

1980

c 391 Private Sanitaria Act

Ontario

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Bibliographic Citation

Private Sanitaria Act, RSO 1980, c 391

Repository Citation

Ontario (1980) "c 391 Private Sanitaria Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 6, Article 31.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss6/31>

- (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
- (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;
- (h) governing the uniforms, badges and insignia that shall be worn by security guards;
- (i) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
- (j) governing the method of terminating the business of providing private investigators or security guards;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 362, s. 34.

CHAPTER 391

Private Sanitaria Act

1. In this Act,

Interpre-
tation

- (a) "board" means the board of visitors;
- (b) "habitué" means an alcoholic or drug habitué;
- (c) "intoxicating liquor" has the same meaning as "liquor" in the *Liquor Licence Act*;
- (d) "medical practitioner" means a legally qualified medical practitioner;
- (e) "Minister" means the member of the Executive Council charged for the time being with the administration of this Act;
- (f) "proprietor" means a person or corporation to whom a licence is granted under this Act, or a person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium;
- (g) "sanitarium" means an institution for the care and treatment of mental and nervous illnesses that is licensed under this Act. R.S.O. 1970, c. 363, s. 1.

R.S.O. 1980,
c. 244

2.—(1) When the proprietor of a sanitarium desires to obtain a licence for it under this Act, he shall give notice thereof to the Minister.

Notice of
application
for licence

(2) The notice shall contain the full name, place of residence and occupation of the proprietor, unless the proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of the proprietor's estate or interest in the premises sought to be licensed, and, if the proprietor does not propose to reside himself in the licensed premises, the notice shall contain the full name, place of residence and occupation of the superintendent who is to reside therein. R.S.O. 1970, c. 363, s. 2 (1, 2).

Contents
of notice

Plan of the
house, etc.

(3) The notice shall be accompanied by a plan of the premises, drawn upon a scale of not less than three millimetres to thirty centimetres, with a statement showing,

- (a) the situation thereof;
- (b) the length, breadth and height of, and a reference by a figure or letter to, every room and apartment therein;
- (c) the quantity of land not covered by any building and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received;
- (d) the number of patients proposed to be received into the institution, and whether the licence applied for is for the reception of male or female patients, or of both, and, if for the reception of both, the number of each sex proposed to be received and the means by which the one sex will be kept separate and apart from the other;
- (e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire and the means for preventing fires. R.S.O. 1970, c. 363, s. 2 (3); 1978, c. 87, s. 19.

Licence to
proprietors

(4) The Lieutenant Governor in Council may issue a licence to the proprietor to keep and maintain the same for the purposes of a sanitarium and such licence continues in force until revoked by the Lieutenant Governor in Council.

Conditions,
etc., of
licence

(5) Any such licence may be issued subject to such conditions, qualifications or restrictions as the Lieutenant Governor in Council considers advisable.

Further
restrictions
on licensees

(6) Without limiting the generality of subsection 5, any such licence may be issued subject to restrictions respecting the class or sex of patients who may be admitted and the type of treatment that may be given to patients.

Security by
licensee

(7) No such licence shall be issued unless the proprietor gives security to Her Majesty in the sum of \$1,000 under the usual conditions for his good behaviour during the time the licence continues in force. R.S.O. 1970, c. 363, s. 2 (4-7).

Board of
visitors

3.—(1) Every sanitarium shall be under the supervision and inspection of a board of visitors composed of the senior judge or, in the case of his absence or disqualification, a judge of the county or district court, the clerk of the peace and the sheriff of the

county or district in which the sanitarium is situate, together with two medical practitioners appointed by the Lieutenant Governor in Council who shall hold office for three years unless sooner removed by him.

(2) The judge is the chairman and the clerk of the peace is the secretary of the board. Chairman and secretary

(3) The members of the board shall be paid by the proprietor such allowance for their services as the Lieutenant Governor in Council may direct. Allowance to members

(4) No member of the board shall be pecuniarily interested in any sanitarium, either directly or indirectly, and any member who after his appointment becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium or in any other way, thereupon becomes disqualified from acting and shall not thereafter act in such capacity. Visitors not to have a pecuniary interest in any sanitarium

(5) If a member of the board is or becomes so disqualified, the Lieutenant Governor in Council may appoint some one to act in his stead. Appointment in case of disqualification

(6) Every member of the board shall, before acting, take and subscribe the following oath: Oath of visitors

"I, A.B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of the *Private Sanitaria Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act. So help me God."

