Healthcare

Know Your Rights Alberta – Legal Information Handbook

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CNIB

Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

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To learn more about the Know Your Rights project, please visit **cnib.ca/KnowYourRights**

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My Legal Rights

Q: What legal rights do I have when it comes to healthcare in Alberta?

A: Under Alberta laws, people with disabilities have important legal rights when it comes to healthcare. People with disabilities have the right to equal access to and benefit from the healthcare system.

- You have the right to receive an equal level of service from healthcare providers as anyone else without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from healthcare service providers up to the point of **undue hardship**.
- You have the right to have your personal health information kept confidential and private by all healthcare service providers.

Long-term Care and Special Care Homes

- Residents of **continuing care homes** in Alberta can find information about their rights and responsibilities in the resident handbook developed for their facility.
    - Resident handbooks, such as that developed for long-term care homes in Alberta, are available upon admission or by requesting a copy from staff.
    - For general information about the topics covered in resident handbooks, refer to Alberta's **Continuing Care Act.**
    - **Note**: Continuing care homes may also be referred to as special care homes or nursing homes.

Duty to Accommodate & Undue Hardship

A healthcare provider's "**duty to accommodate**" means they are legally required to provide you with the supports you need to receive an equal level of service to anyone else.

However, the duty to accommodate has a limit and this limit is called "**undue hardship**." Undue hardship is a legal term. It means that if a healthcare provider can show it would be very difficult for them to provide you with a certain accommodation, then they do not have to provide it.

It is important to note it is **not enough** for a healthcare provider to **simply claim** undue hardship. A healthcare provider **must show clear evidence** of undue hardship. This evidence can relate to factors such as:

1. Whether the cost of the accommodation would be so high it would significantly interfere with their ability to operate. When calculating cost, they must also consider outside sources of funding, such as grants or subsidies from government programs.

2. Whether the accommodation would create serious health and safety risks.

Even if a healthcare provider shows that a certain type of accommodation will create undue hardship for them, they still have a legal duty to provide you with the **next best** type of accommodation.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- **Alberta Human Rights Act**
    - Prohibits discrimination based on disability in most areas of public life, including healthcare.
- **Blind Persons' Rights Act**
    - Recognizes the rights of Albertans with sight loss and ensures their access to public places, including those accompanied by guide dogs.

Other important healthcare-related laws and standards that may be relevant to your situation include:

- Alberta's **Freedom of Information and Protection of Privacy Act**
    - Allows any person the right to apply for access to records in the possession or under the control of a government institution in Alberta, subject to certain exemptions.
    - Establishes privacy rules for how government institutions may collect, use and disclose personal information.
- Alberta's **Health Information Act**
    - Protects the privacy of your personal health information, which is information about your mental or physical health that can identify you.
- **Alberta Health Act**
    - Sets out principles that guide the health care system, including the various expectations and responsibilities in the system.
- Alberta's **Health Professions Act**

    - Governs the practice of regulated health professions that are regulated by self-governing regulatory colleges under the Act.
- Alberta's **Protection for Persons in Care Act**
    - Requires the reporting of abuse by service providers in order to take the steps to protect clients from abuse while providing care.

Q: Who must comply with Alberta's healthcare laws?

A: The people, companies, organizations and governing bodies who are involved in delivering healthcare services in Alberta are required to comply with the above laws, including:

- Individual healthcare providers, such as physicians, nurses, physiotherapists, optometrists, dentists, etc.
- Healthcare organizations, such as **Alberta Health Services**
- Other governing organizations, such as the College of Physicians and Surgeons, the College of Nursing, etc.
- The Government of Alberta and its agencies

Patients – if you request an accommodation because of your disability, you have a duty to participate reasonably and cooperatively in the accommodation process

Q: What can I do to enforce my legal rights?

A: If you feel you have been unfairly discriminated against by a healthcare provider, there are things you can do to stand up for yourself. In general, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**. For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

Consider the following legal options you can pursue:

- File a report/complaint with the **College of Physicians & Surgeons of Alberta (CPSA)**, which is responsible for overseeing the practice of medicine in the province.
- Make a complaint to the **Alberta Human Rights Commission**.
- File a complaint to the **Minister of Health**.
- File a complaint with **The Continuing Care Licensing Office** if you have complaints surrounding continuing care accommodations.
- Make a complaint with the **Health Advocate Office**, which has the authority to review situations where someone is believed to have acted in a way that is not aligned with the **Alberta Health Charter**.
- Make a complaint to the **Alberta Ombudsman**
    - The Alberta Ombudsman oversees most publicly funded health entities in the province, including the Alberta Health Services and the Ministry of Health.
    - The Alberta Ombudsman can consider whether an individual has been unfairly treated.
- Contact the **Advocate for Persons with Disabilities**

You may also consider hiring a lawyer to help you with any of the legal options listed above or to pursue other legal options such as a claim before an **Alberta Court.**

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving equal access to healthcare services.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Intervenors and Trusted Intermediaries

Q: What is an intervenor or a trusted intermediary?

