

1987

c 21 Health Facilities Special Orders Amendment Act, 1987

Ontario

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CHAPTER 21

**An Act to amend the
Health Facilities Special Orders Act, 1983**

Assented to May 27th, 1987

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of the *Health Facilities Special Orders Act, 1983*, being chapter 43, is amended by adding thereto the following subsection:

(4a) Where the Board is required to hold a hearing, it shall proceed forthwith to hold the hearing unless the licensee satisfies the Board that the licensee has not been given a reasonable opportunity to comply with all the lawful requirements for the issue or retention of the licence, that it would be just and reasonable to give the licensee that opportunity and that delaying the hearing will not adversely affect the health or safety of the persons served by the health facility.

Opportunity
to comply

2.—(1) Subsection 11 (2) of the said Act is repealed and the following substituted therefor:

(2) Where the licensee holds a licence under the *Nursing Homes Act*, any resident or employee or group of residents or employees who request party status are also parties to proceedings before the Board under this Act.

Idem
R.S.O. 1980,
c. 320

(2a) Where the licensee holds a licence under the *Nursing Homes Act*, the Board may permit any person who is not a party before it, including a resident of the nursing home, a representative of a resident of the nursing home, an employee of the nursing home or any other person who may be affected by its decision to make written or oral submissions to the Board, and where it does so those submissions may be made either personally or through an agent.

Submissions

(2) Subsection 11 (3) of the said Act is amended by inserting after “subsection (1)” in the first line “or (2) and a person

who is permitted to make submissions to the Board under subsection (2a)”.

(3) Subsection 11 (6) of the said Act is amended by striking out “and heard the evidence and argument of the parties” in the third and fourth lines and inserting in lieu thereof “heard the evidence and argument of the parties and read or heard any written or oral submissions made under subsection (2)”.

3. The said Act is amended by adding thereto the following section:

Evidence
of disabled
person

11a.—(1) Where a party to a proceeding under this Act wishes to call as a witness in the proceeding a person who by reason of age, infirmity or physical disability is unable to attend the proceeding, the members of the Board who are holding the hearing, at the request of the party, may attend upon the witness and take the evidence of the witness.

Medical
report
sufficient
proof

(2) A medical report signed by a legally qualified medical practitioner stating that the practitioner believes the witness is unable to attend a proceeding by reason of age, infirmity or physical disability is *prima facie* proof of the inability of the witness to attend the proceeding.

Opportunity
to examine

(3) A person shall not take evidence from a witness under subsection (1) unless reasonable notice of the time for taking the evidence is given to all parties to the proceeding and each party attending is given an opportunity to examine or cross-examine the witness.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Health Facilities Special Orders Amendment Act, 1987*.