(7) The oath shall be filed in the office of the clerk of the peace. Oath to be filed

(8) The secretary shall summon the board to meet for the purpose of executing its duties under this Act. Meeting of board

(9) Every such summons and meeting shall be made and held as privately as possible and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited shall know of the intended visitation. Meetings to be private

(10) If the secretary at any time desires to employ an assistant in the execution of his duties, he shall certify such desire and the name of the proposed assistant to the chair- Assistant secretary

man of the board, and, if such assistant is approved of, the chairman shall administer the following oath to such assistant:

"I, A.B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the secretary of the Board of Visitors, appointed for the county or district of by virtue of the *Private Sanitaria Act*, unless required to divulge the same by legal authority. So help me God."

At whose cost

(11) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1970, c. 363, s. 3.

Restrictions upon physicians who are visitors

4.—(1) No medical practitioner who is a member of the board shall sign a certificate for the admission of a patient into a sanitarium or shall professionally attend upon a patient therein unless he is directed to visit the patient by the person upon whose order the patient was received into the sanitarium, or by the Minister or by one of the judges of the Supreme Court, or by some person appointed by one of such judges for that purpose.

Offence

(2) For every contravention of subsection (1), the medical practitioner is guilty of an offence and, on conviction, is liable to a fine of \$200. R.S.O. 1970, c. 363, s. 4.

Removal of superintendent

5. A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent upon giving to the board a notice containing the full name, place of residence and occupation of the new superintendent. R.S.O. 1970, c. 363, s. 5.

Fee

6.—(1) For every licence there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5, and, if the total amount so payable does not amount to \$200, so much more as together therewith will make up the sum of \$200, and no such licence shall be delivered until the sum payable therefor has been paid.

Application of fees

(2) All moneys received for licences under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the board in the execution of or by virtue of this Act. R.S.O. 1970, c. 363, s. 6.

Clerk of the peace to keep account of moneys

7. The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in

each year inclusively, and shall be signed by at least two of the members of the board and forwarded to the Minister. R.S.O. 1970, c. 363, s. 7.

8. No one licence shall include or extend to more than one sanitarium, but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement in the same manner in all particulars as if it had formed part of the sanitarium, then such detached place or building, if the Lieutenant Governor in Council thinks fit, may be included in the licence for the sanitarium, and if so included shall be considered part of the sanitarium for the purposes of this Act. R.S.O. 1970, c. 363, s. 8.

To what premises licence may extend

9. No addition or alteration shall be made to, in or about a sanitarium or its appurtenances unless the approval of the Lieutenant Governor in Council has been previously obtained. R.S.O. 1970, c. 363, s. 9.

Alterations in sanitarium

10. If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the licence, the Lieutenant Governor in Council may authorize the transfer of the licence, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of the sanitarium or had the care of the patients therein, or to such other person as the Lieutenant Governor in Council approves, and in the meantime the licence remains in force and has the same effect as if granted to the superintendent. R.S.O. 1970, c. 363, s. 10.

When licence transferable

11. If a licence has been granted to two or more persons and one or more of such persons dies leaving the other or others surviving, the licence remains in force and has the same effect as if granted to the survivor or survivors. R.S.O. 1970, c. 363, s. 11.

Survivorship

12.—(1) If a sanitarium is razed or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant Governor in Council may grant him a licence to keep such other building for the reception of patients for such time as the Lieutenant Governor in Council thinks fit, but the like notice of such intended change and the like plans and statements of and as to such other building shall be given as are required when application is first made for a licence for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change.

Removal to other premises

Fee for licence for transfer

(2) A fee of \$25 is payable by the licensee to the clerk of the peace upon the issue of the licence.

Notice of intended removal

(3) Except where the change is occasioned by fire or tempest, seven clear days previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient or the person by whom the last payment on account of each patient was made. R.S.O. 1970, c. 363, s. 12.

Admission on requisition and certificates

13.—(1) The superintendent of a sanitarium may admit to and, subject to section 36, may detain in it any person who is mentally ill or mentally defective upon a requisition in Form 1 and the certificates in Form 2 of two medical practitioners.

Contents of certificate

(2) Every certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective and a proper person to be confined in a sanitarium.

Idem

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the mental illness or mental deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination was made.

Limitation on admission

(4) No person shall be admitted as a patient under this section except within fifteen days of the examination referred to in any certificate. R.S.O. 1970, c. 363, s. 13.

