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c 391 Private Hospitals Act

Ontario

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CHAPTER 391.

The Private Hospitals Act.

Interpre-
tation.

1. In this Act,—

"Depart-
ment."

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

"House."

(b) "House" shall include any building, tent or other structure, whether permanent or temporary, intended for human habitation, and where there are two or more such structures in the occupation of the same person and situate on the same piece of land they shall be deemed to constitute a single house within the meaning of this Act;

"Inspector."

(c) "Inspector" shall mean an officer of the Department designated as an inspector;

"Maternity
hospital."

(d) "Maternity hospital" shall mean a private hospital for the reception and care of patients in or in respect of child-birth;

"Medical
and surgical
hospital."

(e) "Medical and surgical hospital" shall mean a private hospital for the reception of any class of patients other than those last mentioned;

"Minister."

(f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Patient."

(g) "Patient" shall mean a person admitted to a private hospital for the purposes of treatment;

"Private
hospital."

(h) "Private hospital" shall mean a house in which four or more patients are or may be admitted for treatment other than,—

Rev. Stat.,
c. 390.(i) a hospital under *The Public Hospitals Act*;Rev. Stat.,
c. 395.(ii) a sanatorium under *The Sanatoria for Consumptives Act*;

(iii) a hospital or other establishment or institution wholly or mainly supported by provincial aid;

Rev. Stat.,
c. 394.(iv) an institution in respect of which a license under *The Private Sanitaria Act* is in force;
or

- (v) an institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*; ^{Rev. Stat., c. 266.}

and, without restricting the generality of the foregoing, "private hospital" shall include a convalescent home, rest home, private sanatorium for consumptives, private refuge for the aged or infirm and any other hospital, home, refuge or other premises which may be declared by the Lieutenant-Governor in Council to be subject to this Act;

- (i) "Regulations" shall mean any regulations made under this Act; ^{"Regulations."}
- (j) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a private hospital; ^{"Superintendent."}
- (k) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient. 1931, c. 77, s. 2. ^{"Treatment."}

2. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations with respect to private hospitals as may be deemed necessary for.— ^{Regulations.}

- (a) their construction, establishment, licensing, alteration, equipment, maintenance and repair;
- (b) their classifications, grades and standards;
- (c) their inspection, control, government, management, conduct, operation and use;
- (d) their superintendents, staffs, officers, servants and employees and the powers and duties thereof;
- (e) the admission, treatment, conduct, discipline and discharge of patients;
- (f) the classification of patients;
- (g) the records, books, accounting systems, audits, reports and returns to be made and kept; and
- (h) all other matters affecting private hospitals. 1931, c. 77, s. 4.

3. 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. 1931, c. 77, s. 5. ^{Powers of Department.}

Inspectors.

4. 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. 77, s. 6.

Powers of private hospitals.

5. Every private 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. 77, s. 7.

License for hospital.

6.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Minister under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section the occupier and all persons concerned in the management of the house, or in the admission to or treatment of any patient therein, shall severally incur a penalty not exceeding \$25 for every day during which such use is continued. 1931, c. 77, s. 8.

Application for license.

7.—(1) Every application for a license to keep a private hospital shall be made in writing to the Minister and shall contain the following particulars.—

- (a) the full name, place of abode and occupation of the applicant;
- (b) a statement of the estate or interest of the applicant in the house in respect of which the license is desired;
- (c) a statement of the number of patients proposed to be admitted in the house and in each room or apartment of the house;
- (d) a description of the situation of the house;
- (e) a plan of the house on a scale of not less than an eighth of an inch to the foot;
- (f) a statement of the length, breadth and height of every room and apartment in the house, including operating and subsidiary rooms;
- (g) a statement of the rooms or apartments to be used exclusively by patients, and of those to be used

exclusively by the licensee or the superintendent or by persons other than patients;

- (h) a statement of the sanitary arrangements, ventilation, heating and water supply of the house;
- (i) a full description of the fire escapes of the house and the facilities provided for use in case of fire;
- (j) a statement as to the classes of patients proposed to be admitted.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$15. 1931, c. 77, s. 9.

Verification of application.
Fee.

8. No license shall be granted unless the house and its location with regard to adjoining dwelling houses are approved by an inspector as suitable for the purposes indicated in the application, and the Minister is satisfied as to the character and fitness of the applicant. 1931, c. 77, s. 10.

Approval.

9.—(1) Every private hospital shall according to the tenor of the license issued in respect thereof be either,—

- (a) a licensed maternity hospital; or
- (b) a licensed medical and surgical hospital; or
- (c) a hospital licensed both as a maternity and as a medical and surgical hospital; or
- (d) a hospital licensed for the treatment of such other class or classes of patients in this Act and the regulations provided. 1931, c. 77, s. 11 (1); 1935, c. 66, s. 14 (1).

Kinds of licensed private hospitals.
Maternity.
Medical.
Maternity and medical.
Other classes.

(2) Every license shall state the maximum number of patients who may be admitted in the hospital at any one time.

Number of patients.

(3) A license may be limited to the admission of any particular class or classes of patients.

Limitation of patients.

(4) Every license shall expire on the 30th day of September next following the date of its issue, but may be renewed in accordance with the regulations. 1931, c. 77, s. 11 (2-4).

Duration of license.

10. The fee for renewal of a license shall be \$5. 1931, c. 77, s. 12.

Annual fee.

