applies, then the funding college must notify the patient in writing, as soon as practicable, that the funding request has been denied and the reasons why it has been denied.

Providing funding

9(1) If the funding college approves funding under section 8(1), the college must provide the funding either directly to the treatment or counselling provider who provided the treatment or counselling to the patient, or reimburse the patient.

(2) In order to receive payment directly under subsection (1), the treatment or counselling provider must provide the funding college with an invoice, which must include a description and date of the service, signed by the provider and the patient.

(3) In order to receive reimbursement of payment under subsection (1), the patient must provide the funding college with an original receipt, which must include a description and date of the service, signed by the provider.

(4) Funding must be provided within 15 days of the funding college receiving

- (a) an invoice referred to in subsection (2), or
- (b) original receipts referred to in subsection (3).

Limitations

10(1) Funding must be used only to pay for the treatment and counselling provided by a treatment and counselling provider to an eligible patient.

(2) Funding must not be used for any other purposes, including travel, child care or accommodations.

Maximum amount of funding

11(1) Despite anything in this Regulation, the maximum amount of funding that a funding college is required to pay to or for an eligible patient may not exceed the equivalent cost of 100 hours of psychiatric counselling according to the psychiatrist rate listed in the SOMB.

(2) Subject to subsection (3), the maximum amount of funding referred to in subsection (1) must be calculated from either of the following dates, whichever is earlier, using the rates listed in the SOMB on that date:

- (a) the date the complaint is received by the college under section 54 of the Act;
- (b) the date on which the complaints director decides to treat information as a complaint under section 56 of the Act.

(3) If there are multiple complaints respecting the same incident, then the earliest date of complaint must be used to calculate the maximum amount of funding.

(4) The maximum amount of funding must not change during the period a patient is eligible to receive funding irrespective of any changes made to the SOMB rates.

Notification and summary of available funding

12(1) Once a patient's total remaining available funding is \$500 or less, the funding college must notify the patient of the amount of funding remaining within 15 days of the amount reaching \$500 or less.

(2) The funding college must provide the patient every 90 days a summary of the amount of funding available to the patient, beginning on the day the funding is first paid until the patient's eligibility ceases under section 14.

(3) The funding college must issue a notice to the patient when there is only 1 year remaining for that patient to be eligible to continue to receive funding, including the date that the patient's eligibility for funding expires.

Recovery of funding

13(1) The funding college may recover the cost of funding from the regulated member by an action in debt after a finding of

unprofessional conduct based in whole or in part on sexual abuse or sexual misconduct is made against that member.

(2) The funding college may recover the cost of funding from a former member by an action in debt after a finding of unprofessional conduct based in whole or in part on sexual abuse or sexual misconduct is made against that member if the member was a regulated member at the time when the sexual abuse or sexual misconduct towards that patient by that member occurred.

Cessation of eligibility for funding

14(1) The eligibility of a patient to receive funding must cease on any one of the following events, whichever occurs first:

- (a) the maximum amount of funding referred to in section 11 is provided to the patient;
- (b) a hearing tribunal determines that the conduct of the regulated member or the former member, as the case may be, who is the subject of the complaint does not constitute unprofessional conduct based in whole or in part on sexual abuse or sexual misconduct;
- (c) the complaint is withdrawn;
- (d) 5 years have passed since the date on which the initial request for funding was received by the funding college under section 2(3);
- (e) the complaint is dismissed under section 66(3)(b) of the Act.

(2) The funding college must, within 15 days of the occurrence of any of the events referred to in subsection (1)(a) through (d), notify the patient in writing

- (a) that the eligibility of the patient to receive funding has ceased, and
- (b) why the patient is no longer eligible to receive funding.

Notice of dismissal

15(1) If a complaint is dismissed under section 66(3)(b) of the Act, the complaints director must notify the patient in writing within 15 days of the dismissal.

(2) A notice of dismissal under subsection (1) must include the following information:

- (a) that the eligibility of the patient to receive or continue to receive funding has ceased as a result of the dismissal of the complaint;
- (b) that an application for a review of the dismissal of the complaint may be made under section 68 of the Act;
- (c) that, if an application for a review under section 68 of the Act is made, the funding college must resume funding retroactive to the date of the notification of dismissal and the funding may remain in place until the matter is fully disposed of under section 68(5) of the Act;
- (d) the provision of contact information of relevant community resources, if any, that may assist the patient in seeking alternative supports for treatment or counselling in relation to sexual abuse or sexual misconduct.

Continuity of funding

16(1) If a complaint is dismissed under section 66(3)(b) of the Act, funding may be requested in accordance with section 6 or 7, as the case may be, for any treatment or counselling received by the patient prior to the patient's receipt of the notification under section 14(2) or 15(1), as the case may be.

(2) If an application for review is made under section 68(1) of the Act, the funding college must, within 15 days, notify the patient

- (a) that the eligibility for funding has resumed, and
- (b) that funding will be reinstated until the matter is fully disposed of and concluded.

(3) If the application referred to in subsection (2) is successful, the funding continues until it ceases in accordance with section 14.

(4) If the application referred to in subsection (2) is not successful, the patient is no longer eligible to receive funding.

Coming into force

17 This Regulation has effect 6 months after the Regulation is filed under the *Regulations Act*.



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