Persons resident outside Ontario

14. The superintendent of a sanitarium may admit to and, subject to section 36, may detain in it any person resident outside Ontario who is certified to be mentally ill or mentally defective by two medical practitioners of the place outside Ontario in which such person resides, if certificates are made with necessary modifications according to Form 2, but any person so admitted and detained in a sanitarium shall, within fifteen days of admission, be examined by one medical practitioner of Ontario who shall certify according to Form 2. R.S.O. 1970, c. 363, s. 14.

Effect of requisition and certificates

15. The requisition and certificates referred to in section 13 or the certificates referred to in section 14 are sufficient authority,

- (a) to any person to convey the patient to the sanitarium; or
- (b) to the superintendent thereof to receive him and, subject to section 36, to detain him therein as long as he continues to be mentally ill or mentally defective; or
- (c) to the superintendent of any psychiatric facility under the *Mental Health Act* to which the patient may afterwards be transferred to receive such patient in such institution and to detain him therein as long as he continues to be mentally ill or mentally defective. R.S.O. 1970, c. 363, s. 15. R.S.O. 1980, c. 262

16. The provisions of this Act relating to mentally ill persons apply with necessary modifications to persons who are epileptic. Epileptics
 R.S.O. 1970, c. 363, s. 16.

17. Subject to the provisions and exceptions herein-after contained, no person shall receive to board and lodge in any premises not licensed under this Act or take the charge or care of more than two mentally ill or mentally defective persons at the same time. Restrictions upon unlicensed premises
 R.S.O. 1970, c. 363, s. 17.

18.—(1) No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium shall sign any certificate for the reception therein of a patient, and no medical practitioner who, or whose father, brother, son or partner, signs the prescribed requisition for the reception of a patient shall sign any certificate for the reception of the same patient. When physician not to certify

(2) No medical practitioner whose partner, brother, father or son issues a certificate for the reception of a patient into a sanitarium shall sign a certificate for the reception of the same patient. Idem
 R.S.O. 1970, c. 363, s. 18.

19.—(1) Any medical practitioner who maliciously or corruptly signs a false certificate for the purpose of procuring the confinement of any person who is not mentally ill or mentally defective in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter. Penalty for giving false certificate maliciously

(2) The name of such medical practitioner shall, upon production of a certified copy of the judgment to the Removal from register

registrar of the College of Physicians and Surgeons of Ontario, be removed from the register. R.S.O. 1970, c. 363, s. 19.

Admission
of voluntary
patient

20.—(1) The superintendent of a sanitarium may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in Form 3 accompanied by the certificate in Form 3 of one medical practitioner certifying that the person is suffering from a form of mental illness that requires treatment in a sanitarium, and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient.

Idem

(2) Subsection (1) shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium.

Discharge

(3) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium.

Notice of
admission
to board

(4) The superintendent shall give immediate notice of the reception of such person to the secretary of the board, stating all the particulars of the case, and one or more members of the board or the secretary shall forthwith visit the patient in order to verify the fact of his having been admitted voluntarily, and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1970, c. 363, s. 20.

Register of
patients

21.—(1) Every proprietor or superintendent who receives a patient into a sanitarium shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, called the "Register of Patients", according to the form and containing the particulars mentioned in Form 4, so far as he can ascertain the same, and, when a patient is discharged or dies, an entry of the fact shall be made in the appropriate column.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10. R.S.O. 1970, c. 363, s. 21.

Record of
mental
disorder

22. The form of the mental disorder, if any, of every patient received into a sanitarium shall, within seven days after his reception, be entered in the clinical record by the medical attendant, and every medical attendant who omits

to make such an entry is guilty of an offence and on conviction is liable to a fine of not more than \$10. R.S.O. 1970, c. 363, s. 22.

23. The proprietor or superintendent of a sanitarium shall, after two clear days and before the expiration of seven clear days from the day on which a patient has been received into the sanitarium, transmit to the secretary of the board a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 5. R.S.O. 1970, c. 363, s. 23. Copy of order for visitors

24.—(1) Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the secretary of the board. Escapes

(2) The notice shall state the full name of the patient, and his then state of mind, and the circumstances of the escape. Contents of notice

(3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium. Capture

(4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter transmit written notice thereof to the secretary of the board. Notice of capture

(5) The notice shall state when the patient was so brought back and under what circumstances, and whether with or without a fresh requisition and certificate. Contents

(6) Every proprietor or superintendent who omits to transmit such a notice, whether of escape or of return, is guilty of an offence and on conviction is liable to a fine of not more than \$50. R.S.O. 1970, c. 363, s. 24. Offence

25. Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after the removal, discharge or death, make an entry thereof in a book to be kept for that purpose in Form 6 and stating the particulars in Form 6, and shall also within the same period transmit written notice thereof in Form 7 and also of the cause of the removal, discharge or death, if known, to the secretary of the board. R.S.O. 1970, c. 363, s. 25. Entry of removal, discharge, etc.

