

MINISTRY OF HEALTH

Hospital Privileges Appeal Board

Mandate and Roles Document

This Mandate and Roles Document (“MRD”) has been developed jointly by the Hospital Privileges Appeal Board (“Board”) and the Minister of Health (“Minister”) pursuant to and in accordance with the requirements of section 3 of *Alberta Public Agencies Governance Act*. This MRD is not a contract, nor does it establish or create legal obligations. Rather, it sets out the understanding of the Board and the Minister on key issues.

1. Mandate

The Hospital Privileges Appeal Board is established under section 18 of the *Hospitals Act* (RSA 2000 cH-12). It is an adjudicative body exercising powers under that Act.

The Board’s mandate is as follows:

The Board hears appeals from members or former members of the medical staff of an approved hospital (“staff members”) who feel personally aggrieved by the following types of decisions made by the board of an approved hospital (“hospital board”):

- A decision not to re-appoint the staff member or former staff member as a member of the medical staff;
- A decision to re-appoint the staff member or former staff member with different hospital privileges than those that the staff member or former staff member had immediately prior to the re-appointment;
- A decision terminating or suspending the staff member’s or former staff member’s appointment as a member of the medical staff;
- A decision terminating or suspending the staff member’s or former staff member’s hospital privileges;
- A decision varying the member’s or former member’s hospital privileges.

Nothing in this MRD is intended to or shall interfere with the Board’s adjudicative function. The Board operates independently from the Minister when executing such functions.

2. Roles and Responsibilities

a) Board and its Members

The Board and its members have the following responsibilities:

- comply with all applicable laws and regulations, as may be amended from time to time, including:
 - *Freedom of Information and Protection of Privacy Act* (FOIP)
 - *Health Information Act*
 - *Lobbyists Act*
 - *Alberta Public Agencies Governance Act*
 - *Hospitals Act*

- *Public Inquiries Act*
- comply with policies set by the Minister;
- make all reasonable efforts to fulfill the Board's mandate;
- participate with the Minister in setting its long-term objectives and short-term targets, if any;
- monitor the Board's activities as required;
- evaluate the Board's and members' performance;
- be accountable to the Minister;
- implement and comply with a Code of Conduct for members; and
- comply with the Board's planning and reporting requirements.
- the Board may make rules governing the hearing of appeals as long as these rules are consistent with the *Hospitals Act*.
- on hearing an appeal, the Board may, by order, do the following:
 - Confirm the decision of the hospital board;
 - Direct that the former staff member be re-appointed to the medical staff or that the staff member's hospital privileges on re-appointment be varied;
 - Direct the reinstatement of the former staff member's appointment as a member of the medical staff or of the staff member's hospital privileges;
 - Remove or vary a suspension; or
 - Direct that the staff member's hospital privileges be varied.
- for the purposes of such appeals, the Board has the powers, privileges and immunities conferred on a commissioner under sections 3 and 4 of the *Public Inquiries Act*.

b) Committees

Not applicable

c) Chair of the Board

The Chair has the following responsibilities:

- provide leadership and facilitate the work of the Board;
- plan and manage Board meetings;
- provide the Minister with annual updates on the Board's operations and inform the Minister regarding emergent issues;
- provide the Minister with results of Board decisions;
- ensure that the Board conducts an annual evaluation of its performance and the work of individual Board members; and
- administer the Code of Conduct using the process referred to in the Code.

In the event of the absence or inability to act as the Chair, the Board members present at a hearing of the Board may elect one of the members to be Chair for the purposes of that hearing.

d) Minister

The Minister has the following responsibilities:

- appoint members to the Board;

- designate the Chair of the Board;
- monitor the Board to ensure that it is acting within its mandate;
- participate with the Board in setting long-term objectives and short term targets, if any, and monitor whether the Board is achieving such;
- advise the Board, as the Minister considers appropriate, of Government policies that apply to the Board or to its activities or operations;
- conduct a review of the Board's mandate and operations at least every seven years. The Minister shall report the result to the Executive Council.

e) **Government of Alberta (Department of Health)**

The Department of Health ("the Department"), through the Health System Monitoring Branch of the Health System Accountability and Performance Division, has the following responsibilities:

- coordinate the recruitment and orientation of board members;
- review, reconciliation, and recommendation of Board expense claims;
- reimbursement of costs associated with hearings;
- review of activity reporting;
- review of results and retention of copies of Board decisions;
- pay remuneration and expenses in accordance with the applicable provisions of the Committee Remuneration Order (O.C. 466/2007);
- arrange for resources, including assistance in retention of independent legal counsel, to support the Board in the execution of its statutory duties and responsibilities;
- provide any other support or duties that in the opinion of the Minister may reasonably be required by the Board to enable it to perform its function under the *Hospitals Act*.

f) **Government of Alberta (Agency Governance Secretariat)**

The Agency Governance Secretariat (AGS) provides resources and support to departments and agencies in the development of and amendments to MRDs. The AGS may also be utilized as a source for information, tools, advice and training on sound governance practices.

