

Q&As for stakeholders:
proposed *Mental Health Services Protection Act*
Nov 27, 2018

Residential Addiction Treatment Service Licensing

1. How do you define a residential addiction treatment service?

- The proposed Act defines residential addiction treatment services as services provided to individuals who have an addiction in which overnight accommodation is provided for all or part of the duration of the treatment and includes, without limitation, withdrawal management services but does not include services provided in an approved hospital as defined in the *Hospitals Act* or services provided by a person or service provider exempted by the regulations.

2. Why are hospitals exempted as a residential addiction treatment service?

- Hospitals will not be required to be licensed or otherwise governed under the proposed *Mental Health Services Protection Act*.
- While hospitals may provide inpatient treatment for substance use, they are already regulated through the *Hospitals Act*.

3. Why is legislation needed?

- The need to regulate addiction service providers has been identified several times, including a 2010 fatality inquiry report and in action 16 of *Valuing Mental Health: Next Steps*.
- This legislation would ensure all residential addiction treatment facilities meet the same core requirements and would take the first critical steps to ensure Alberta's addiction and mental health system has safe facilities, quality services and appropriately trained and regulated professionals.

4. What do private operators think of this bill?

- We consulted with private operators through stakeholder engagement sessions held in August 2018, and invited input through an online public survey.
- In general, there is support for government to take action. Some operators and stakeholders expressed concern with the increased burden operators may experience as part of meeting standards, while others supported increased oversight for the sector.
- Alberta Health will provide support to operators to assist them in complying with the standards created under the proposed Act and in future regulations.

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5. If passed, how will operators be informed of the legislative and regulatory changes?

- Ensuring that facilities are aware of their obligations under the proposed Act will be vital to its successful implementation.
- Government will ensure a comprehensive communications strategy is implemented and clear timelines established so operators are notified of their new obligations, as well as training sessions to ensure operators understand the new requirements.

6. What will government do to minimize duplication of requirements for those facilities already meeting some standards, such as AHS and AHS-contracted facilities?

- Alberta Health is engaging AHS and AHS-contracted facilities to minimize the risk of duplication. Where possible, flexibility in how requirements are met will assist in reducing duplication (e.g. allowing forms already in use to show evidence of meeting standards).

7. Do the proposed new requirements under the Act represent a dramatic shift for addiction and mental health service providers?

- No. For the majority of facilities in Alberta, the creation of a licence and corresponding requirements will be an incremental step towards delivering a higher standard of care. Many facilities already meet these standards.
- Alberta Health will offer supports to help facilities comply with requirements, including operator training and dissemination of information through targeted awareness campaigns.

8. Would 12-step residential addiction treatment programs be licensed?

- Twelve-step and peer support programs, such as Alcoholics Anonymous or Narcotics Anonymous, that operate outside of residential addiction treatment facilities would *not* have to be licensed.
- Licensing is only required for residential addiction treatment facilities.

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9. How would licenses be enforced?

- Alberta Health would be responsible to ensure residential addiction treatment facilities are compliant with the legislation and would oversee the licensing of these facilities.
- The Act would give government power to investigate complaints about residential addiction treatment services, and to take measures to address non-compliance with the core standards.

10. When would the residential addiction treatment facility sections of this Act come in to force?

- On July 1, 2019, licensing applications for residential addiction treatment facilities would open.
- After November 1, 2019, facilities would require a license in order to operate.
- By 2021, it is anticipated that additional regulations under the legislation would come into force.

College of Counselling Therapy of Alberta

11. What is the College of Counselling Therapy of Alberta?

- This would be a new College that would govern the profession of counselling therapists, addiction counsellors and child and youth care counsellors under the *Health Professions Act*.

12. What would this College do?

- This College, like other colleges under the *Health Professions Act*, would:
 - maintain a register of its regulated members, that is accessible to the public;
 - respond to complaints about the conduct of regulated members;
 - govern its regulated members in a manner that protects and serves the public interest;
 - provide direction to and regulate the practice of the profession by its regulated members;
 - establish, maintain and enforce standards for registration and of continuing competence and standards of practice of the regulated profession; and
 - establish, maintain and enforce a code of ethics.

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13. How would the College respond to a complaint about a regulated member of this College?

- If the proposed legislation is passed, a complaint about a regulated member may be made to the complaints director of the College, who, depending on the nature of the complaint, may:
 - encourage the complainant and the investigated person to communicate with each other and resolve the complaint;
 - may, with the consent of the complainant and the investigated person, attempt to resolve the complaint;
 - make a referral to an alternative complaint resolution process
 - conduct, or appoint an investigator to conduct, an investigation; and may then:
 - refer the complaint to a hearing tribunal for a hearing; or
 - if satisfied that the complaint is trivial or there is insufficient or no evidence of unprofessional conduct, may dismiss the complaint.

14. When would the College of Counselling Therapy sections of the Act come into force?

- Provisions to amend the *Health Professions Act* to establish the College of Counselling Therapy of Alberta would come into force when a Counselling Therapists, Addiction Counsellors and Child and Youth-Care Counsellors Profession Regulation is approved.
- In addition, amendments to the *Health Professions Act* to protect the title “psychotherapist” for regulated members of the College of Counselling Therapy of Alberta, the College of Alberta Psychologists and the College of Physicians and Surgeons of Alberta would also come into force.
- By summer 2019, it is anticipated that regulations would be created under the *Health Professions Act* for Counseling Therapists, Addiction Counsellors and Child and Youth-Care Counsellors.