Certificate
required in
case of death

26.—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the secretary of the board and to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$200. R.S.O. 1970, c. 363, s. 26.

Furnishing
copy of
certificates
and
requisition

27. Where a person discharged from a sanitarium considers himself to have been unjustly detained therein, the secretary of the board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. R.S.O. 1970, c. 363, s. 27.

Medical staff

28.—(1) In every sanitarium licensed for 100 patients or more there shall be a resident medical practitioner as superintendent or medical attendant thereof and one medical practitioner for each thirty patients over the first thirty in residence, and in every such sanitarium licensed for fewer than one hundred and more than fifty patients there shall be one medical practitioner for each thirty patients in residence, and every sanitarium licensed for fewer than fifty patients, if it is not kept by or has not a resident medical practitioner, shall be visited by one twice in every week, but the board may direct that such last-mentioned sanitarium be visited by a medical practitioner at any other time or times not oftener than once in every day.

Where fewer
than 11
patients

(2) Where a sanitarium is licensed to receive fewer than eleven patients, any two members of the board may, by writing under their hands, permit the sanitarium to be visited by a medical practitioner at intervals greater than twice every week as they appoint, but not at a greater interval than once in every two weeks. R.S.O. 1970, c. 363, s. 28.

The Clinical
Record

29.—(1) There shall be kept in every sanitarium a record called "The Clinical Record" in which the medical practitioner keeping or residing in or visiting the sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient and a correct statement of the treatment pursued.

(2) The board may, whenever they see fit, by an order in writing, require the superintendent to transmit to them a correct copy of the entries or entry in the clinical record relative to the case of any patient who is or has been detained in the sanitarium. ^{Duty to furnish copies}

(3) Every person who contravenes any of the provisions of this section is guilty of an offence and on conviction is liable to a fine of not more than \$40. R.S.O. 1970, c. 363, s. 29. ^{Offence}

30. Every sanitarium shall be visited and inspected by at least two of the members of the board, one of whom is a medical practitioner, at least four times in every year. R.S.O. 1970, c. 363, s. 30. ^{Inspection and visitation}

31.—(1) The visitors, when visiting a sanitarium, shall inspect every part of it and every house, outhouse, place and building communicating with it or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to, ^{Duties of visitors in making visits}

- (a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
- (b) the appearance of the patients, particularly noting if there are any marks of violence;
- (c) the condition of the beds and bedding;
- (d) whether the dietary is suitable and the food service satisfactory;
- (e) whether the staff is sufficient;
- (f) the number of patients under restraint or in seclusion with the reasons stated therefor;
- (g) any irregularity in the order or certificate;
- (h) whether the previous suggestions, if any, of the visitors have been attended to; and
- (i) any matter as to which they or he consider it proper to make observations.

Duties of proprietor or superintendent

(2) The proprietor or superintendent shall show to the visitors every part of the sanitarium and every person detained therein as a patient.

Inquiries to be made by the visitors

(3) The visitors shall inquire,

- (a) whether divine service is held therein, for what number of patients, and the effect thereof;
- (b) what occupations or amusements are provided for the patients, and the result thereof;
- (c) whether there has been adopted any system of non-restraint, and if so the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and
- (h) as to any matter as to which it is proper to inquire in order to ascertain whether the sanitarium is properly conducted.

What information to be laid before the visitors

(4) Upon every visit, there shall be laid before the visitors by the proprietor or superintendent,

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are considered curable;
- (b) the books and records required to be kept by the proprietor or superintendent and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the licence then in force;
- (e) all such requisitions, certificates, documents and papers relating to any of the patients at any time

received into the sanitarium as the visitors from time to time require to be produced. R.S.O. 1970, c. 363, s. 31.

32. There shall be hung up in some conspicuous part of a sanitarium a copy of the plan that accompanied the application for a licence, and there shall be kept in every such sanitarium a copy of this Act, bound in a book called "The Visitors' Book". R.S.O. 1970, c. 363, s. 32.

Plan and "Visitors' Book" to be kept

33.—(1) The proprietor or superintendent of a sanitarium shall, within three days after every visit by the visitors, transmit to the secretary of the board a true copy of the entries made by them in The Visitors' Book.

