c 359 Sanatoria for Consumptives Act

Ontario
CHAPTER 359
The Sanatoria for Consumptives Act

1. In this Act,

(a) "association" means any association, body or organization howsoever incorporated, authorized or empowered for the purpose of establishing, maintaining or operating a sanatorium;

(b) "board" means the board of trustees, directors, commission or other governing body or authority of a sanatorium;

(c) "Department" means the Department of Health;

(d) "inspector" means an officer of the Department designated under this Act as an inspector;

(e) "local board" means a local board of health established under The Public Health Act;

(f) "local municipality" means a city, town, village or township;

(g) "medical officer of health" means a medical officer of health appointed under The Public Health Act or a person having the powers of such an officer;

(h) "Minister" means the Minister of Health;

(i) "patient" means a person admitted to a sanatorium for the purpose of treatment;

(j) "post-sanatorium care" of a former patient includes,

(i) transportation from the sanatorium to the place of residence,

(ii) proper living accommodation, food, clothing and any other necessaries of life, and

(iii) special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

(k) "provincial aid" means aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature;
(i) "regulations" means the regulations made under this Act;

(m) "resident" means a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium;

(n) "sanatorium" means any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients;

(o) "superintendent" means the person who has for the time being the direct and actual superintendence and charge of a sanatorium;

(p) "territorial district" means a territorial district under The Territorial Division Act;

(q) "treatment" means the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease;

(r) "unorganized territory" means that part of a territorial district that is without municipal organization.

R.S.O. 1950, c. 346, s. 1.

PART I

ESTABLISHMENT, OPERATION, INSPECTION OF SANATORIA

2.—(1) The several institutions with their respective properties and appurtenances that, under The Sanatoria for Consumptives Act, being chapter 257 of the Revised Statutes of Ontario, 1927, received aid for the year 1930 from the Province shall, for the purposes of this Act, be deemed to be sanatoria as if they had been approved under this Act.

(2) No institution, building or other premises or place shall hereafter be created, established, incorporated, operated or used as a sanatorium until it has been approved by the Lieutenant Governor in Council.

(3) Any approval given or deemed to have been given under this Act in respect of any sanatorium may be suspended by the Minister or revoked by the Lieutenant Governor in Council. R.S.O. 1950, c. 346, s. 2.

3. The Minister, with the approval of the Lieutenant Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations. R.S.O. 1950, c. 346, s. 3.
4. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but, where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act or the regulations prevail. R.S.O. 1950, c. 346, s. 4.

PART II
MUNICIPAL SANATORIA

5. Subject to this Act, any municipal corporation, including a county or, jointly, any two or more such municipal corporations, may establish a sanatorium, and may for that purpose acquire land and erect and equip buildings thereon and do such other things as may be necessary or incidental to the establishment, completion, maintenance and operation of a sanatorium, and the carrying out of this Act and the regulations. R.S.O. 1950, c. 346, s. 5.

6. When two or more municipal corporations propose jointly to establish a sanatorium, the councils of the corporations shall provisionally agree upon the proposal. R.S.O. 1950, c. 346, s. 6.

7. Any municipal corporation or corporations that propose to establish a sanatorium shall submit the proposals to the Minister and therewith shall also submit such provisional by-laws, agreements, plans, estimates and other material and information as are required by the regulations. R.S.O. 1950, c. 346, s. 7.

8. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities of which it is a party proposing its establishment, such corporation shall, upon submitting the proposals to the Minister, notify in writing the head of the municipality in which the site is situate of the proposals made, and the council of such municipality shall, within one month after receipt of such notice, state in writing to the Minister the objections, if any, that it has to the establishment of a sanatorium on such site, but no such objection necessarily prevents approval being given hereunder. R.S.O. 1950, c. 346, s. 8.

9. The Minister shall submit the proposals, with any report thereon that he sees fit to make, to the Lieutenant Governor in Council, and, upon approval thereof either as
submitted or as modified or altered in any way by the Lieutenant Governor in Council, such approval is, subject as hereinafter provided, sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. R.S.O. 1950, c. 346, s. 9.

