

## 20. Legislation (Revised)

### HEALTH INSURANCE PREMIUMS ACT

- Definitions**      1 In this Act,
- (a) “agent” means a local authority, employer or other person or unincorporated group of persons designated as an agent and who, under this Act, is authorized or required to collect premiums;
- Remittance of premiums**      6(1) Every person who is liable to pay premiums shall, at the times fixed and in the manner prescribed in the regulations, pay to the Minister or to the Minister’s agent the amount of the premium payable by the person on behalf of the person and the person’s dependants, if any, in respect of each such subsequent benefit period as may be designated in the regulations, together with a statement in the form and containing the information prescribed by the Minister.
- (2) The Minister may make other arrangements for the collection of premiums in any part of Alberta designated by the Minister in any case in which the Minister considers it advisable to do so.
- (3) Subject to the regulations, the Minister shall refund any overpayment of premium to the person who paid it or the person lawfully entitled to receive it.
- Agents**      7(1) Every agent to whom premiums are paid shall, at the times fixed in the regulations, remit to the Minister the amount of the premiums so received by the agent, together with a statement in the form and containing the information prescribed by the Minister

(2) When any person has paid a premium in respect of a benefit period to an agent, the premium so paid is deemed to have been paid in advance in respect of that benefit period as required by section 3(1), but nothing in this subsection relieves the agent from any liability to remit the amount of the premium to the Minister.

**Employer's  
Groups**

8(1) The employees of an employer group are a group for the purposes of the Act if the number of employees and those persons counted as employees pursuant to the regulations for the purposes of this subsection, is equal to or exceeds the prescribed number.

(2) A group under this section shall be called an "employer's group".

(3) The Lieutenant Governor in Council may make regulations for the purposes of this section

(a) specifying a number as the "prescribed number";

(b) specifying the persons or classes of persons to be counted as employees for the purposes of determining whether a group qualifies as an employer's group'

(c) prescribing the circumstances under which an employer is not to be considered as liable for the payment of a premium in relation to an employee in the employer's group.

(4) In addition to the employees, the following persons are included in an employer's group:

(a) the employer himself or herself, if the employer is a resident;

(b) if the employer is a partnership, each member of the partnership who is a resident.

(5) The employer is an agent of the Minister with respect to an employer's group.

(6) An employer whose employees are an employer's group shall,

(a) subject to any agreement made with an employee or with a certified bargaining agent on the employee's behalf under which the employer undertakes to pay all or part of the premiums, deduct from the wages

payable to each of the employer's employees in the group the premium payable by the employee, and

(b) whether or not the employer makes a deduction pursuant to clause (a), remit to the Minister the premium payable by or on behalf of that employee in accordance with the regulations.

(7) On remitting the premiums payable by the employer's employee as provided in subsection (6), each employer shall, at the same time, send to the Minister a statement with respect to it in the form and containing the information prescribed by the Minister.

(8) When an employer has

(a) pursuant to an agreement under subsection (6) agreed to pay premiums on behalf of an employee, or

(b) deducted premiums from the wages of an employee,

the premiums payable on behalf of the employee are, in relation to the employee concerned, deemed to have been paid by the employee to the Minister but nothing in this subsection relieves the employer from the employer's liability to remit those premiums to the Minister.

(9) If an employer fails to comply with subsection (6), the employer shall, on being notified by the Minister to do so, in addition to the premiums the employer is liable to remit, pay to the Minister the penalty prescribed by the regulations.

**Designated groups** 9(1) If the employees of an employer do not qualify as an employer's group under section 8, the Minister may, at the request of the employer, designate the employees as a group for the purposes of this Act.

(2) A group under this section shall be called a "designated group".

(3) Section 8(3)(c) and (4) to (9) apply to a designated group to the same extent as though it were an employer's group.

(4) Notwithstanding section 8(1), a group does not cease to be a designated group by reason of the fact that it subsequently is qualified to be an employer's group until the Minister revokes its designation under this section.