Copies of certain entries

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$40. R.S.O. 1970, c. 363, s. 33.

Offence

34. Any two or more members of the board may visit and inspect a sanitarium in their jurisdiction at any hour of the day or night. R.S.O. 1970, c. 363, s. 34.

Visits

35. The Lieutenant Governor in Council may appoint one or more persons a commissioner or commissioners to conduct an inquiry into the operation of this Act, the operation, management and affairs, financial or otherwise, of any sanitarium, any matter concerning the committal, treatment or detention of any person to or in any sanitarium, any charge or complaint that any person has contravened any provision of this Act or the regulations, or has made any false statement in any return, statement, notice, certificate or other form required to be made or kept by this Act or the regulations, and any other matter relating to the administration of this Act, and such commissioner or commissioners have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce documents and things, as is vested in any court in civil cases. R.S.O. 1970, c. 363, s. 35.

Appointment of commissioner to conduct inquiry

36.—(1) Subject to subsection (3), where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, the patient shall forthwith be removed or discharged accordingly.

Discharge of patients

(2) Subject to subsection (3), if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient or, if he is absent from Ontario or is dead, the husband or wife of the patient or, if there

Disability of person who signed the requisition for admission

is no husband or wife, the father of the patient or, if there is no father, the mother of the patient or, if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient and thereupon the patient shall forthwith be discharged or removed accordingly.

What to be done if the physician in charge objects

(3) No patient shall be discharged or removed if the superintendent or attending medical practitioner, by writing under his hand, certifies that in his opinion the patient is mentally ill or mentally defective, together with the grounds on which such opinion is founded. R.S.O. 1970, c. 363, s. 36.

Transfer to another sanitarium or other institution
R.S.O. 1980, c. 262

37. Nothing in this Act prevents a patient from being transferred from one sanitarium to another or to a psychiatric facility under the *Mental Health Act*, but in such case the patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1970, c. 363, s. 37.

Discharge of patients by order of inspector or visitors

38.—(1) Any two or more members of the board, one of whom is a medical practitioner, may make special visits to any patient on such days and at such hours as they think fit, and if after two distinct and separate visits made by the same visitors it appears that the patient is detained without sufficient cause, such visitors may order his discharge and he shall be discharged accordingly.

Prerequisites

(2) Every such order shall be signed by the visitors, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner respecting the fitness of the patient to be discharged.

Objections of physician in charge to be recorded

(3) If the visitors after such conference, discharge a patient and the superintendent or medical practitioner has furnished them with a statement in writing containing his reasons against the discharge, they shall forthwith transmit such statement to the secretary of the board who shall enter and register it in a book to be kept for that purpose.

Time between visits, notice of visits

(4) Not less than seven days shall intervene between the first and second of such special visits, and the board shall, seven days before the second of such visits, give notice thereof, either by mail or by an entry in the visitors' book, to the proprietor or superintendent of the sanitarium, and

the proprietor or superintendent shall forthwith if possible transmit by registered mail a copy of the notice to the person by whose authority the patient was admitted or by whom the last payment on account of the patient was made.

(5) None of the powers of discharge extend to a patient confined under an order or the authority of the Lieutenant Governor or under the order of any court of criminal jurisdiction. R.S.O. 1970, c. 363, s. 38. What patients the visitors cannot discharge

39. A voluntary patient shall be discharged from a sanitarium when, in the opinion of the superintendent, it is in the interests of the patient or of the sanitarium that he be discharged. R.S.O. 1970, c. 363, s. 39. Discharge of voluntary patients

40. A certified patient shall be discharged from a sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. R.S.O. 1970, c. 363, s. 40. Discharge of certified patients

41.—(1) A patient who has been admitted to a sanitarium on a warrant of the Lieutenant Governor shall be discharged from the sanitarium when, in the opinion of the superintendent, he has sufficiently recovered. Discharge of warrant patients

(2) The superintendent shall not discharge any person under subsection (1) until he has ascertained that the person is no longer liable to imprisonment. R.S.O. 1970, c. 363, s. 41. Idem

42. If a person applies to a member of the board to be informed whether any particular person is detained in a sanitarium, the member may give a direction so to do to the secretary of the board who shall on the receipt of such direction make search among the returns made to him under this Act, whether the person inquired for is or, within the then last twelve months, has been detained in a sanitarium under the jurisdiction of the board, and if it appears that he is or has been so detained, the secretary shall deliver to the person applying a statement in writing specifying, Information respecting individuals detained in sanitarium

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of its proprietor or superintendent;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1970, c. 363, s. 42.