10. When by approval of the Lieutenant Governor in Council a municipal corporation is or, jointly, two or more municipal corporations are authorized to establish a sanatorium, the council or councils of such corporation or corporations, as the case may be, may, with the assent of the electors of such municipality or municipalities qualified to vote on money by-laws, pass all by-laws necessary to establish, erect, complete and equip the sanatorium and to issue debentures to pay for the cost thereof and, where, jointly, two or more municipal corporations are establishing the sanatorium, to enter into an agreement respecting it according to form approved by the Lieutenant Governor in Council. R.S.O. 1950, c. 346, s. 10.

11. Where the municipal corporation authorized by the approval of the Lieutenant Governor in Council, either alone or jointly with another municipal corporation, to establish a sanatorium is a county, it is not necessary that any by-laws passed by the council of such county, under section 10, be assented to by the electors qualified to vote on money by-laws if such by-laws are passed with the vote of two-thirds of all the members of the county council. R.S.O. 1950, c. 346, s. 11.

12. Subject as otherwise herein provided, The Municipal Act applies to all by-laws passed and to all debentures issued by a municipal corporation under this Act. R.S.O. 1950, c. 346, s. 12.

13. When it is proposed by a municipal corporation that has or by two or more municipal corporations that, jointly, have established a sanatorium, to make any extensions, additions or structural alterations or improvements to the sanatorium, or to erect any new buildings in connection therewith, the powers and proceedings with respect to such proposals and obtaining approval thereof, and to the passing of by-laws, issue of debentures and entering into of agreements, are the same as for the establishment of a sanatorium. R.S.O. 1950, c. 346, s. 13.

14.—(1) When a municipal corporation has or, jointly, two or more municipal corporations have established a sanatorium, the management and control over it, and its erection, equipment, maintenance, operation, use and affairs generally,
shall be vested in a board which, subject to subsection 2, shall be composed of not less than five trustees to be appointed by by-law of the establishing municipal corporation or, in case of the establishment of a sanatorium, jointly, by two or more municipal corporations, in accordance with the provisions of the agreement entered into respecting the same.

(2) Notwithstanding subsection 1, the Lieutenant Governor in Council may appoint any person to be a member of a board of any sanatorium referred to in subsection 1, and such person shall hold office during pleasure; provided that, where any such board consists of five members at the time of such appointment, the board shall consist of six members until the death, resignation or expiration of the term of office of one of the members other than the member so appointed. R.S.O. 1950, c. 346, s. 14.

15. The qualifications of the trustees forming the board, their term of office, which shall not exceed five years, the quorum of their meetings and the manner of appointment of successors and of filling vacancies in the office of trustees shall be provided for in such by-law or agreement, and the trustees appointed shall hold office until their successors are appointed. R.S.O. 1950, c. 346, s. 15.

16. The board is a corporation under such name as is designated in the approval given by the Lieutenant Governor in Council for its establishment. R.S.O. 1950, c. 346, s. 16.

17. The board shall elect yearly one of its members to be its chairman to hold office for one year, or until his successor is appointed, and a vice-chairman may also be elected similarly. R.S.O. 1950, c. 346, s. 17.

18. With the approval of the Lieutenant Governor in Council, an association that has authority to establish, maintain and operate a sanatorium may enter into an agreement with one or more municipal corporations, including a county or counties, respecting the establishment of such sanatorium or with respect to providing in whole or in part the cost of erecting, equipping, improving, enlarging, extending or altering a sanatorium established by the association, but no by-law of a municipal corporation for the purpose of providing any such cost, by the issue of debentures or otherwise, shall be passed otherwise than in accordance with the provisions of section 10 or 11 in respect to by-laws passed thereunder. R.S.O. 1950, c. 346, s. 18.
PART III

ALL SANATORIA

19. This Part applies to all sanatoria whether established by municipal corporations or associations. R.S.O. 1950, c. 346, s. 19.