**Employee groups** 10(1) The Minister and a trade union or employee association may enter into an agreement or arrangement whereby, among other things

(a) some or all of the persons who are from time to time members of the trade union or employee association are constituted as a group for the purposes of this Act, and

(b) the trade union or employee association undertakes to pay to the Minister the premiums otherwise payable by those members pursuant to section 3(1).

(2) A group constituted by agreement or arrangement under sub-section (1) shall be called an "employee group".

(3) The trade union or employee association concerned

- (a) is primarily liable for the payment of the premiums that the employees in the employee group would otherwise be liable to pay the Minister under subsection 3(1), and
- (b) shall remit the premiums to the Minister at the times fixed in the regulations, together with a statement in the form and containing the information prescribed by the Minister, whether or not the employer or trade union or employee association contributes to the payment of all or part of those premiums and whether or not the employer deducts all or part of the premiums for the remuneration payable to the employer's employees.

(4) The trade union or employee association concerned is an agent of the Minister.

**Employer's  
liability  
unaffected**

11(1) Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable under this Act in respect of employer's employees and any obligation of the employer under such an agreement or arrangement to pay all or any part of the premium continues in respect of the payment of the premium under this Act.

(2) When the amount required to be paid by an employer under sub-section (1) is greater than the amount the employer is by virtue of subsection (1) required to pay in respect of the premiums under this Act, the employer shall, until the agreement is terminated, pay the amount of the excess to or for the benefit of the employees.

**Collection of premiums from non-group members** 12(1) The Minister may make arrangements with any organization having 5 or more members who are residents of Alberta whereby a member of the organization is appointed to collect the premiums payable by its members and remit them to the Minister at the times fixed in the regulations, together with a statement in the form and containing the information prescribed by the Minister.

(2) The members or an organization under subsection (1) are to be called a “collector’s group” and the member of the organization who collects or remits the premiums is an agent of the Minister for the purposes.

(3) Membership in a collector’s group does not effect the liability of the members of the group to pay premiums.

(4) Persons who are members of an employer’s group, a designated group or an employee group are not eligible to be members of a collector’s group.

**Payroll deductions** 13(1) When a person who has failed to pay arrears of premiums is or becomes a member of an employer’s group , designated group or employee group, the employer or group shall, when notified by the Minister to do so, and in the manner prescribed in the regulations, cause to be deducted from the person’s wages the premium arrears owing and shall remit those premiums to the Minister.

(2) Any employee, employer or employee group who contravenes sub-section (1) is guilty of an offence.

- Waiver of premium**      **14** Subject to the regulations, the Minister may waive the payment of the whole or any part of the premiums of a registrant who applies for a waiver of premiums for reasons of financial hardship.
- Uncollectible premiums**      **15** When the Minister is satisfied that a premium payable by or on behalf of any person is uncollectible or is collectible only with expense or effect that is unreasonable in the circumstances, the Minister may cause the amount of the premium to be written off in Minister's books, but that action by the Minister does not effect the liability of the person by whom the premium is payable in respect of that premium.
- Offence and penalty**      **16(1)** An agent who fails or refuses to remit to the Minister as required in the regulations the amount of premiums paid to or deducted by the agent or which the agent is otherwise liable to remit, is guilty of an offence and liable to a fine not exceeding \$500.
- (2) If an agent to which subsection (1) applies is a corporation, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the failure or refusal to remit is a party to and guilty of the offence to which subsection (1) applies and is liable to a fine as stated in subsection (1) whether or not the corporation has been prosecuted or convicted.
- (3) A person, other than an agent or local authority, who fails to pay the premium or any part of it as required by this Act and the regulations is guilty of an offence and liable to a fine not exceeding \$25.



**Inspection  
agent's  
records**

**17(1)** When directed by the Minister for the purpose of the administration of this Act, any person authorized by the Minister, at any reasonable time

(a) is entitled to inspect any books, documents and records kept by or on behalf of an agent for the purpose of or in connection with or pertaining to this Act or the regulations, and

(b) is entitled to enter into any building, premises or place used by or on behalf of an agent for or in connection with the keeping of any books, documents and records referred to in clause (a).