A: An **intervenor** is a trained support person for people who are Deafblind. They provide visual and auditory descriptions of the outside environment. These descriptions and cues enrich the experience of the Deafblind person, by allowing them to fully experience their environment and interact with others in a meaningful way. In short, they are a bridge between their client and the outside world.

A **trusted intermediary** is a person who understands that their clients have intersecting needs and unique circumstances, and acts as a bridge to accessing services, information, and resources.

Q: I have been told that my intervenor/trusted intermediary cannot participate in certain aspects of my healthcare. For example, they are not permitted to accompany me to certain parts of the hospital. What can I do?

A: When you plan to have your intervenor accompany you to a medical appointment, do your best to plan ahead. For example, call the healthcare provider in advance to tell them that you will be accompanied by an intervenor and take some time to explain to the healthcare provider about your intervenor's role.

Healthcare providers have a duty to accommodate your needs to the point of undue hardship. This means making exceptions to “patients only” policies in some cases. You can say that you require the support of an intervenor to receive an equal level of service.

You or your service provider may sometimes be worried that complicated medical information will not be properly communicated by your intervenor. To help address this concern, you can request that all important information from your appointment (for example, information about your prescriptions) be provided to you in an accessible written format. You can also ask your healthcare provider for permission to record your visit.

If your support person is not permitted to attend with you, the healthcare provider may be able to provide you with a sighted health professional to support you during your visit.

Q: I attended the doctors office with an intervenor/trusted intermediary. The medical staff kept on addressing them, instead of speaking directly to me. What can I do?

A: If you find that medical staff are consistently addressing your intervenor/trusted intermediary instead of you, begin by directly addressing the medical staff and request that they communicate directly with you. Explain the role of your intervenor and clarify that they are there to assist you, not replace your voice in conversations concerning your care.

Clearly sharing your communication preferences can help improve your experience and access to healthcare. If the issue persists after advocating for yourself, consider reaching out to an advocacy group or launching a complaint.

Guide Dogs

Q: While attempting to access an emergency room with my guide dog, I was told by security that I could not bring a dog inside the hospital. Is this true?

A: No this is not true. In Alberta, it is discriminatory to deny access or services to an individual accompanied by a guide dog, when those services are available to the public. **Alberta's Human Rights Act**, and the **Blind Persons' Rights Act,** guarantee accommodations for individuals with sight loss in public spaces, including the right to bring their guide dog. Guide dog handlers have the right to access all public spaces, including hospitals.

Q: While at the hospital with my guide dog, the doctor paid more attention to my guide dog than they did to me. What can I do?

A: The first thing you can do is advocate for yourself in this doctor-patient setting. Politely remind your doctor that you would prefer they focus on you rather than interacting with your guide dog. Educate your doctor about proper etiquette regarding guide dogs, emphasizing that they should not be distracted.

If you feel you need to take further action and are dissatisfied with your experience at an Alberta Health Services or Covenant Health Hospital, you can file a complaint with their patient relations team. You can also submit a complaint to the **Alberta College of Physicians and Surgeons**.

It is essential to ensure that healthcare providers understand your needs and treat you with the respect and attention you deserve during medical appointments.

If you need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

Q: I attended the doctor's office while accompanied by my guide dog. The doctor did not want my dog to be in the examination room, so refused to meet with me. What can I do?

A: It is your right to be accompanied by a guide dog. The **Blind Persons' Rights Act** permits Albertans to access all public places with their guide dog. Anyone in violation of this act, and who denies access to an individual accompanied by a guide dog has committed an offence and may be fined. It is discrimination for your doctor to refuse to meet with you because of your guide dog.

You can start by asserting your rights at your doctor's office. Inform them that it is your right to bring your guide dog with you and by excluding your guide dog they are preventing you from accessing medical care. Ask if the healthcare facility has a patient advocator or mediator within the facility that can help sort the situation out.