20. Subject as in this Act and the regulations provided or in any agreement entered into under this Act stipulated, it is the duty of the board of a sanatorium and it has the power to govern, manage and control its affairs, and its maintenance, operations and use, and the admission, treatment, conduct, discipline and discharge of patients therein and, for such purposes, the board may pass by-laws, rules and regulations, but no such by-law, rule or regulation has force or effect until it is approved by the Lieutenant Governor in Council. R.S.O. 1950, c. 346, s. 20.

21. Subject to the regulations, the board may appoint such superintendents, officers, staffs, employees and servants of a sanatorium as from time to time may be necessary, and fix their salaries and prescribe their powers and duties. R.S.O. 1950, c. 346, s. 21.

22. With the approval of the Lieutenant Governor in Council, the board may pass by-laws for expropriating any land adjacent to or in the vicinity of a sanatorium that is deemed requisite for or advantageous to its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under The Municipal Act, the provisions of which relating thereto apply mutatis mutandis to and govern the exercise of such powers so far as they are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties that under The Municipal Act are to be exercised and performed by the clerk of the municipality, but the board of a sanatorium that has been established by a municipal corporation or corporations shall not exercise any such power of expropriation without the consent first obtained of the council or councils of such corporation or corporations. R.S.O. 1950, c. 346, s. 22.

23. The real property acquired and used for the purpose of and in connection with a sanatorium is exempt from all municipal or other taxation, including taxation for school purposes, except and excluding any municipal tax or rate imposed in respect of any public utility supplied to a sanatorium. R.S.O. 1950, c. 346, s. 23.
24. No part of any property acquired or used for the purposes of a sanatorium shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Lieutenant Governor in Council. R.S.O. 1950, c. 346, s. 24.

25. No part of any property acquired or used for the purposes of a sanatorium shall be expropriated by any corporation or person having powers of expropriation under any Act without the approval of the Lieutenant Governor in Council. R.S.O. 1950, c. 346, s. 25.

26. Nothing in sections 24 and 25 applies to or prevents the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a sanatorium if it is required in the widening of any highway and if the Minister has first approved thereof. R.S.O. 1950, c. 346, s. 26.

27. The board may accept from any person donations of property, real or personal, by will or otherwise, for the endowment, use or benefit of a sanatorium and, subject to the terms of the donation, may apply the same for such purposes. R.S.O. 1950, c. 346, s. 27.

28. No sanatorium that has been approved and established may be closed permanently without the approval of the Lieutenant Governor in Council and, when a sanatorium is closed or proposed to be closed permanently, the Lieutenant Governor in Council may make such provision for the sale or other disposition of the sanatorium and all its properties and assets and for the application of any proceeds of the sale or disposition and otherwise in every respect as he deems proper. R.S.O. 1950, c. 346, s. 28.

29. Subject to the provisions of any existing agreement relating thereto, every sanatorium receiving provincial aid shall provide such reasonable facilities for giving instruction to medical students of any university as are required by the regulations. R.S.O. 1950, c. 346, s. 29.

30. Except as otherwise provided in this Act or the regulations, no sanatorium receiving provincial aid shall refuse to admit as a patient any person who is in need of treatment. R.S.O. 1950, c. 346, s. 30.

31. Except as otherwise provided in this Act or in the agreement, no sanatorium established by an association that has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person resident in such
municipality and requiring treatment. R.S.O. 1950, c. 346, s. 31.

32. Nothing in this Act requires any sanatorium to admit or retain as a patient any person suffering from a communicable disease that under The Public Health Act or regulations made thereunder requires quarantine and placarding. R.S.O. 1950, c. 346, s. 32.

33. Nothing in this Act, unless by refusal of admission life would thereby be endangered, requires any sanatorium to admit as a patient any person who is not a resident or a dependant of a resident in Ontario. R.S.O. 1950, c. 346, s. 33.

PART IV
MUNICIPAL LIABILITY

34.—(1) Upon admission to a sanatorium of a patient, the superintendent shall, by registered mail, notify the clerk of the local municipality in which the patient is or is reported to be a resident of such admission, giving such particulars as are available to enable the clerk to identify the patient.

