

1980

c 345 Ontario Mental Health Foundation Act

Ontario

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CHAPTER 345

Ontario Mental Health Foundation Act

PART I

THE ONTARIO MENTAL HEALTH FOUNDATION

1. The corporation known as The Ontario Mental Health Foundation, herein referred to as "the Foundation", is continued. R.S.O. 1970, c. 322, s. 1. ^{Foundation continued}

2.—(1) The Foundation shall consist of not fewer than seven members who shall be appointed by the Lieutenant Governor in Council and who shall hold office during pleasure. ^{Members}

(2) The Lieutenant Governor in Council may fill any vacancies that may occur from time to time in the membership of the Foundation. ^{Vacancies}

(3) Five of the members of the Foundation constitute a quorum for the transaction of business. R.S.O. 1970, c. 322, s. 2. ^{Quorum}

3.—(1) The Lieutenant Governor in Council may appoint one of the members to be chairman of the Foundation and another of the members to be vice-chairman of the Foundation. ^{Chairman and vice-chairman}

(2) The chairman shall preside at all meetings of the Foundation at which he is present and in his absence the vice-chairman shall preside and in the absence of both the chairman and the vice-chairman the members present shall elect one of themselves to preside. R.S.O. 1970, c. 322, s. 3. ^{Presiding officer}

4. Subject to the approval of the Lieutenant Governor in Council, the Foundation may appoint an advisory medical board consisting of such persons representative of the medical faculties of University of Toronto, Queen's University, The University of Western Ontario and Université d'Ottawa, and of psychiatrists and the medical profession generally as the Foundation considers appropriate. R.S.O. 1970, c. 322, s. 4. ^{Advisory medical board}

5. The object of the Foundation is to establish and conduct a program of research, diagnosis and treatment in mental health, including: ^{Object}

- (a) the establishment, maintenance and operation of research, diagnostic and treatment centres in general hospitals and elsewhere;
- (b) the transportation of patients and escorts to its treatment centres or to community hospitals for diagnosis, treatment or investigation;
- (c) the establishment, maintenance and operation of hostels in connection with its treatment centres and community hospitals;
- (d) the laboratory and clinical investigation of psychiatric disorders;
- (e) the co-ordination of facilities for treatment;
- (f) the adequate reporting of cases and the recording and compilation of data;
- (g) the education of the public in the importance of early recognition and treatment;
- (h) the providing of facilities for under-graduate and post-graduate study;
- (i) the training of technical personnel; and
- (j) the providing and awarding of research fellowships. R.S.O. 1970, c. 322, s. 5.

Agreements

6. Subject to the approval of the Lieutenant Governor in Council, the Foundation may make agreements with universities, medical associations, hospitals and persons for the purpose of carrying out the object of the Foundation. R.S.O. 1970, c. 322, s. 6.

Staff

7. The Foundation may employ a director and officers, clerks and servants and may engage the services of experts and other persons and may pay such director, officers, clerks, servants, experts and other persons such remuneration as it considers proper out of its funds. R.S.O. 1970, c. 322, s. 7.

By-laws

8. Subject to the approval of the Lieutenant Governor in Council, the Foundation may make such by-laws, rules and regulations as are considered expedient for the administration of its affairs. R.S.O. 1970, c. 322, s. 8.

Funds

9. The funds of the Foundation consist of moneys received by it from any source, including moneys appro-

appropriated for its use by the Parliament of Canada or the Legislature of Ontario, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner not contrary to law as it considers proper. R.S.O. 1970, c. 322, s. 9.

10. The real and personal property, business and income of the Foundation is not subject to taxation for municipal or provincial purposes. R.S.O. 1970, c. 322, s. 10. Exemption
from
taxation

11. The members of the Foundation and its medical advisory board shall be paid such amounts for travelling and other expenses as the Foundation, subject to the approval of the Lieutenant Governor in Council, may determine from time to time. R.S.O. 1970, c. 322, s. 11. Expenses

12. The accounts of the Foundation shall be audited annually by the Provincial Auditor or by such qualified auditor as the Lieutenant Governor in Council may designate, in which event the costs of the audit shall be paid out of the funds of the Foundation. R.S.O. 1970, c. 322, s. 12. Audit

13.—(1) The Foundation shall after the close of each fiscal year make a report upon its affairs during the preceding year to the Minister of Health and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Foundation during the preceding year. Annual
report

(2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 322, s. 13. Idem

PART II

CLARKE INSTITUTE OF PSYCHIATRY

14. The corporation known as the “Clarke Institute of Psychiatry”, in this Part referred to as the “Institute”, is continued. R.S.O. 1970, c. 322, s. 14, *revised*. Clarke
Institute of
Psychiatry

15.—(1) The Institute shall consist of not fewer than seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health, at least two shall be members of the Foundation, and the remainder shall be appointed from among a list of Members

persons nominated by the Foundation, and the persons who constitute the Institute also constitute the board of trustees of the Institute, in this Part referred to as the "Board".

