1937

c 390 Public Hospitals Act

Ontario
CHAPTER 390.

The Public Hospitals Act.

1. In this Act,—

   (a) "Board" shall mean a board of directors, governors, "Board."

   (b) "Dependant" shall mean and include a patient for the "Depen-

   (c) "Department" shall mean the Department of Health for Ontario;

   (d) "Hospital" shall mean and include any institution, "Hospital."

   (e) "Incurable person" shall mean any person afflicted "Incurable

   (f) "Inspector" shall mean an officer of the Department "Inspector."

   (g) "Minister" shall mean the member of the Executive "Minister."

   (h) "Municipality" shall mean a city, separated town or "Muni-

   (i) "Patient" shall mean a person received and lodged in "Patient."

1931, c. 78, s. 2, cls. (a-h).

1935, c. 66, s. 15 (1).
(j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature;

(k) "Regulations" shall mean any regulations made under this Act;

(l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a hospital;

(m) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a hospital;

(n) "Territorial district" shall mean any of the territorial districts set forth in The Territorial Division Act;

(o) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient;

(p) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. 1931, c. 78, s. 2, cls. (j-p).

2. Nothing in this Act contained shall in any way relate to or affect a sanatorium under The Sanatoria for Consumptives Act, or a private hospital under The Private Hospitals Act. 1931, c. 78, s. 3.

3.—(1) The several institutions which under The Hospitals and Charitable Institutions Act as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act.

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

(3) No institution, building or other premises or place shall be operated or used as a hospital unless and until the same is approved by the Lieutenant-Governor in Council.

(4) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. 1931, c. 78, s. 4.
4. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be 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;
(d) their superintendents, officers, servants and employees, and the powers and duties thereof;
(e) the admission, treatment, conduct, discipline and discharge of patients;
(f) the classification and lengths of stay and rates and charges for patients;
(g) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;
(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid;
(i) all other matters affecting hospitals. 1931, c. 78, s. 5.

5. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations, and the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient. 1931, c. 78, s. 6.

6. 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, and the powers and duties of such inspectors shall be as prescribed by the regulations. 1931, c. 78, s. 7.

7. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail. 1931, c. 78, s. 8.
8. The board of a hospital may with the approval of the Lieutenant-Governor in Council pass by-laws for expropriating any land adjacent to or in the vicinity of such hospital which may be requisite for or advantageous to any of 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 shall, mutatis mutandis, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case shall exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality. 1931, c. 78, s. 9.

9. No by-law, rule or regulation of any hospital shall have force or effect until the same is approved by the Lieutenant-Governor in Council. 1931, c. 78, s. 10.

10. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations. 1931, c. 78, s. 11.

11. Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations. 1931, c. 78, s. 12.

12. Except as may otherwise be provided in this Act or in the agreement, no hospital with which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment. 1931, c. 78, s. 13.

13. Nothing in this Act contained shall require that any hospital, other than an isolation hospital, admit or retain as a patient any person suffering from a communicable disease which under The Public Health Act or regulations made thereunder requires quarantine and placarding. 1931, c. 78, s. 14.

14. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a
15. No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person for the charges for whose treatment a municipality may be liable under this Act, until such person or dependent is certified in accordance with the regulations to be an incurable person. 1931, c. 78, s. 16.

16.—(1) Subject as in this Act may otherwise be provided, when any patient in a hospital other than a hospital for incurables is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding $1.75 per day, except that in the case of a hospital which, under the regulations, is classed as a convalescent hospital the payment of such charges shall be at a rate not exceeding $1.25 per day, and when any patient in a hospital for incurables is certified in accordance with the regulations to be an incurable person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for incurables for payment of the charges for treatment of such patient at a rate not exceeding $1.50 per day. 1933, c. 51, s. 3; 1934, c. 54, s. 16 (1); 1936, c. 52, s. 2.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden. 1931, c. 78, s. 18 (2).

17. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act. 1931, c. 78, s. 19.

18. A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such hospital. 1931, c. 78, s. 20.
19. In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, but not exceeding $30. 1931, c. 78, s. 21 (1).

20.—(1) Upon admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person. 1931, c. 78, s. 22; 1936, c. 52, s. 3 (1).

(2) Where any patient becomes an indigent after admission to a hospital the superintendent shall notify the clerk of the municipality in accordance with the provisions of subsection 1 when the indigency becomes known to the superintendent. 1936, c. 52, s. 3 (2).

21. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act. 1931, c. 78, s. 23.

22. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient. 1931, c. 78, s. 24.

23. For the purpose of this Act, no patient shall be deemed to be a resident in a 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 hospital in such municipality; or

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis 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 hospital, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

(c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, training school for nurses established under The Nurses Registration Act, or other seminary of learning therein and at the time he became such a pupil was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a 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, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient. 1931, c. 78, s. 25; 1936 c. 52, s. 4.