(2) Within thirty days after the mailing of such notice, the clerk shall, by registered mail, send a reply to the superintendent from whom the notice was received stating whether the patient is a resident of the local municipality and, if the clerk states that the patient is not a resident, he shall furnish the information that he has obtained relating to the residence of the patient.

(3) If the clerk fails or neglects to comply with subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which the clerk is appointed. R.S.O. 1950, c. 346, s. 34.

35.—(1) When the superintendent requires information regarding the ability of a patient to pay toward his maintenance in a sanatorium, the superintendent may request, by registered mail, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.

(2) Unless the clerk of the local municipality, within thirty days of the mailing to him of any such notice as mentioned in subsection 1, has replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why the information cannot be obtained, the local municipality shall pay to the sanatorium the charges for the treatment of
the patient in the sanatorium at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with this section. R.S.O. 1950, c. 346, s. 35.

36.—(1) The local municipality in which an indigent person is living at the time he requires admission to a sanatorium shall pay the costs of transporting him to the sanatorium and if after admission to a sanatorium his residence is determined to be any other local municipality, the local municipality that has paid the costs of his transportation to a sanatorium may recover the expenses so incurred from the local municipality where he was resident at the time of his admission to the sanatorium or, if any such person was not resident in any local municipality, the local municipality that has paid the costs may recover such costs from the Department.

(2) The local municipality in which an indigent patient was resident at the time of his admission to a sanatorium shall pay the costs of his transportation to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or by an inspector.

(3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or by an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which the patient was resident at the time of his admission to a sanatorium. R.S.O. 1950, c. 346, s. 36.

37.—(1) The superintendent of a sanatorium shall, and an inspector may, give notice in writing to the local board of any local municipality that a patient who was resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that he may receive care or treatment outside the sanatorium.

(2) Upon receiving such notice, the local board shall furnish to or for a patient who is indigent the expenses of post-sanatorium care or such part thereof as he is unable to furnish himself.

(3) In the event that the local board fails or neglects to comply with subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which the local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations.
commencing thirty days after the notice has been sent to the local board.

(4) In the event that the local board fails or neglects to comply with subsection 2, the Minister may direct that the patient be returned to a sanatorium, and the local municipality in which the patient was resident at the time of his last admission to a sanatorium shall pay the charges for his transportation together with the charges for his treatment at the rate set for provincial aid in the regulations.

(5) If a patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was resident at the time of his admission to a sanatorium, the first-named local municipality shall provide for the patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was resident at the time of his admission to a sanatorium.

(6) If a local municipality is part of a county for municipal purposes, such local municipality is entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 5. R.S.O. 1950, c. 346, s. 37.

(7) The Minister of Public Welfare may reimburse a local municipality for any money expended by its local board under subsection 2 or 5 in such amounts and under such conditions as are prescribed in the regulations under The General Welfare Assistance Act. 1958, c. 96, s. 1, amended.

38.—(1) In the event of the death in a sanatorium of a patient who is an indigent person, the local municipality in which he was resident at the time of admission shall pay to the sanatorium any expenses of burial that it may incur, not less than,

(a) $125 for the burial;

(b) the actual cost of opening and closing the grave; and

(c) a fee of $10 for a religious service performed in connection with the burial. 1952, c. 94, s. 1, part; 1958, c. 96, s. 2.

(2) Where the deceased person referred to in subsection 1 was not resident in a local municipality, the Minister may pay the burial expenses in accordance with subsection 1. 1952, c. 94, s. 1, part.

39.—(1) When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which he was admitted shall render to the clerk
of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

(2) Upon payment by a local municipality of any expenses of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if the local municipality is part of the county for municipal purposes. R.S.O. 1950, c. 346, s. 39.

40. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient, such local municipality or county may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law in respect of such dependant, the amount of the payment so made, and it may be recovered as a debt in any court of competent jurisdiction. R.S.O. 1950, c. 346, s. 40.

41. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of him having been assumed to be resident in such local municipality and it being ascertained that he was not resident therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county that made the payment may recover the amount thereof as a debt from the local municipality in which he was resident and, upon payment by that local municipality, it is entitled to exercise the rights of recovery conferred by section 40. R.S.O. 1950, c. 346, s. 41.

42. For the purpose of this Act, no patient shall be deemed to be resident in a local municipality,

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a sanatorium in such municipality, but in such cases he shall for the purpose of this Act be deemed to be resident in that municipality in which he was resident at the time of going to the first-named municipality for the purpose of seeking such advice, treatment or admission; or

(b) if the municipality is in a territorial district, and he having or suspected of having tuberculous disease has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted as a patient in a sanatorium,
but in such cases he shall for the purposes of this Act be deemed to be resident in that municipality in which he was resident at the time of going to a municipality in a territorial district; or

(c) if he has been living in the municipality by reason of being a pupil in a school, college, university, training school for nurses established under The Nursing Act or other seminary of learning therein and at the time he became such a pupil was not resident therein, but in such cases he shall for the purposes of this Act be deemed to be resident in that municipality in which he was resident at the time he became such a pupil; or

(d) by reason of having been a patient or an inmate of a hospital, sanatorium, home for the aged, orphanage, children’s shelter or child welfare institution, jail, reformatory, prison or other public institution in the municipality and otherwise was not resident therein, but in such cases he shall for the purposes of this Act be deemed to be resident in that municipality in which he was resident at the time he became such a patient or inmate; or

(e) if he has been living in the municipality by reason of being engaged on active service as a member of the military, naval or air force of Canada, but in such cases he shall for the purposes of this Act be deemed to be resident in that municipality in which he was resident at the time of enlistment for such service. R.S.O. 1950, c. 346, s. 42; 1952, c. 94, s. 2.

43. Where a former patient after his discharge from a sanatorium,

(a) goes to a local municipality other than the local municipality in which he was resident at the date of his admission to the sanatorium;

(b) receives post-sanatorium care under section 37 or otherwise under the Act while living in the first-mentioned municipality; and

(c) is not otherwise resident in the first-mentioned local municipality,

he shall not, for the purposes of this Act, be deemed to be resident in the local municipality in which he has been living since his discharge from the sanatorium but shall be deemed resident in the local municipality in which he was resident at the date of his first admission to a sanatorium. R.S.O. 1950, c. 346, s. 43.
Sec. 46 (1) SANATORIA FOR CONSUMPTIVES Chap. 359 595

PART V

PROVINCIAL AID

44. The Minister may, out of the moneys that are appropriated by the Legislature for the purpose,

(a) pay provincial aid to any sanatorium; and

(b) make payments for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of any former patient, in such amounts, in such manner and at such times as are prescribed by the regulations. R.S.O. 1950, c. 346, s. 44.

PART VI

GENERAL

45.—(1) A medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which he is medical officer of health and who is suspected by him to be suffering from tuberculosis or who has been in contact with any person suffering from tuberculosis or who has been a patient in a sanatorium, to submit to such examination for tuberculosis as he directs. R.S.O. 1950, c. 346, s. 45 (1); 1951, c. 81, s. 1.

(2) In requiring a person to submit to an examination under this section, the medical officer of health shall serve such person or, in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by him and by an inspector, specifying the nature, time and place of the examination. R.S.O. 1950, c. 346, s. 45 (2).

(3) Any person served with a notice who fails to carry out an order or direction contained therein is guilty of an offence and on summary conviction may be committed to a sanatorium for a period of not more than fourteen days to receive the examination considered necessary by the superintendent of the sanatorium to determine if the person is suffering from tuberculosis in an infectious state. 1956, c. 79, s. 1.

(4) Any expenses incurred by a medical officer of health under this section shall be paid by the local municipality for which he is appointed and, in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department. R.S.O. 1950, c. 346, s. 45 (4).

