



July 9, 2010

Mr. Fred Horne, MLA
Chair, Minister's Advisory Committee on Health
Legislature Office
#721 Legislature Annex
9718 107 Street
Edmonton AB T5K 1E4

RE: Submission to the *Minister's Advisory Committee on Health* proposed *Alberta Health Act*

Dear MLA Horne,

On behalf of more than 3,200 members of the Calgary Chamber of Commerce, I would like to express our appreciation for the Government of Alberta's initiatives relating the renewal of Alberta's health care system, including the amalgamation of regional health boards, the provincialization of emergency medical services, and the commission of the *Minister's Advisory Committee on Health* to investigate legislative reform.

In 2010, Chamber members identified 'health care' as a top policy priority impacting their business. The Chamber recognizes that quality health care can serve as a distinct business advantage to competitively position the province as the jurisdiction of choice for the best and brightest to seek employment, invest, start a business and/or relocate.

To achieve this objective, however, it is imperative that Alberta's publicly funded health care system be designed to enable timely access to quality care, efficient allocation of health dollars, encourage innovation and be fiscally sustainable over the long-term.

To this end, please find enclosed our submission in response to the *Minister's Advisory Committee on Health* call for input regarding the implementation of the Committee's recommendations into a new *Alberta Health Act*.

Thank you for consideration on this important public policy matter. The Chamber sincerely appreciates your efforts and would be pleased to host the *Minister's Advisory Committee on Health* to deliver a keynote address on this issue during our 2010-11 event season.

Yours truly,

Geoff Pradella
Vice-President, Public & Government Affairs
Encl.

CC: Hon. Gene Zwozdesky, Minister of Health and Wellness, Deputy Government House Leader



Calgary Chamber of Commerce
Submission to the *Minister's Advisory Committee on Health*
Proposed *Alberta Health Act*
July 9, 2010

I. Introduction

The Calgary Chamber of commerce represents over 3,200 members of the Calgary business community and seeks to raise the consciousness and quality of public discourse on key issues confronting its members and stakeholders. In 2010 Chamber members identified health care as a top policy priority impacting their business.

The Chamber recognizes that quality health care can serve as a distinct business advantage to competitively position the province as the jurisdiction of choice for the best and brightest to seek employment, invest, start a business and/or relocate.

To achieve this objective, however, it is imperative that Alberta's publicly funded health care system be designed to enable timely access to quality care, efficient allocation of health dollars, encourage innovation and be fiscally sustainable over the long-term.

The Chamber puts forth this submission on behalf of the members of its Health Committee and the Chamber membership at large in response to the *Minister's Advisory Committee on Health* (MACH) call for input regarding the implementation of the Committee's recommendations into a new *Alberta Health Act*.

II. Discussion

This submission is structured in response to the four questions presented by the province in the call for submissions issued to key stakeholders.

1. What are your organization's views on the appropriateness of the overarching principles proposed for the Alberta Health Act (pp. 10-15 of the MACH report). Are there additional principles you would propose?

The MACH report identifies the following six principles to guide the proposed act:

1. Put people and their families at the centre of their health care.
2. Be committed to quality and safety.
3. Ensure equitable access to timely and appropriate care.
4. Enable decision-making using the best available evidence.
5. Be focused on wellness and public health.
6. Foster a culture of trust and respect.



The Chamber is generally supportive of the six overarching principles proposed for the Alberta Health Act.

Principle 1 (put people and their families at the centre of their health care) reflects the spirit of the government's *Vision 20/20* document, which seeks to put the patient at the centre of the health care system, and is a positive step to address system level reform – including the way health services are provided.¹ The ongoing reforms associated with *Vision 20/20* represent a tremendous opportunity for the people of Alberta to implement a set of changes resulting in a world-class health system that enhances not only our health outcomes but also the economic climate of the entire province.

Principle 2 (be committed to quality and safety) provides patients with assurance that they will receive a minimum quality of care, regardless of the service received or nature of the provider (public, private, non-profit). The Chamber supports the quality assurance matrix for health, as proposed in the MACH report.

Principle 3 (ensure equitable access to timely and appropriate care) has the potential to be very broadly interpreted. The MACH report identifies “equity” as a guidepost in allocating resources to ensure individuals or groups requiring extra resources receive the appropriate care.² The report contemplates both health conditions (including mental illness, the homeless, poor, or aged, those with other special needs or those who are living with a chronic condition) as well as geography (people living in remote and rural communities) in applying this principle. The Chamber advises caution in adopting this principle, and recommends that government consider differentiating health conditions from geography in establishing accessibility principles – as the former refers to treatment needs, while the latter relates solely to distance.

Principle 4 (enable decision-making using the best available evidence) is critical to improving transparency, accountability and decision-making in the delivery of provincial health services. The Chamber strongly encourages the province to ensure “financial evidence” is a component of “best available evidence” under this principle, as health care represents over 40 per cent of the provincial budget and threatens to crowd out other important programs.