24.—(1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

(2) Except in cases of emergency, as to which the superintendent of the hospital shall be the sole judge, no indigent person or dependant of an indigent person resident in a township bordering on a city or separated town shall be admitted as a patient in a hospital in such city or separated town without an order in writing signed by the medical officer of health of such township, and where in case of emergency an indigent person or a dependant of an indigent person is admitted as a patient without such an order liability for charges for treatment of such patient shall not continue beyond a period of seven days from the admission unless the order is obtained by the hospital. 1931, c. 78, s. 26.
25. A dependant of an indigent person shall for the purpose of this Act be deemed to be a resident in that municipality in which such indigent person is resident. 1931, c. 78, s. 27.

26. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a municipality is liable under this Act, is certified in accordance with the regulations to be an incurable person, the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, twenty-five cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital. 1931, c. 78, s. 28.

27. When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person, shall be deemed to be a resident in that municipality in which such indigent person is a resident, and the municipality shall be liable for the treatment of a baby as the dependant of an indigent person at a rate of sixty cents per day for a period not exceeding fourteen days after the birth of such baby. 1931, c. 78, s. 29; 1933, c. 51, s. 4.

28. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges 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. 1931, c. 78, s. 30.

29. Upon payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. 1931, c. 78, s. 31.

30. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such munici-
pality and it being ascertained that such patient was not a resident therein but at the time of admission to the hospital was a resident in another municipality in Ontario, the munici-

pality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred upon it under section 29. 1931, c. 78, s. 32.

31. Nothing in this Act contained shall render a munici-
pality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen’s Compensation Board or an employer under The Workmen’s Compensation Act. 1931, c. 78, s. 33.

32.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purposes by the Legislature, as follows:

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in clause b mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital except that in the case of a hospital which under the regulations is classed as a convalescent hospital, payment shall be at the rate of forty cents per day up to one hundred and twenty days, provided that in either case the inspector shall have authority to extend payment up to an additional sixty days in any case where he deems further treatment to be essential. 1931, c. 78, s. 34 (1), cl. (a); 1934, c. 54, s. 16 (2); 1935, c. 66, s. 15 (2); 1936, c. 52, s. 5.

(b) For treatment of every patient who is a baby of an indigent person born in a hospital at the rate of thirty cents per day for every day up to fourteen days after birth that such patient is receiving treatment in a hospital.

(c) For treatment of every patient mentioned in clause a at the rate of ten cents per day for every day in excess of one hundred and twenty days that such patient is receiving treatment in a hospital.

(d) For treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory...
Incurable person's rate of aid.

(e) For treatment of every incurable person admitted as a patient in a hospital for incurables at the rate of sixty cents per day for every day that such incurable person is receiving treatment in such hospital. 1931, c. 78, s. 34 (1), cls. (b-e).

Computing provincial aid.

(2) In calculating the amount of provincial aid the day of departure of a patient or incurable person shall not be included. 1931, c. 78, s. 34 (2).

Provincial aid.

(3) The Lieutenant-Governor in Council may at any time make such deductions from any money payable under the provisions of subsection 1 by way of provincial aid to any hospital as may be deemed necessary. 1933, c. 51, s. 5.

Limitation as to patients subject to aid.

33. Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein if the charges received by the hospital in respect to such patient exceed, in the case of a hospital for incurables $1.50 per day, and in all other hospitals $1.75 per day from all sources other than provincial aid, and in the case of a convalescent hospital, ninety cents per day from all sources other than provincial aid. 1933, c. 51, s. 6; 1934, c. 54, s. 16 (3).

Maximum aid not to exceed municipal aid.

34. Unless the Lieutenant-Governor in Council otherwise directs the provincial aid which may be granted in any year to a hospital established elsewhere than in a territorial district shall not exceed the total of all amounts received by such hospital in that year from municipalities under the provisions of this Act. 1931, c. 78, s. 36.

No aid where hospital self-sustaining.

35. No provincial aid shall be granted to a hospital for any year in which the revenues of such hospital are equal to or exceed the expenditures for operation and maintenance of the hospital, unless the Lieutenant-Governor in Council otherwise directs. 1931, c. 78, s. 37.

No aid while approval revoked, etc.

36. No provincial aid shall be granted to any hospital the approval of which has been revoked or suspended, or to any hospital which does not comply with the provisions of this Act and the regulations. 1931, c. 78, s. 38.
37. When from any cause provincial aid to any hospital has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such hospital has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. 1931, c. 78 s. 39.

GENERAL.

38. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than $5 c. 136. and not exceeding $500, recoverable under The Summary Convictions Act. 1931, c. 78, s. 40.

39. Any action against any hospital or any person for anything done or purporting to be done in pursuance of this Act brought by or on behalf of any person who has been admitted as a patient in such hospital and has been discharged therefrom shall be commenced within six months after his discharge. 1932, c. 53, s. 39 (1); 1935, c. 66, s. 15 (3).