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Rewriting Alberta's Health Laws

A Trojan Horse for Expanding For-Profit Health Care

Alberta's provincial government has embarked on a new initiative to reform existing health legislation and create a new Alberta Health Act (AHA). The initiative emerged from the Minister's Advisory Committee on Health in September 2009, and is outlined in the January 2010 report: "A Foundation for Alberta's Health System." The recommendations were accepted by the government and MLA Fred Horne was tasked with leading consultations as well as preparation of a report to the Minister by September 30, 2010.

Alberta's Laws to be re-written

The initiative purports to be centred around 'updating' Alberta's health legislation, or consolidating and re-writing it. Alberta has a number of important pieces of legislation already governing health care, much of which will be consolidated into the AHA. The key Acts include:

- Alberta Health Care Insurance Act
- Hospitals Act
- Nursing Homes Act
- Health Care Protection Act.

These Acts represent important compromises reached after often-heated public and legislative debates, such as the Bill 11 debate over for-profit hospitals. They include provisions such as:

- the prohibition on the operation of private hospitals;
- the limits to and conditions on the provision of private surgical services;
- Doctors opting in or out (not practicing in both the public and private systems);
- prohibited fees; and
- the prohibition of queue jumping.

Beyond the Canada Health Act

These provisions go beyond the Canada Health Act. The Foundation report makes no reference at all to these provisions and provides no guarantees that they will not be lost when the Acts are merged. Thus, the Minister's Advisory Committee and government assurances that the new AHA would comply with the CHA is hardly reassuring; it could still undermine key public health system protections.

Will these protections be lost?

Though the AHA has not yet been released, Albertans can get an idea of what will or will not be in it. In reviewing the AHA initiative, Albertans have three things to go on for indication of the direction the reforms will take.

1. What is in the Foundation document - The document makes repeated references to the need for greater "flexibility in funding and delivering health services." It states that, "Components of these Acts inhibit the system's ability to work out effective ways to access care from the right provider, in the right place, at the right time and at the right cost." The restrictions within the current legislation are precisely there to prohibit private for-profit hospitals, limit the role of profit surgeries and more generally to protect the public system from competition and erosion from the private sector. Those provisions have been criticized by many for being too weak and represent compromises already. Making those provisions more flexible would amount to weakening or watering down the limits on the for-profit sector.

2. Previous reform initiatives under this government - Bill 11, the Third Way and other initiatives by the Alberta government have shown a consistent, repeated and clear agenda aimed at expanding the role of private for-profit health care in the province. These initiatives have been rejected by Albertans. Some might call the new AHA the "fourth way."

3. What insiders and favoured lobby groups are asking for - The submission from Alberta Health Services CEO, Steven Duckett, states one of the key the goals as, "Recognize the role of private and non-governmental organizations in service delivery within the Canada health framework." More telling is the submission from the Calgary Chamber of Commerce, which is influential with Alberta's governing party. The Chamber has been advocating for a long time for this form of legislative change. Specifically it asks for the repeal of the *Health Care Protection Act* and for stripping Alberta Health and Wellness of its role in regulating private surgeries and clinics. Their submission also advocates for increased direct competition between private for-profit providers and public providers, while at the same time allowing private providers to benefit from any economies of scale and other advantages of the public sector through a "levelling of the playing field and co-operation in the distribution of resources."

On the basis of the wording in the AHA, the agenda of key pressure groups and the history of the Alberta government on health reform, there are pretty strong indications that the Alberta Health Act will be used to expand and entrench the role of for-profit delivery in health care. The initiative is a fundamental restructuring of the health care system and could set dangerous precedents across Canada.

This fact sheet is based on materials published in Parkland Institute's series: The New Alberta Health Act: Risks and Opportunities. <http://parklandinstitute.ca/research/reports/>