Visits of
relatives
or friends

43.—(1) Any member of the board may at any time give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him.

Extent

(2) The order may be either for a single admission or for an admission for any limited number of times or for admission generally at all reasonable times.

Offence

(3) If the proprietor or superintendent refuses admission to or prevents or obstructs the admission to a patient of a person who produces such an order for his admission, he is guilty of an offence and on conviction is liable to a fine of not more than \$80. R.S.O. 1970, c. 363, s. 43.

Entrusting
patient to
custody of
his friends

44.—(1) If the superintendent of a sanitarium considers it conducive to the recovery of a patient that he be entrusted for a time to the care of his friends, the superintendent may allow him to return on trial to his friends upon receiving a written undertaking by one or more of them that he or they will keep an oversight over the patient.

Recommittal
to sanitarium

(2) If within six months thereafter the patient again becomes mentally ill, mentally defective or a habitue to such a degree that his confinement in a sanitarium is necessary, the medical superintendent, with the consent of one of the visitors, to be endorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all constables or peace officers, authorize and direct that the patient be apprehended and brought back to the sanitarium, and the warrant so endorsed is authority to anyone acting under it to apprehend the person named in it and to bring him back to the sanitarium. R.S.O. 1970, c. 363, s. 44.

Excursions
for benefit
of health

45.—(1) The proprietor or superintendent of a sanitarium, with the consent in writing of any two of the visitors, may send or take under proper control any patient to any specified place for any definite time for the benefit of his health, but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors.

Leave of
absence

(2) The superintendent of a sanitarium may permit any patient to leave the sanitarium for a specified period of not more than five days for the purpose of visiting his relatives or friends.

(3) Any patient who leaves the sanitarium under subsection (1) or (2) and who does not return within the specified time may be apprehended and brought back to the sanitarium in the manner provided in subsection 44 (2). R.S.O. 1970, c. 363, s. 45. Recommittal

46.—(1) The superintendent of a sanitarium may transfer a patient to a public hospital under the *Public Hospitals Act* or to a psychiatric facility under the *Mental Health Act* for treatment or investigation that cannot be supplied in the sanitarium and may readmit the patient to the sanitarium when the patient has received the treatment or investigation. Transfer of patient to hospital
R.S.O. 1980,
cc. 410, 262

(2) Where a patient has been transferred to a public hospital or a psychiatric facility under subsection (1), the superintendent of the hospital or facility to which he has been transferred shall, in addition to any of the powers conferred upon him by the general or special Act under which the hospital or facility operates, have the powers of a superintendent of a sanitarium under this Act, with respect to the custody and control of the patient. R.S.O. 1970, c. 363, s. 46. Powers of superintendent of hospital re custody and control of patient

47.—(1) Any two members of the board may, by summons under their hands and seals in Form 8, require any person to appear before him or them to testify on oath the truth touching any matters respecting which such visitors are authorized to inquire. Attendance of witnesses

(2) Every person who does not appear pursuant to such a summons, or does not give a reasonable excuse for not appearing, or appears and refuses to be sworn or examined, is guilty of an offence and on conviction is liable to a fine of not more than \$200. Offence

(3) The visitors may direct the secretary of the board to pay to a person who appears pursuant to the summons all reasonable expenses of his appearance and attendance, and they shall be deemed expenses incurred by the board in the execution of this Act and shall be taken into account and paid accordingly. R.S.O. 1970, c. 363, s. 47. Expenses of witnesses

48. Every person who knowingly gives, conveys or supplies to a patient detained in a sanitarium any intoxicating liquor or morphia, cocaine or other drugs without the order of the superintendent first obtained in writing is guilty of an offence and on conviction is liable to a fine of not more than \$50. R.S.O. 1970, c. 363, s. 48. Offence

49. Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom Idem

is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 363, s. 49.

**Disposition
of fines**

50. All fines when recovered shall be paid to the clerk of the peace for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to money received for licences. R.S.O. 1970, c. 363, s. 50.

**Limitation
of actions**

51. If an action is brought against a person for anything done or purporting to be done in pursuance of this Act by and on behalf of a person who has been detained in a sanitarium and has been released therefrom, it shall be commenced within twelve months next after his release. R.S.O. 1970, c. 363, s. 51.

**Leave to
prosecute**

52. No prosecution for an offence against this Act shall be brought except upon the order in writing of the board or with the consent in writing of the Attorney General. R.S.O. 1970, c. 363, s. 52 (1); 1972, c. 1, s. 9 (7).