Principle 5 (be focused on wellness and public health) is a fundamental component of ensuring the health of Albertans and a healthy and sustainable provincial health system. Through its healthy workplace and mental health initiatives the Chamber supports preventative measures to reduce health system pressures. The Chamber also supports a greater emphasis on increased wellness, and recommends that the province investigate incentives for healthy lifestyle choices encourage individuals to become more personally responsible for their health decisions.

Principle 6 (foster a culture of trust and respect) is a fundamental principle to ensuring staff, unions, patients, service providers, citizen groups, professional associations and the province all work collaboratively to achieve the mutually beneficial outcome of a healthy population and sustainable health system.

¹ Government of Alberta 2008. *Vision 2020. The Future of Health Care in Alberta. Phase I.*
<http://www.health.alberta.ca/documents/Vision-2020-Phase-1-2008.pdf>

² Government of Alberta. 2010. *Report of the Minister's Advisory Committee for Health. P 13.*
<http://www.ministersadvisorycommitteeonhealth.ca/documents/MACH-Final-Report-2010-01-20.pdf>



In addition to the above listed principles, the Chamber recommends that the province add the principle of *Enabling flexible delivery and access choice*. This proposed principle will enable the province to effectively deliver on its commitment to accessibility by recognizing the potential contribution of the private sector in delivering cost-effective, efficient, innovative and responsive services in a publicly funded health system. This principle may also contemplate allowing patients to purchase service upgrades beyond the basic levels funded by government, similar to other provinces.

2. What are your organization's views about rights, responsibilities and other components that should be included in the Alberta patient charter (pp. 24-25 of the MACH report)?

Alberta Health and Wellness suggests the following elements when developing a patient charter:

- Being treated with respect and dignity
- Having access to appropriate health care services and related supports
- Having all patients' circumstances taken into account in plans for their care or wellness
- Having access to publicly funded health services based on need
- Ensuring an equitable allocation of resources
- Being ensured of privacy of information
- Having timely and reasonable access to information
- Having the right to complain and receive a timely response to their concerns
- Having the right to be fully informed (about treatment and services)

Alberta Health and Wellness suggests the following elements as patient responsibilities:

- Learning how to better access health services
- Using services appropriately and wisely
- Following an agreed-upon care plan
- Making healthy choices
- Asking questions, following instructions, understanding their care plan and requesting information

The Chamber supports the concept of a Patient Charter to help delineate both patient and service provider responsibilities and best manage patient expectations.

3. Please provide your views as desired on the other components of the Alberta Health Act proposed by the MACH (pp 16 – 23 of MACH report). These include embedding principles into the Act, identifying key roles, responsibilities and accountabilities in the health system; clear and consistent definitions to apply to all health legislation; consolidating core health acts that deal with publicly funded health services, and establishing an arms-length entity to support evidence-based decision-making.

Embedding principles into the Act

Embedding principles in legislation is a potentially beneficial practice that could: assist legislators, judiciaries and members of the public in understanding the legislative intent of an



act; provide a basis for interpretation in the event of a discrepancy or ambiguity; and serve as a guide for future amendments.

However, overarching principles that are written into legislation would forever guide and shape the legislative framework of Alberta's health system. Consequently, it is critical that any principles to be incorporated into the proposed Alberta Health Act: [1] accurately capture the desired policy intent of the legislation (so as to avoid misinterpretations of the legislation); and [2] be sufficiently clear so as to definitively convey only the intended meaning of the legislation (to avoid multiple interpretations of the legislation).

Consequently, the Chamber strongly recommends that government proceed with caution when considering incorporating principles into the *Alberta Health Act*, and advises that government extensively vet the proposed principles through legislative counsel and other relevant legal professionals so as to ensure the principles are sufficiently clear and solely and accurately capture the policy intent prior to incorporating them into legislation. In particular, the Chamber emphasizes caution with respect to principle 3, which can be broadly interpreted as intending to satisfy all demands of all individuals.

Identifying key roles, responsibilities and accountabilities in the health system

Identifying roles, responsibilities and accountabilities in the health system is a beneficial approach that will increase clarity, transparency and guidance for all stakeholders involved, while reducing ambiguity and duplication. The Chamber strongly supports the advisory committee's position of clearly defining the key roles and responsibilities of Alberta Health and Wellness, Alberta Health Services, the Health Quality Council of Alberta and Delegated Regulatory Authorities such as professional colleges. It is imperative, however, that this approach fully encompass all aspects of health care responsibility and delivery, but not be too prescriptive so as to unnecessarily or unintentionally hinder stakeholders from fulfilling their mandates.

This approach will assist the public, decision-makers and other stakeholders in understanding how the system should function, what to expect from the system and from whom, and will serve as a guide for future legislative change and the development of subordinate legislation.

