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c 25 Public Hospitals Amendment Act, 1981

Ontario

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CHAPTER 25

An Act to amend the Public Hospitals Act

Assented to July 3rd, 1981

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

- 1. The *Public Hospitals Act*, being chapter 410 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

7a.—(1) The Lieutenant Governor in Council may appoint one or more persons to investigate and report on the quality of the management and administration of a hospital and the quality of the care and treatment of patients in the hospital. Investigators

(2) An investigator has the powers of an inspector under this Act and the regulations. Powers

(3) No person shall obstruct an investigator or withhold or destroy, conceal or refuse to furnish any information or thing required by the investigator for the purposes of the investigation. Obstruction

(4) The Minister shall cause a copy of the report of an investigation to be delivered to the chairman of the board of the hospital. Delivery of report

7b.—(1) The Lieutenant Governor in Council may appoint a hospital supervisor for a hospital where, having regard to the content of the report of an investigation under section 7a as to the quality of the management or administration of the hospital or the care and treatment of patients in the hospital, the Lieutenant Governor in Council is of the opinion that the appointment is in the best interest of the public. Hospital supervisor

(2) The Lieutenant Governor in Council shall not make an appointment under subsection (1) sooner than thirty days after submission of the report of the investigation to the Lieutenant Governor in Council. Waiting period

Term of office

(3) The appointment of a hospital supervisor is valid until terminated by order of the Lieutenant Governor in Council.

Duty of hospital supervisor

(4) A hospital supervisor appointed for a hospital shall give advice and guidance to the board and the administrator of the hospital for the purpose of improving the quality of the management and administration of the hospital and the care and treatment of patients in the hospital.

Duty of board and administrator

(5) It is the duty of the board and the administrator of a hospital to receive and consider the advice and guidance of a hospital supervisor appointed for the hospital.

Action on behalf of board, etc.

(6) Where a hospital supervisor appointed for a hospital requests in writing that the board of the hospital or the members of the corporation that owns or operates the hospital do any act that they have authority to do and, in the opinion of the hospital supervisor, they fail to do so, the hospital supervisor may do the act on behalf of the board or the members of the corporation and the act is as effective as if done by the board or the members of the corporation, as the case may be.

Action by board

(7) During the term of office of a hospital supervisor appointed for a hospital, no act of the board of the hospital is valid unless approved in writing by the hospital supervisor.

Right of access

(8) A hospital supervisor appointed for a hospital has the same rights as the board and the administrator of the hospital in respect of the documents, records and information of the board and the hospital.

Reports

(9) A hospital supervisor may report to the Minister from time to time and shall report to the Minister in such form and manner, with such information and at such times, as the Minister may require.

Protection from personal liability

7c.—(1) No action or other proceeding for damages or otherwise shall be instituted against an investigator or a hospital supervisor appointed under this Act for any act done in good faith in the execution or intended execution of any duty or authority under this Act or the regulations or for any alleged neglect or default in the execution in good faith of any such duty or authority.

Crown not relieved of liability
R.S.O. 1980,
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an investigator or a hospital supervisor to which the Crown would otherwise be subject and the Crown is liable under that Act for any such tort in the same manner as if subsection (1) had not been enacted.

2. For the purposes of section 7b of the *Public Hospitals Act*, the report dated June, 1981 by C. J. Clark, L. D. Wadsworth and P. B. Blewett in respect of Toronto East General and Orthopaedic Hospital shall be deemed to be the report of an investigation under section 7a of the *Public Hospitals Act* and to have been submitted to the Lieutenant Governor in Council on the 15th day of June, 1981. Report
by Messrs.
Clark,
Wadsworth
and
Blewett
R.S.O. 1980,
c. 410
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is the *Public Hospitals Amendment Act, 1981*. Short title