If your healthcare facility does not have a patient advocate, you can reach out to the **Health Advocate Office** or the **Advocate for Persons with Disabilities** to help advocate for you in the healthcare setting.

You may want to file a complaint with the **Alberta Human Rights Commission** or the **Alberta College of Physicians and Surgeons**.

Guides

Q: While at the hospital, I asked for directions to another place in the building. I was told to "just follow the coloured arrows." On another occasion, a nurse who was supposed to guide me rushed ahead of me, expecting me to follow. What can I do?

A: Inform the hospital staff of your sight loss and explain that you have specific needs and may need to be accommodated to provide you with equal access to medical services. The hospital has a duty to accommodate you to the point of undue hardship, which includes helping you navigate around the hospital.

If you have informed hospital staff about your need for accommodations, and they fail to provide the necessary support, you have the right to take further action. You may want to file a complaint with the hospital's patient relations team and the **Alberta Human Rights Commission.**

Q: I need to see a doctor, but the medical clinic's waiting room has an inaccessible queue. For example, a "take a number" system. What can I do?

A: If you encounter an inaccessible queue, inform the staff, as soon as possible, that you require an accommodation. For example, you can request that when your number is called, a staff person should come to notify you and guide you to where you are required to be. Make sure to fully inform the staff about your needs so they can take steps to accommodate you. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of **undue hardship**.

If you still have trouble getting the accommodation you need, you may want to speak with a manager or supervisor. If this is not successful, then you may wish to engage the healthcare provider's formal complaint process or contact the **Alberta Human Rights Commission.**

Inaccessible Consent and Health Information Forms

Q: I've been asked to review or fill out documents or forms that are not in an accessible format. When advised that the documents or form was inaccessible, the staff told me that I should bring someone to help me. What can I do?

A: If you find a healthcare-related form that's not in an accessible format, you have the right to request that form in an accessible format from the healthcare provider as an accommodation for your disability. By disclosing your disability and making a request for accommodation, you trigger the healthcare provider's legal duty to accommodate you up to the point of **undue hardship**.

When scheduling a medical appointment, consider planning ahead. For example, call the office ahead of time and request that all forms be sent to you in advance of the appointment in an accessible format.

If the service provider is unable to send forms in advance (or doesn't have the forms available in an accessible format), tell them that you have a disability and will require an alternative accommodation. For example, you can request that someone from their team assist you in reading and completing the forms in a private setting at the time of your appointment.

If a service provider says you are responsible for having a sighted companion at the appointment, remind them politely that you have the right to receive an equal level of service as anyone else and they have a legal duty to accommodate your needs at no cost to you. You can also explain that since you have the right to keep your personal health information confidential and private, they cannot expect you to bring a sighted companion (for example, a family member or friend) to your medical appointments, where important personal health information will be disclosed.

Consent and Communication Regarding Procedures/Treatment

Q: While admitted to the hospital, medical staff would enter my room and provide injections and take blood without adequate explanation, and without confirming my consent. What can I do?

A: It is crucial that medical procedures of any kind are not conducted without your **informed consent.** Informed consent ensures that patients have the opportunity to make informed

decisions about their medical care, and have their bodily autonomy and integrity respected. Healthcare providers should provide patients with clear and understandable information about the nature of the procedure, including its purpose and any potential risks.

Medical treatment performed without confirming the consent of the patient may constitute battery, except for emergency situations. While this consent may often be implied, it is important that your physician and other medical staff ensure that the consent is valid.

You may wish to consider consulting with a lawyer to establish your legal rights and determine if any of the following options are appropriate:

- Filing a complaint with the hospital's patient relations team.
- Making a complaint to the **Alberta Human Rights Commission.**
- Filing a complaint with the **Alberta College of Physicians and Surgeons**.

Treatment

Q: I feel that medical staff do not understand my needs or lack basic etiquette when dealing with people who have sight loss. For example, my doctor turned his computer monitor to me and asked me to look at what was on the screen. What can I do?

A: Unfortunately, there are times people who have sight loss are treated poorly in a healthcare setting. For example, when medical staff:

- Enter a room without introducing themselves or leave a room without notifying you
- Touch you without notifying you in advance
- Speak to your sighted companion or intervenor instead of addressing you
- Provide confusing or unhelpful directions

To reduce the chance of poor treatment, it is helpful to proactively inform staff about your needs or about basic etiquette when working with people who have sight loss. For example, you can call ahead to inform a service provider about your needs or take time to speak with staff when you arrive.