Through this approach, the Chamber recommends that the province clearly recognize the legitimate role of the private sector in a competitive service delivery capacity within the publicly funded system, in accordance with the scope of the *Canada Health Act*. Key elements for consideration include:

- Enabling competitive private delivery of public funded health care services as one means to reduce costs, encourage innovation and ensure access to timely and appropriate care
- Recognizing choice by allowing patients to purchase health care services including upgrades beyond the basic levels funded by government (e.g., orthopedic and ophthalmological devices), similar to other provinces.

In addition, in delineating roles and responsibilities in the proposed *Act*, the Chamber recommends that the province seize the opportunity to streamline the health system regulatory environment, by eliminating and/or harmonizing duplicative regulatory authorities (e.g. such as



in the case of surgical facilities, by consolidating ministerial authority into joint AHS and College of Physicians and Surgeons oversight).

The Chamber further recommends that the province incorporate wording into the legislation that contemplates meaningful consultation/collaboration with directly affected stakeholder groups in the development of legislative amendments and subordinate legislation and regulation.

Consolidating core health acts that deal with publicly funded health services

The Chamber strongly supports the consolidation of health legislation, and particularly the five core provincial health acts that address publicly funded services, including: the *Alberta Health Care Insurance Act*; the *Hospitals Act*; the *Nursing Homes Act*; the *Health Care Protection Act*; and the *Health Insurance Premium Act*.

Consolidating core legislation into a centralized act is a critical step in coordinating and streamlining the health system to outcomes. A consolidated approach ensures all roles and responsibilities are clearly defined (including those of the private sector), limits the possibility for legislative ambiguities, contradictions and loopholes, and avoids the risk of duplication that may otherwise arise through multiple pieces of legislation.

A consolidated legislative framework also improves the transparency and accountability of the system by providing a central resource for stakeholders and the public in understanding Alberta's public health legislation, and improves the consistency and efficiency of future legislative amendments by avoiding the risk of inconsistency in supporting statutes.

Clear and consistent definitions to apply to all health legislation

Developing clear and consistent definitions that apply to all health legislation is a sound legislative practice that goes hand-in-hand with legislative consolidation. Universally applied, clear and consistent definitions minimize legislative ambiguity and interpretation discrepancies, and are an essential component for achieving the aforementioned objective of clearly defining roles, responsibilities and accountabilities in the health system.

Establishing an arms-length entity to support evidence-based decision-making

The Chamber supports the creation of an arms-length entity to support evidenced based decision-making, as this entity will have the ability to make objective and informed decisions based on evidence. The Chamber is encouraged by this suggestion and recommends that government ensure "evidence-based decision making" includes financial evidence, and that the entity establish and monitor financial performance targets in collaboration with the Health Quality Council of Alberta.

Health care represents over 40 per cent of the provincial budget and threatens to crowd out other important programs. It is imperative to collect financial, program and service data, capable of providing consistent accurate, comprehensive and transparent accounting of all costs, including the recognition of capital and operating expenditures. Additionally, the Chamber supports the collection of baseline measurements to evaluate cost-effectiveness, efficiency, quality, access and objective outcomes to help guide health care decisions in the province



4. Going forward, how should the public, health professionals and other stakeholders be consulted in the development and review of future legislation, regulation and policy (p. 26 of the report)? Please suggest specific processes or mechanisms you feel would be appropriate for ongoing consultation.

Setting priorities for services and developing a patient charter:

The Chamber suggests that the province continue to obtain public and stakeholder buy-in through ongoing and broad based consultation to set priorities for services and develop a patient charter.

Alignment of existing and new legislation with the new principles:

The Chamber recommends that the province create a working group of directly affected stakeholder groups, organizations and associations to advise and provide input in defining roles, responsibilities and accountabilities in the health system, and ensuring alignment of legislation, regulation and policy with the new principles. The Chamber would welcome the opportunity to participate on any proposed working group.

Public representation in the ongoing process of ensuring evidenced-based decision-making

The Chamber recommends that the province ensure public understanding and engagement in the development of the terms of reference and mandate of the entity at the onset, including the development of an objective framework set of principles to guide the decision-making process, and clearly delineate the process and accountabilities for establishing and monitoring performance measures.

The Chamber further recommends that the province require the entity to produce a publicly available annual report, as well as undergo an annual independent compliance audit to evaluate whether the entity is consistently applying the principles and guidelines delineated in its terms of reference.

Validating the proposed framework to guide future directions for the health system:

The Chamber recommends that the province establish a standing taskforce with representation from all stakeholder groups including Alberta Health and Wellness, Alberta Health Services, the Health Quality Council of Alberta, delegated regulatory authorities, the business community, the public and union groups to consult, collaborate and inform future direction for the health care system, and its legislative framework.