**Costs,
charges and
expenses**

53. The costs, charges and expenses incurred by or under any order of the board shall be paid by the clerk of the peace for the county and shall be included by him in the account of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1970, c. 363, s. 53.

**Voluntary
admission
of habitue**

54.—(1) If the licence so permits, the superintendent of a sanitarium may receive and detain therein for treatment as an habitue, any person who voluntarily makes written application in Form 9 accompanied by the certificate in Form 9 of one legally qualified medical practitioner certifying that the person is an habitue requiring treatment in a sanitarium and that he is capable of appreciating the fact that he is to be admitted as a voluntary patient.

Discharge

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium.

Idem

(3) Subsection (1) shall be deemed to have been complied with if the certificate mentioned therein is completed within twelve hours after the admission of the patient to the sanitarium. R.S.O. 1970, c. 363, s. 54.

**Discharge of
voluntary
patients**

55. The medical superintendent has full authority to discharge from the sanitarium when, in his opinion, it is

advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1970, c. 363, s. 55.

56.—(1) Any relative, whether by blood or affinity, or, ^{Petition to judge} if he has no relative in Ontario, any friend of any alleged habitue may present a petition verified by oath setting forth the particulars mentioned in subsection (2) to the judge of the county or district court of the county or district in which the habitue resides requesting a hearing and examination of the allegations set forth in the petition, and the judge upon receiving the petition shall direct that a copy of it together with a notice setting forth the time and place for the hearing be served upon the alleged habitue at least eight clear days before the day fixed for the hearing.

(2) The petition shall set forth that the alleged habitue ^{Contents of petition} is a resident of Ontario, and

(a) is so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs; or

(b) by reason of the use of alcohol or drugs,

(i) squanders or mismanages his property,

(ii) places his family in danger or distress, or

(iii) transacts his business prejudicially to the interest of his family or his creditors; or

(c) uses alcohol or drugs to such an extent that,

(i) he is dangerous to himself or to others, or

(ii) he incurs the danger of ruining his health or shortening his life.

(3) The judge shall attend at the time and place named ^{Hearing the petition} in the appointment and then and there proceed to inquire into the matters and allegations set forth in the petition, but he may in his discretion adjourn the inquiry from time to time.

(4) The judge has the same powers as to summoning ^{Idem} witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses.

Order for admission

(5) If the judge upon such inquiry is satisfied that the person petitioned against is an habitue and that any of the allegations in the petition are true, he may order him to be admitted to and detained in a sanitarium for a period not exceeding two years.

Arrangements

(6) Before such order is made, the judge shall ascertain that there is a vacancy in the sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of the habitue.

Execution of order

(7) The order for the conveyance of the habitue to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. R.S.O. 1970, c. 363, s. 56.

Provision in case any person detained escapes

57. If an inmate of a sanitarium, admitted or committed under section 54 or 56, escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after such escape, or within one month thereafter when a warrant has been issued by the superintendent in that behalf, retake such escaped person and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained before the escape. R.S.O. 1970, c. 363, s. 57.

FORM 1

(Section 13 (1))

REQUISITION FOR ADMISSION OF MENTALLY ILL OR MENTALLY DEFECTIVE PATIENT

To the Superintendent ofSanitarium

I, the undersigned, hereby request you to admit..... (Name of patient)

of (Address of patient)

toand to detain him (Name of sanitarium) (or her) therein as a patient.

- 1. Full name of patient.....
2. Sex.....
3. Age.....
4. Relationship, if any to applicant.....
5. Occupation.....
6. Married, single, or widowed.....
7. Religion.....
8. Duration and description of present symptoms, if known.....
9. Whether suicidal or dangerous to others, if known.....
10. Previous hospitalization for mental illness or mental deficiency if known.....

Dated thisday of....., 19....

(Signature of applicant)

(Address)

FORM 2

(Sections 13 (1), 14)

CERTIFICATE OF MEDICAL PRACTITIONER FOR MENTALLY ILL OR MENTALLY DEFECTIVE PATIENT

I, the undersigned legally qualified medical practitioner, practising atin the County (or District) ofhereby certify that on the.....day of....., 19...., separately from any other medical practitioner, I personally examined....