46.—(1) Any medical officer of health or duly qualified medical practitioner may, with the approval in writing of the
Minister, make a complaint or lay an information in writing and under oath before a justice of the peace charging that the circumstances set out in clauses a, b and c of subsection 5 exist with regard to any person named in the information.

(2) Upon receiving any such information, the justice of the peace shall hear and consider the allegations of the informant and, if he considers it desirable or necessary, the evidence of any witness or witnesses, and, if he is of the opinion that a case for so doing is made out, he shall issue a summons directed to the person complained of, requiring him to appear before a magistrate at a time and place named therein.

(3) Where a person to whom a summons is directed does not appear at the time and place named therein or where it appears that a summons cannot be served, a magistrate may issue a warrant directing that the person named in the summons be brought before him.

(4) Where a person appears or is brought before a magistrate under this section, the magistrate shall inquire into the truth of the matters charged in the information, and for such purpose shall proceed in the manner prescribed by The Summary Convictions Act and has all the powers of a magistrate holding a hearing under that Act.

(5) Where a magistrate finds that any such person,

(a) is suffering from pulmonary tuberculosis in an infectious state;

(b) is unwilling or unable to conduct himself in such a manner as not to expose members of his family or other persons to danger of infection; and

(c) refuses to be admitted or to remain in a sanatorium or has left a sanatorium against the advice of the superintendent thereof,

he shall order that such person be admitted to and detained in a sanatorium or in such other place as is set aside with the approval of the Minister for the care of tuberculous persons for such period not exceeding one year as the magistrate deems necessary. R.S.O. 1950, c. 346, s. 46 (1-5).

(6) Any person who appears or is summoned to appear before a magistrate under this section may retain a duly qualified medical practitioner to give evidence on his behalf, and the fees of the medical practitioner shall be deemed to be part of the expenses of the proceedings and payable as provided by subsection 3 of section 51. 1956, c. 79, s. 2.
(7) In any inquiry under this section, upon production of a certificate signed or purporting to be signed by the director of a laboratory approved by the Minister as to the presence of tubercle bacilli in the sputum of any person, such certificate is prima facie evidence of the facts stated therein and of the authority of the person giving such certificate without any proof of appointment or signature.

(8) Any person detained pending a hearing under this section or pending his removal to a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons shall be detained in a sanatorium or such other safe and comfortable place as a justice of the peace or magistrate directs.

(9) The Minister may direct the transfer of a person detained under this section to any sanatorium, hospital or any other place when he deems such transfer is necessary for the welfare of the patient.

(10) Any person detained under this section may, with the approval in writing of the Minister, be brought before a magistrate at any time during the last thirty days of the period for which he is so detained, and, if the magistrate finds that he is still suffering from pulmonary tuberculosis in an infectious state, the magistrate may order that he be further detained in a sanatorium or such other place as is set aside with the approval of the Minister for the care of tuberculous persons for such period not exceeding one year as the magistrate deems necessary. R.S.O. 1950, c. 346, s. 46 (6-9).

47.—(1) Where a physician having medical charge of a jail, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge, suspects that a person under his charge is suffering from tuberculosis, he may or, if directed by the proper medical officer of health, he shall cause the person to undergo the necessary examination to ascertain if the person has tuberculosis or to ascertain the extent of the disease, and, if the examination discloses that the person has tuberculosis, the physician shall report the facts to the proper medical officer of health who may proceed as provided by section 49.

(2) Where an examination has not been made under this section, every physician having medical charge of a jail, lock-up, reformatory, industrial farm, training school, or industrial, female or other refuge, shall report immediately to the medical officer of health the name and place of confinement of every person under his charge whom he suspects is suffering from tuberculosis.
(3) A copy of every report under this section shall be sent by the physician making the report to the Minister and to the proper medical officer of health for the municipality in which the person formerly resided before admission to an institution mentioned in this section. 1956, c. 79, s. 3, part.