Term of office

(2) A member of the Institute shall hold office for three years and is eligible for reappointment for a second term of three years, but a member other than the chairman is not eligible for reappointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies

(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute in accordance with the method of appointment prescribed by subsection (1). R.S.O. 1970, c. 322, s. 15.

Quorum

16. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business at a meeting. R.S.O. 1970, c. 322, s. 16.

Chairman

17. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute, who shall on appointment also be the chairman of the Board. R.S.O. 1970, c. 322, s. 17.

Objects

18. The objects of the Institute are to maintain, manage and operate a hospital with facilities for psychiatric research, education, diagnosis and treatment. R.S.O. 1970, c. 322, s. 18.

Agreements with universities

19.—(1) Subject to the approval of the Foundation, the Institute may enter into agreements with any university for providing teaching or research facilities for that university in the hospital maintained and operated under this Act.

Other agreements

(2) The Institute may enter into agreements with the Foundation or any university, medical association, hospital or any person for the purpose of carrying out the objects of the Institute. R.S.O. 1970, c. 322, s. 19.

Director and staff

20. The Institute may employ a director and such staff as may from time to time be required for the purposes of the Institute and may pay such director and staff such remuneration as it considers proper out of its funds. R.S.O. 1970, c. 322, s. 20.

By-laws, etc.

21. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are

considered expedient for the administration of its affairs.
R.S.O. 1970, c. 322, s. 21.

22.—(1) The funds of the Institute consist of moneys ^{Funds} received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner, not contrary to law, as it considers proper.

(2) The Institute shall annually prepare and submit to ^{Estimates} the Foundation the estimates of the moneys required for its purposes during its ensuing fiscal year. R.S.O. 1970, c. 322, s. 22.

23. The real and personal property, business and in- ^{Exemption} come of the Institute are not subject to taxation for municipi- ^{from} ^{taxation} pal or provincial purposes. R.S.O. 1970, c. 322, s. 23.

24. The members of the Institute may be paid such ^{Expenses} amounts for travelling and other expenses incurred in the work of the Institute as the Institute may determine from time to time. R.S.O. 1970, c. 322, s. 24.

25. The accounts and financial transactions of the Insti- ^{Audit} tute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council may appoint. R.S.O. 1970, c. 322, s. 25.

26.—(1) The Institute shall, after the close of each ^{Annual} fiscal year, make a report on its affairs during the preceding ^{report} year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year.

(2) The Minister of Health shall submit the report to ^{idem} the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 322, s. 26.

27.—(1) The Institute may admit any person, ^{Admission} ^{to Institute}

(a) upon his own oral or written application;

(b) in the case of any person under the age of sixteen years, upon the oral or written application of a parent or the person who stands *in loco parentis* to the person seeking admission.

(2) For the purposes of this Part,

(a) sections 13 and 14 of the *Mental Hospitals Act*; and ^{Application} ^{of} ^{R.S.O. 1980,} ^{cc. 263, 391}

(b) sections 13 to 15, subsection 20(1) and (3), subsection 24 (3), sections 36, 37, 44 to 46 and 55 of the *Private Sanitaria Act*,

apply with necessary modifications to the Institute, and, for the purposes of this subsection, the Institute shall be deemed to be an institution or sanitarium, as the case may be, and the psychiatrist designated by the Board may exercise all the powers conferred on, and perform all the functions exercisable by, the superintendent of an institution or sanitarium, as the case may be.

Accommodation available

(3) Notwithstanding subsections (1) and (2), a person may be admitted to the Institute only after the Institute has informed the applicant that accommodation is available for the person to be admitted. R.S.O. 1970, c. 322, s. 27.

Transfer to public hospital

28. A patient in the Institute may be transferred to a public hospital for treatment and may be returned to the Institute upon the conclusion of the treatment. R.S.O. 1970, c. 322, s. 28.

Charges for services

29. The Board may prescribe and collect charges for its services to a person who is or has been a patient in the Institute. R.S.O. 1970, c. 322, s. 29.

Limitation of actions

30.—(1) All actions against any person for anything done or omitted to be done in pursuance or in purported pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Torts of patients

(2) No action lies against the Institute or an officer, employee or servant thereof for a tort of a patient. R.S.O. 1970, c. 322, s. 30.