(2) Any person who is in charge of any place or record mentioned in subsection (1) shall permit and assist any person authorized by the Minister in the inspection or entry.

(3) A person who prevents, hinders, obstructs or fails to permit or assist any person authorized by the Minister in the exercise of the powers conferred by subsection (1) is guilty of an offence.

**Interest and  
penalties**

**18(1)** The Minister may impose interest or a penalty or both in respect of any amounts that remain unpaid under this Act.

(2) The Minister may, by regulation, prescribe the interest rates and the penalties for the purposes of this section.

**Order for  
payment of  
premium**

**19(1)** An amount payable under this Act by a registrant or agent to the Minister that has not been paid or any part of an amount payable under this Act by a person that has not been paid may be certified by the Minister on the expiration of 30 days after the mailing of a premium notice to the person who is in arrears of premiums at the person's last known address.

(2) A premium notice given under subsection (1) shall be endorsed with or accompanied by a statement indicating the possible consequences on default of payment and the rights of the addressee to file a notice of objection under subsection (5).

(3) Subject to subsection (5), on production of a certificate under subsection (1) to the clerk of the Court of Queen's Bench of the judicial district in which the registrant or agent resides or has an office, according to the records of the Minister's Department, it shall be registered in the Court as a judgment of the Court and when registered has the same force and effect, and all proceedings may be taken on it, as if the certificate were a judgment obtained in the Court for a debt of the amount specified in the certificate.

(4) No costs or charges shall be charged by a clerk of the Court on the registration of a certificate and no costs or charges shall be charged by a Registrar of Land Titles and the *Land Titles Act* on the filing of a writ of enforcement.

(5) When a person to whom a premium notice is given files with the Minister within the 30-day period referred to in subsection (1) a notice of objection denying the person's liability for the premium or disputing the amount of premium owing, the Minister may afterwards proceed against that person only by action for the amount owing and not under this section.

**Premium arrears**      **20** In addition to any other remedies provided in this Act, when any money is payable by the Minister directly to a person while that person is indebted to the Minister, the Minister may withhold from the money payable the amount by which the person is indebted, or any part of the indebtedness, and apply the amount withheld in reduction or extinguishment of the indebtedness.

**Regulations**      **21** The Lieutenant Governor in Council may make regulations

- (a) governing the registration of residents with the Minister generally;
- (b) prescribing the classes of dependants that a resident is required to register;
- (c) prescribing the classes of persons exempted from registration;
- (d) providing for any matter pertaining to declarations under section 25 not otherwise provided for in that section;

HEALTH INSURANCE PREMIUMS REGULATION

PART 2

Groups

13(1) For the purposes of section 8 of the Act with respect to employer's groups the prescribed number of employees is 5 except where the Minister, in any specific case, directs that the prescribed number of employees be less than 5.

- (2) For the purpose of subsection (1) an employer need not count as an employee
- (a) any person who normally attends an accredited educational institute, who is on vacation and whose term of employment does not exceed 5 months;
  - (b) any person whose term of employment is less than 100 hours per month;
  - (c) any person who is temporarily employed for a period of not more than 3 months, where the date of termination of the employment is fixed at the commencement of the employment and shown on the employer's records to occur not later than 3 months after the first day of employment;
  - (d) any person who is a member of group other than the group from which he seeks exemption and whose premiums are remitted by the other group;
  - (e) any person who is a dependant, unless premiums are deducted from his salary or otherwise collected in accordance with section 20(3);
  - (f) any person who is not a resident of Alberta;
  - (g) any person who has elected to stay outside the Plan under section 25 of the Act;
  - (h) any person who is an Indian within the meaning of the *Indian Act* (Canada);
  - (i) any person who is 65 years of age or over, or whose spouse or adult interdependent partner is 65 years of age or over;
  - (j) any registrant who is receiving a widow's pension under the *Widows' Pension Act*.

(3) The Minister may authorize an exemption of any special case not referred to in subsection (2).