48. Where a medical officer of health believes that a person under arrest or in custody, whether awaiting trial for an offence under or contravention of any statute of Canada or of Ontario or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction or any such offence or contravention, has been or may be suffering from tuberculosis, he may cause the person to undergo the examination necessary to ascertain if the person is suffering from tuberculosis or to ascertain the extent of the disease, and may direct that the person be transferred to and detained in a sanatorium until the result of the examination is known. 1956, c. 79, s. 3, part.

49. Where a person under arrest or in custody, whether awaiting trial for an offence under or contravention of any statute of Canada or of Ontario or any regulation, by-law or order made thereunder or serving the sentence of a court upon conviction of any such offence or contravention, is found to have tuberculosis, the medical officer of health of the municipality where the person is in custody, or the Minister, may by order in writing direct that the person be transferred to a sanatorium and undergo treatment therein and that he be detained in custody in the sanatorium until the tuberculosis is no longer infectious or until he has received a degree of treatment considered adequate by the medical superintendent and the Minister notwithstanding that he may be otherwise entitled to be released, and any order made under this section is sufficient warrant to the person to whom the order is addressed to carry out the terms thereof. 1956, c. 79, s. 3, part.

50. Any patient in a sanatorium who is unwilling or unable to conduct himself in such a manner as not to expose other patients or other persons to danger of infection or whose conduct is detrimental to the recovery of other patients may, upon the complaint of the superintendent or a duly qualified medical practitioner on the staff of the sanatorium who is designated by him, be apprehended by any peace officer and brought before a magistrate who may, if he finds any such condition to exist, order that the patient be segregated from the other patients in a separate part of the sanatorium or any other place and there detained for a period of not more than six months. 1959, c. 91, s. 1.
51. (1) The superintendent, every member of the medical staff and every nurse and attendant employed in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons and every medical officer of health and peace officer has authority to,

(a) execute any warrant and enforce any order of a magistrate issued or made under section 46 or 50;

(b) bring any person before a magistrate under subsection 10 of section 46 or section 50; and

(c) apprehend any person who has left a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous patients in contravention of any order made under section 46, 47, 48, 49 or 50. R.S.O. 1950, c. 346, s. 48 (1); 1956, c. 79, s. 4.

(2) Where the Minister is of the opinion that a person detained under section 46 or 50 in a sanatorium or other place set aside with the approval of the Minister for the care of tuberculous persons is no longer suffering from pulmonary tuberculosis in an infectious state, he may direct the discharge of such person.

(3) The expenses of all proceedings taken under section 46 or 50 shall be paid out of such moneys as are appropriated for the purposes of this Act by the Legislature. R.S.O. 1950, c. 346, s. 48 (2, 3).

52. The superintendent of a sanatorium has authority to direct the transfer of any patient in the sanatorium to a hospital under The Public Hospitals Act for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis, and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under The Public Hospitals Act. R.S.O. 1950, c. 346, s. 49.

53. Any action against a sanatorium or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of a patient shall be brought within six months after the patient is discharged from or ceases to receive treatment at the sanatorium and not afterwards. R.S.O. 1950, c. 346, s. 50.

54. (1) The Lieutenant Governor in Council may make such regulations with respect to sanatoria as are deemed necessary for,
(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

(b) their classification, grades and standards;

(c) their inspection, control, government, management, conduct, operation and use, including the appointment of one member of the board;

(d) their inspectors, superintendents, staffs, officers, servants and employees and the powers and duties thereof;

(e) the admission, treatment, conduct and discharge of patients;

(f) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release and discharge from sanatoria, and all other forms required for carrying out this Act and the regulations;

(g) the classification, length of stay, rates and charges of and for patients;

(h) the records, books, accounting system, reports and returns to be made and kept by sanatoria;

(i) the distribution, payment, withholding and restoration of and other matters affecting provincial aid;

(j) all matters affecting sanatoria,

and may make regulations providing payment for the treatment outside sanatoria of persons suffering from tuberculosis and the post-sanatorium care of former patients.

(2) The Minister may from time to time declare all or any of the regulations not to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as he deems expedient. R.S.O. 1950, c. 346, s. 51.

55. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than $5 and not more than $500. R.S.O. 1950, c. 346, s. 52.