(Name of patient)

of..... (Municipality)

After due inquiry into all the necessary facts relating to the case of the patient, I do hereby further certify that (s)he is..... (Mentally ill

..... and is a proper person to be admitted to and detained or mentally defective)

in a sanitarium and that I have formed this opinion upon the following grounds, namely:

1. Facts indicating..... (Mental illness or mental deficiency) observed by myself:

2. Other facts, if any, indicating..... (Mental illness or mental deficiency) communicated to me by others:

(State from whom the information is received)

Signed this.....day of....., 19....

Witness:

(Signature of medical practitioner)

FORM 3

(Section 20 (1))

VOLUNTARY APPLICATION AND CERTIFICATE

VOLUNTARY APPLICATION

I,
(Name of applicant)

of
(Residence)

request the superintendent of the
Sanitarium to admit me as a voluntary patient.

I pledge myself to give at least three clear days notice in writing to
the superintendent of my desire to leave the sanitarium.

Witness

Date
(Signature of applicant)

CERTIFICATE OF MEDICAL PRACTITIONER

The above named applicant has been examined by me and I am of the
opinion that (s)he is suffering from a form of mental illness which requires
treatment in a sanitarium, and that (s)he is capable of appreciating the fact
that (s)he is to be admitted as a voluntary patient.

.....
(Signature of medical practitioner)

.....
(Address)

Date



FORM 4
(Section 21 (1))
REGISTER OF PATIENTS

Register No.		Name	Section of the Act under which Patient was Admitted	Date of Admission	Date of Discharge	Remaining		Remarks
						M.	F.	

R.S.O. 1970, c. 363, Form 4.

FORM 5

(Section 23)

NOTICE OF ADMISSION

I hereby give you notice that A.B. was received into this sanitarium as a patient, on the..... day of....., and I herewith transmit a copy of the requisition and medical certificates (or certificate) on which he was received.

Subjoined is a statement with respect to (his or her) mental and bodily condition.

(Signed)..... (Name)

Superintendent (or Proprietor) of.....

Dated this..... day of....., 19....

STATEMENT

I have this day seen and personally examined A.B., the patient named in the above notice, and hereby certify that, with respect to mental state, he (or she)....., and that, with respect to bodily health and condition, he (or she).....

(Signed)..... (Name)

Medical Proprietor (or Superintendent, or Attendant), of.....

Dated this..... day of....., 19....

R.S.O. 1970, c. 363, Form 5.



FORM 6
(Section 25)

REGISTER OF DISCHARGES AND DEATHS

Date of Death or Discharge	Date of Last Admission	No. in Register, of Patients	Name and Surname in Full	Sex		Discharged			Died	Removed	Assigned Cause of Death	Age at Death	Observations
				M.	F.	Recovered	Relieved	Not Improved					

R.S.O. 1970, c. 363, Form 6.

FORM 7

(Section 25)

FORM OF NOTICE OF DISCHARGE OR DEATH

I hereby give you notice that
a patient received into this sanitarium on the day of
was discharged therefrom, recovered (or relieved, or not improved) (or was
removed therefrom) by the authority of
(or died therein) on the day of

(Signed)
(Name)
Superintendent (or Proprietor)

. of house
at

Dated this day of, 19

In case of death, add—and I further certify that A.B. was present at the
death of the said, and that
the apparent cause of the death of the said
(ascertained by post mortem examination, if so) was

R.S.O. 1970, c. 363, Form 7.

FORM 8

(Section 47 (1))

FORM OF SUMMONS

We, (names in full)
being two of the visitors appointed under the Private Sanitaria Act, do hereby
summon and require you personally to appear before us at
. in on
the day of, at the hour
of in the noon of the same day,
and then and there to be examined, and to testify the truth touching certain
matters relating to the execution of the said Act.

Given under our hands and seals, this day of
in the year of our Lord, 19

R.S.O. 1970, c. 363, Form 8.

FORM 9

(Section 54)

VOLUNTARY APPLICATION AND CERTIFICATE FOR HABITUE

VOLUNTARY APPLICATION BY HABITUE

I,
(Name of patient)

of
(Residence)

request the superintendent of the
Sanitarium to admit me as a voluntary patient suffering from
.....
(Alcoholism or drug addiction)

Witness

Date
(Signature of applicant)

CERTIFICATE OF MEDICAL PRACTITIONER FOR HABITUE

(Voluntary Admission)

The above named applicant has been examined by me and I am of the opinion that (s)he is an alcoholic (or drug) habitue requiring treatment in a sanitarium and that (s)he is capable of appreciating the fact that (s)he is to be admitted as a voluntary patient.

.....
(Signature of medical practitioner)

.....
(Address)

Date