(4) Notwithstanding subsection (2), a person referred to in subsection (2) (b) may request to join an employer's group and his employer shall comply with the request.

(5) While an employer employs any person for a probationary period of 3 months or less, the Minister may authorize the employer to exclude the employee from his group and his name from any return or documents required to be submitted to the Minister in respect of the group, but the authorization does not exempt the employer from furnishing to the Minister, in respect of the employee, any information required for registration under section 27.

**14(1)** Each employer whose employees qualify as a group under section 13 shall register with the Minister as an employer on the prescribed form, but the employer need not remit any premiums of his employees until notified to do so by the Minister.

(2) An employer who fails to register under subsection (1) is guilty of an offence.

**15(1)** Where the Minister

(a) is satisfied that the employees of an employer qualify as an employer's group,

(b) has designated the employees of an employer as a designated group, or

(c) has agreed to the formation of an employee group or a collector's group

the Minister shall issue instructions to the agent in respect of the group, to enrol as a group, in the form prescribed by the Minister, all persons eligible to be members of the group, and to record in the prescribed form all persons not eligible to be members of the group.

(2) The agent shall forward the completed forms to the Minister on or before the enrolment completion date assigned by the Minister.

(3) Upon completion of enrolment the Minister shall forward to the agent instructions concerning the collection and remittance of premiums which the agent is liable to remit on behalf of his group.

(4) An employer who fails to enrol an employer's group in accordance with these Regulations and the Minister's instructions is guilty of an offence.

**16** Premiums and arrears of premiums collected by an employer or other agent from his employees or members of his group on behalf of the Minister are deemed to be held in trust for the Minister.

**17** The premiums payable to the Minister by an agent with respect to a group pursuant to the Act and this Regulation shall be remitted in monthly instalments by the agent within the time set out in the group premium notice.

**18(1)** When notified pursuant to section 13 of the Act, an employer with respect to an employer's group or designated group, or an agent with respect to employee group, shall cause to be deducted from the employee's or member's wages and shall remit to the Minister, in addition to the applicable monthly premiums, the arrears owing to the Minister by the employee or member of the employee group in the manner set out in the notification.

(2) The notification from the Minister under subsection (1) shall indicate the total arrears owing by the employee or member and shall specify the minimum monthly payment determined by the Minister to be required in respect of the arrears, and the employer or the agent with respect to an employee group shall deduct or otherwise collect and remit to the Minister at least the specified minimum monthly payment.

**19(1)** Subject to section 13(5), where a resident becomes an employee of an employer who is an agent of the Minister with respect to a group, or becomes a member of an employee group

(a) on a day other than the first working day of any month, the employee shall be deemed to be a member of the group effective from the first day of the first following month and the monthly installment of the employee's premium shall be calculated as of that day;

(b) on the first working day of any month, the monthly installment of the employee's premium shall be calculated as of that day.

(2) For the purposes of this Regulation, where a registrant is a member of an employer's group, a designated group, or an employee group and his employment ceases or he leaves the employee group.

(a) on a day other than the first working day of any month, the registrant shall be deemed to continue to be a member of the group until the first day of the first following month;

(b) on the first of a month, the registrant shall be deemed to have ceased to be a member of the group as of that day.

(3) Within the time prescribed by the Minister

(a) an employer shall notify the Minister of the date on which a registrant ceased to be employed, and

(b) an agent of the Minister with respect to an employee group shall notify the Minister of the date on which a registrant left the group.

**20(1)** The Minister may issue to agents of the Minister with respect to groups instructions concerning the collection and remittance of premiums and other matters concerning the functioning of groups.

(2) The Minister may order the termination of a group, if the group is not being administered in accordance with the Act, this Regulation or the Minister's instructions.

(3) If a dependant is employed and is a member of a group, the group may, on the request of the dependant, deduct from the dependant's wage, or otherwise collect from the dependant, and remit to the Minister any premiums payable by the registrant, including arrears.

(4) An employer who fails to administer his employer's group in accordance with the Act, this Regulation or Minister's instructions is guilty of an offence.