If you have been treated poorly, consider following up with a staff person's supervisor, their senior management, or – if it's a large institution – an internal ombudsman or other complaint process.

If this is not successful, then you may wish to contact the **Alberta Ombudsman** or the **Alberta Human Rights Commission.**

Q: Upon attending the emergency room and due to symptoms associated with my sight loss (e.g. inability to make eye contact), I have been directed by staff to undergo drug testing. Do I have to comply with this direction?

A: Regardless of your sight loss, you are not required to comply with any medical examination or procedure if you do not consent.

Every person has the right to decline medical treatment, and consent must be obtained before any procedure is performed. Consent can be either expressed or implied, depending on the circumstances and the nature of the procedure.

The only exception to this rule is in cases of medical emergencies where immediate treatment is necessary, such as when a person is unconscious or when an individual lacks the capacity to consent.

Filling Prescriptions

Q: When prescribed medication, I've been given instructions and information in an inaccessible format. What can I do?

A: When you are being prescribed medication, you can request that the physician or pharmacist spend additional time with you to provide you with key information. For example, request that they spend time to fully detail the instructions, warnings, side effects, etc. If you have questions or want clarification, be assertive and make sure to ask.

If the service provider does not want to do this and is unable to make equivalent accommodations for your needs (for example, providing you with information in an accessible format), remind them that you have the right to receive an equal level of service as anyone else and that they have a legal duty to accommodate you.

Over the past few years, some pharmacies, including Shoppers Drug Mart, have implemented a service that allows consumers to obtain important information about prescription medications through text-to-speech technology. To access this service, let your pharmacy know that you use text-to-speech technology and request that your medication label be prepared in this format.

If you still have trouble getting the accommodations you need, you may want to speak with a manager or supervisor. If this is not successful, then you may wish to engage the healthcare provider's formal complaint process or contact the **Alberta Human Rights Commission.**

Q: I am required to take more than one medication at a time. I cannot tell the difference between the different medications, as the labels on the medication bottles are not in an accessible format. What can I do?

A: Similar to other medical services, you are entitled to receive reasonable accommodations from a pharmacy to use your medication safely. If the service provider is unable to accommodate your needs by providing you with information in an accessible format, politely remind them that they have a legal duty to accommodate you.

Reach out to the pharmacy where you filled your prescription and inquire about the availability of ScripTalk. ScripTalk is a technology designed to provide accessible prescription label information for individuals with vision impairments or print disabilities. It consists of a small device that attaches to medication bottles and reads aloud the information on the prescription label when activated. You may also be able to ask about the availability of accessible labels, such as large print or braille.

If the pharmacy does not offer this technology, you can seek assistance from family and friends, and consider using medication management tools like pill organizers as an effective alternative solution.

If you still have trouble getting the accommodations you need, you may want to speak with a manager or supervisor. If this is not successful, then you may wish to engage the healthcare provider's formal complaint process or contact the **Alberta Human Rights Commission.**

Labour and Delivery

Q: After having my baby, I was advised by hospital staff that they did not think I should be left alone with my newborn, due to my sight loss. They want me to meet with Child and Family Services. What can I do?

A: Blind parents are frequently subjected to heightened scrutiny and are judged to be unfit more often than sighted parents. Despite this stigma, individuals with vision loss have the same capacity for parenting as those who are fully sighted. Advocate for yourself and your child by providing information about how you intend to care for your newborn despite your sight loss. This could involve discussing adaptations you've implemented or the support you receive from family members or caregivers. Attend the Child and Family Services meeting to express your confidence in your ability to safely care for your baby and discuss your situation.

If you need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

You may also wish to contact an advocacy group, such as the **Advocate for Persons with Disabilities**, for assistance. Also, consider reaching out to a lawyer who specializes in family and child welfare law or human rights law.

Costs

Q: I've been told that I have to pay for my healthcare-related accommodations. Is this true?

A: Your healthcare provider cannot make you pay for reasonable accommodations for your disability. It is your healthcare provider's legal duty to accommodate you up to the point of undue hardship and your healthcare provider is responsible for paying the costs of reasonable accommodations.

Unfortunately, having a disability can be expensive. There are costs that are not always covered by government healthcare or private insurance. Examples may include screen reading software, white canes, a guide dog, etc. CNIB may be able to help you identify funding to offset medical costs associated with your disability.

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