11. When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. 1931, c. 77, s. 13.

Condition of license notwithstanding death of one of joint licensees.

Transfer of license upon application of licensee.

12. On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Minister may, by endorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him. 1931, c. 77, s. 14.

Transfer or revocation of license upon death of licensee.

13.—(1) If the licensee or the sole surviving licensee dies the Minister may, by endorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the private hospital with the same rights and obligations as if the license had been granted to him.

Continuation of license until revoked.

(2) During the currency of a license and any renewal thereof and until the license is revoked under this Act the private hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

Revocation under such circumstances.

(3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee the Minister may by writing under his hand revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*. 1931, c. 77, s. 15.

Revocation of license.

14.—(1) A license may at any time be revoked by the Minister, if,—

Default in payment of license fee.

(a) the licensee has made default for three months in paying the annual license fee;

Conviction of offences against Act.

(b) the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or

Premises unsanitary.

(c) in the opinion of an inspector the hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

Notice to licensee.

(2) Before a license is revoked the Minister shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof or by mailing the same by registered letter postage prepaid addressed to such licensee or superintendent at the hospital and the revocation shall be effected by writing under the hand of the Minister, and notice of the revocation shall be published in the *Ontario Gazette*. Service of notice.

(4) The decision of the Minister as to the revocation of a license shall be final and conclusive and shall not be questioned in any court or in any proceeding. 1931, c. 77, s. 16. Decision of Minister final.

15.—(1) No structural alteration of or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by an inspector. Approval by Inspector of structural alterations.

(2) If any alteration or addition is made in breach of this section, the licensee shall incur a penalty not exceeding \$100. 1931, c. 77, s. 17. Penalty.

16.—(1) For every private hospital there shall, if required by the regulations, at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse. Superintendent of licensed hospital.

(2) No person other than a licensee shall be appointed as the superintendent until his name and qualification have been notified to an inspector and he has approved of the appointment. Inspector's approval.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the inspector, appoint as acting superintendent any other person qualified in accordance with this section, and every person so appointed shall, while he so acts, be deemed for the purposes of this Act, to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks. Acting superintendent.

(4) If at any time a private hospital is used as such while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall incur a penalty not exceeding \$25 for every day during which it is so used. Penalty.

(5) The Minister may, because of special circumstances and on such terms and conditions as he thinks fit, by warrant under his hand temporarily exempt any private hospital from the requirements of subsection 1. Exemption by Minister.

With-
drawal of
exemption.

(6) Any exemption so granted may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital. 1931, c. 77, s. 18.

Register of
patients.

17.—(1) In every private hospital there shall be kept a register of patients in which shall be entered the following particulars,—

Name, etc.,
of patients.

(a) the name, age and usual place of abode of every patient, and date of his admission into the hospital;

Name
of medical
practitioner.

(b) the name of the medical practitioner, if any, attending each patient;

Date
of patient's
departure
or death.

(c) the date at which each patient leaves the hospital or, in the event of the death of a patient in the hospital, the date of his death;

Other
particulars.

(d) such other particulars as may be prescribed by an inspector.

Entry of
particulars.

(2) Such particulars shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the register an untrue entry shall incur a penalty not exceeding \$200.

Idem.

(4) Every licensee who fails to make or cause to be made any entry in the register required by this Act to be made therein shall incur a penalty not exceeding \$50. 1931, c. 77, s. 19.

Inspection
by inspector.

18. Every private hospital and the registers thereof shall at all times be open to inspection by an inspector. 1931, c. 77, s. 20.

Power
of inspector
to enter un-
licensed
premises.

19. If an inspector believes or suspects that any house is used as a private hospital without being licensed he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof, and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200. 1931, c. 77, s. 21.

Penalty.

Use of
licensed
hospitals.

20.—(1) A private hospital shall not be used for any purpose other than the purposes in respect of which the license is granted and purposes reasonably incidental thereto.

Penalty.

(2) If a private hospital is used in any manner contrary to the provisions of this section the licensee and superintendent

shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 1931, c. 77, s. 22.

21. If at any time a private hospital is used for the treatment of a greater number of patients than is permitted by the license, or for the admission of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 1931, c. 77, s. 23.

Reception of more than authorized number of patients.

Penalty.

22.—(1) The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

Who to be deemed the occupier for certain purposes.
Rev. Stat., c. 299.

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. 1931, c. 77, s. 24.

Idem.

Rev. Stat., c. 88.

23. Any person who contravenes any of the provisions of this Act or of any regulation made thereunder where a penalty is not provided herein shall incur a penalty of not less than \$5 and not exceeding \$500, and all penalties provided for herein shall be recoverable under *The Summary Convictions Act*. 1931, c. 77, s. 25.

Penalties.

Rev. Stat., c. 136.

24.—(1) In any prosecution for an offence against this Act the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged.

Burden of proof in prosecutions.

(2) In any prosecution for an offence against this Act the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Act shall be upon the person charged. 1931, c. 77, s. 26.

Idem.

25. With the approval of the Minister, a municipality may enter into an annual agreement with a private hospital respecting the admission and treatment of indigent persons and dependants of indigent persons in such municipality, and in such case the liability of the municipality to the private hospital shall be determined according to such agreement, and the Minister may terminate any such agreement at any time by thirty days' notice in writing under his hand to the parties thereto. 1935, c. 66, s. 14(2).

Municipal agreements as to indigents.