3. Recruitment, Appointment, and Remuneration of Board Members

The Board consists of the following members appointed by the Minister, each for a term of not more than three (3) years:

- Two physicians;
- One member of The Law Society of Alberta or of the judiciary;
- One member of the board of an approved hospital;
- One member of the College and Association of Registered Nurses of Alberta; and
- Two other persons.

Board members may be reappointed for up to an additional three terms (for a total of 12 years) based on satisfactory performance.

a) **Recruitment and Appointment Process**

- The recruitment of candidates is coordinated by the Department.

- Through consultation, the Department and the Board will develop a competency matrix that outlines the skills, knowledge, experience or attributes the Board requires, including those of particular members, where appropriate. When vacancies arise, the matrix will be used to identify competencies required of a new Board member. A description of these competencies will be set out in the job advertisement which will be publicly posted.
- Candidates will be assessed based on the extent to which their experience and qualifications match the competencies recruited for. A member of the Board (generally the Chair) will be included in the process.
- Suggestions for possible candidates may be solicited from stakeholders.
- Qualified candidates will be interviewed and screened for eligibility and conflicts of interest.
- At least one Board member will participate in the interviews of qualified candidates.
- The Minister then appoints the member by Ministerial Order.
- Appointment of each member of the Board is for a fixed term as set out in the Ministerial Order.
- An individual may only serve a maximum of twelve years of continuous service.

b) Remuneration

The remuneration of members appointed to the Board will be set out in accordance with the applicable provisions of the Committee Remuneration Order. Information related to remuneration will be disclosed to the public.

4. Orientation and Training of Board Members

The Department, through the Health System Monitoring Branch of the Health System Accountability and Performance Division, is responsible for coordinating the orientation required by the Board in the execution of its statutory duties and responsibilities.

The Chair or a Board member is involved in training and orientation of new members in the execution of the Board's statutory duties and responsibilities.

5. Performance Evaluations

Through a process led by the Chair or other appropriate party, the Board conducts an annual evaluation of the performance of the Board and its individual members. The Board reviews the results of such evaluation, discusses potential ways to improve Board performance and adopts action-items for improvements. The Board shares the results of the evaluation, action items and results of action items with its program area contact in the Department.

6. Accountability, Planning and Reporting Requirements

The Board is accountable to the Minister. It has the following planning and reporting requirements:

- Submission of copies of its decisions to the Department;

- Submission of copies of official transcripts of its sessions, deliberations and rulings to the Department.
- Submission of an annual report on its operations and activities.
- Informing the Minister respecting its significant activities and operations and any significant events that may affect those activities or operations.

The Minister may from time to time request from the Board additional reporting which may be either specific or general and either periodic or one-time.

7. Interaction between the Minister, Department and Board

The Minister, Department and the Board agree to communicate, collaborate and consult with each other as follows:

- The Board will keep records of its activities and official transcripts of its sessions, deliberations and rulings and will submit copies to the Department.
- The Department will communicate with the Board regarding legislation and Government policy impacting the Board's work.

The Minister, Department and Board agree to communicate with the public as follows:

- Public communication pertaining to the functions of the Board will be done in a collaborative matter between the Board and the Department to allow for appropriate coordination and review. Department approval will be required prior to any public communication.

8. Code of Conduct

The process for administering the Code of Conduct is referred to in the Code itself. The Code is available at: <http://alberta.ca/albertacode/images/AGS-HospitalPrivilegesAppealBoard-Conduct-2015.pdf>

9. Administration of the MRD

a) Review of the MRD

This MRD must be affirmed annually or on a change in either the Minister or the Chair of the Board, and must be reviewed and renewed, amended or replaced within 3 years after the date on which it is signed or the most recent amendment to it was signed.

This MRD may be amended at any time by the Board and the Minister, and any amendment made to it must be signed by a Board representative and the Minister.

b) Public Availability of the MRD

Copies of the MRD will be filed with the Minister, the Department, the Board and the Agency Governance Secretariat (AGS). This MRD will also be available to the public on the Department's website and the AGS website.

S. Tim Taylor

Chair
Hospital Privileges Appeal Board

Andrea M. [Signature]

Minister
Alberta Health Services

Date: March 9, 2015

Date: June 24, 2016