

Mental Health Services Protection Act

Technical Briefing

Alberta Health

November 27, 2018



Section One

Background Information

Public Commitments

- Need for regulations came from:
 - December 2015: Mental Health Review report
 - May 2017: *Valuing Mental Health: Next Steps*
 - February 2018: the Minister's Opioid Emergency Response Commission
- March 2018: Speech from the Throne:
 - Government committed to protecting vulnerable Albertans accessing addiction and mental health facilities, services and practitioners by improving care safety and quality, and consumer protections

Alberta's Addiction and Mental Health System

Current State

- **1 in 5** Albertans will access addiction and mental health services in their lifetime
- Currently, limited protections for vulnerable Albertans accessing residential addiction treatment facilities and services

Current State

- Services are currently offered in both public and private addiction and mental health facilities
 - 65% of available clinical facilities are privately operated (includes for-profit or non-profit entities)
- There are both regulated health professionals and non-regulated practitioners
 - Approximately 5,000 practitioners providing counselling services are not regulated

Issues

- Government has heard concerns from members of the public, media and experts on:
 - Safety and quality of care
 - Consumer protections
 - Practitioner qualifications and accountability
- Government has limited ability to address concerns due to a lack of regulatory authority

Issues - examples

- 2007: death of 17 year old at private residential addiction treatment facility
- 2012 – 2017: Alberta Health received 35 official complaints from the public, mostly private residential addiction treatment (average 6/year)

Legislation will:

- Improve care safety, quality and consumer protections through licensing and/or standards
- Enable establishment of a professional college for counselling therapists, addiction counsellors and child and youth care counsellors in regulation

Section Two

Mental Health Services Protection Act

Mental Health Services Protection Act



Applicability:
residential addiction treatment



Licensing and core
standards



Enforcement



Counselling Therapists



Questions

Applicability of the Act

- Sets the framework to license and requirements for all addiction and mental health services
 - Initially apply to approximately 60 (public and private) residential addiction treatment facilities
- Phased approach: balances establishing protections for Albertans while not disrupting services

Licensing of Residential Addiction Treatment Facilities

Licensing

- Similar to child care facilities
- Residential addiction treatment facilities must have a license to operate
- Phased approach:
 - Government will start accepting applications **July 1, 2019**
 - Licenses required by **November 1, 2019**
- Upon inspection, a director designated under the Act may issue/renew, amend or refuse to issue a license

Licensing: Public information

- To help people find licensed facilities in Alberta:
 - Licensed facilities will be published on government website
 - License must be posted in a public place in the facility and on the facility website

Core Standards for Licensing

1. Policy and procedures for consent and service contracts
2. Critical incident reporting, and policy and procedures for incident prevention and response
3. Record creation, maintenance and retention

Enforcement of Licensing and Standards

- Inspections or investigations of residential addiction treatment facilities may occur to ensure compliance
- Initially, inspections will be complaint driven
- An inspector may:
 - Order a facility to take specific measures
 - Issue a stop order
 - Apply to the court if there is a failure to comply
 - Issue an administrative penalty

Enforcement of Licensing and Standards

- Following inspection and investigation, a license may be amended, suspended or cancelled
 - Government will work collaboratively with licensees to prevent measures such as cancellations
- Contravention of this Act is considered an offence and liable to an administrative penalty or fine
 - **Administrative penalties** up to \$10,000, and for those that continue for more than one day \$10,000 per day to a maximum of \$100,000
 - **Court ordered fine** up to \$100,000, and for those that continue for more than one day \$100,000 per day

Creating the College of Counselling Therapy of Alberta

College of Counselling Therapy

- Amend the *Health Professions Act* to create the College of Counselling Therapy of Alberta
- Similar to other health professional groups, this gives public a tool to find a qualified practitioner
- Consultations took place in July 2018 between the department and the colleges

College of Counselling Therapy

- Professional titles will be protected:
 - Counselling therapist
 - Psychotherapist
 - Addiction counsellor
 - Drug and alcohol counsellor
 - Child and youth care counsellor
- Scope of practice for counselling therapists, addiction counsellors and child and youth care counsellors will be clearly outlined

Timelines

July 1, 2019

- Residential Addiction Treatment Facilities can begin applying for licenses

November 1, 2019

- Residential Addiction Treatment Facilities will be required to have licenses to operate

Upon Proclamation

- Health Professions Act will be amended to add the College of Counselling Therapy of Alberta as a health professional regulatory college

Questions?

