

1937

c 393 Psychiatric Hospitals Act

Ontario

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CHAPTER 393.

The Psychiatric Hospitals Act

Interpreta-
tion.**1.** In this Act,—

"Applicant."

(a) "Applicant" shall mean the person who signs the application for the admission of a patient into a psychiatric hospital, or who voluntarily makes application for such admission;

"Inspec-
tor."Rev. Stat.,
c. 392.

(b) "Inspector" shall mean an inspector appointed under *The Mental Hospitals Act*;

"Minister."

(c) "Minister" shall mean the member of the executive council charged for the time being with the administration of institutions under *The Mental Hospitals Act*;

"Patient."

(d) "Patient" shall mean any person receiving care or treatment in or by a psychiatric hospital under the authority of this Act;

"Pre-
scribed."

(e) "Prescribed" shall mean prescribed by this Act or by regulations made under the authority of this Act. R.S.O. 1927, c. 354, s. 1; 1935, c. 39, sched.

City by-law
establishing.

2. The corporation of a city having a population of over 100,000 may, with the approval of the Lieutenant-Governor in Council, establish and equip a psychiatric hospital for the observation, temporary care and treatment of residents of the municipality suffering from psychiatric disabilities who are not ineligible under this Act for admission to such hospital and who, in the opinion of a legally qualified medical practitioner, are suitable subjects for and may be benefited by such observation, care and treatment. R.S.O. 1927, c. 354, s. 2.

Approval
of plans and
site.

3. Before a psychiatric hospital is established the plans and site selected therefor shall be approved by the Lieutenant-Governor in Council. R.S.O. 1927, c. 354, s. 3.

Designation
by
Lieutenant-
Governor
in Council.

4.—(1) Upon the completion of the erection and equipment of a psychiatric hospital the Lieutenant-Governor in Council shall designate it as "The.....Psychiatric Hospital" (*inserting the name of the municipality*) and shall describe by metes and bounds the premises which shall be deemed to be included in such designation.

(2) The psychiatric hospital shall thereafter be under the control of the Minister. R.S.O. 1927, c. 354, s. 4. Minister to be in control.

5. The cost of maintenance of a psychiatric hospital in excess of the amount provided by or on behalf of patients admitted for treatment therein and by the city shall be paid out of such moneys as may be voted by the Assembly and appropriated for that purpose. R.S.O. 1927, c. 354, s. 5. Cost of maintenance.

6. A separate account shall be kept in the office of the inspector for every psychiatric hospital and there shall be credited to such account,— Accounts to be kept.

- (a) the income received from or on behalf of the patients admitted or treated therein;
- (b) the income received from the municipality for the maintenance of patients who are treated in the hospital;
- (c) the legislative grant;
- (d) moneys received from any other source. R.S.O. 1927, c. 354, s. 6.

7. Moneys received from any other source than the legislative grant shall be paid monthly by the bursar of such hospital and by the inspector to the Treasurer of Ontario and any balance remaining in possession of the bursar or the inspector at the close of the fiscal year shall be forthwith paid to the Treasurer of Ontario. R.S.O. 1927, c. 354, s. 7. Application of receipts.

8. The Lieutenant-Governor in Council may from time to time appoint a superintendent and bursar and such officers and employees as he may deem necessary for the psychiatric hospital and may fix their salaries and prescribe their powers and duties. R.S.O. 1927, c. 354, s. 8. Appointment of officers.

9.—(1) Any person who is, or who is believed to be in need of such treatment as is provided in a psychiatric hospital and who, except in the cases provided for in clauses *b* and *e* has been a resident of the municipality in which such psychiatric hospital is located for three months in all within the period of five months prior to the date of application for admission, may be admitted thereto for such treatment,— Admission to hospital.

- (a) as a voluntary patient upon application in the prescribed form;
- (b) upon the warrant of the Lieutenant-Governor;

- (c) upon the certificate of a legally qualified medical practitioner in the prescribed form and accompanied by the prescribed application and history form and upon provision being made for payment of the maintenance of the patient at such rate as may be fixed by the inspector subject to the provisions of this Act and the regulations;
- (d) upon the certificate mentioned in clause *c* and the written order of the inspector directing the transfer of a patient from a general hospital to the psychiatric hospital where the period during which such patient is in the general hospital does not form part of a term for which he was sentenced to serve in a gaol or other penal institution;
- (e) upon the order of a judge or magistrate having jurisdiction in the municipality in which the hospital is located, accompanied by the prescribed history form remanding a person to a psychiatric hospital for further observation, care or treatment where such person has been apprehended either with or without warrant by a constable or police officer and is under the age of seventy-years and not ineligible for treatment in a psychiatric hospital under the provisions of this Act and it appears to the judge or magistrate that such person may be mentally ill, and any person so remanded shall be deemed to be a resident of the municipality in which the order for such remand is made. R.S.O. 127, c. 354, s. 9 (1); 1937, c. 72, s. 49 (1).

Authority to convey patient to hospital.

(2) The certificate mentioned in clause *c* shall be sufficient authority to a police officer or to any other person to convey a person to a psychiatric hospital and to the authorities of the said hospital for his detention therein. R.S.O. 1927, c. 354, s. 9 (2).

Patient found to be mentally ill, etc.

(3) Where a person admitted to a psychiatric hospital under clause *c* of subsection 1 appears to the superintendent to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, he shall direct the medical examination of such person and proceed in the same manner generally as is provided in section 20 of *The Mental Hospitals Act*, and if such person is certified to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, as provided by that Act the documents mentioned in the said section shall be transmitted to the inspector who shall arrange for the transfer of such person

Rev. Stat., c. 392.

to an institution under *The Mental Hospitals Act*. R.S.O. 1927, c. 354, s. 9 (3); 1935, c. 39, sched.

(4) A person admitted to psychiatric hospital under the provisions of clause *e* of subsection 1 who does not appear to the superintendent to be mentally ill, mentally defective or an epileptic within the meaning of *The Mental Hospitals Act*, shall be discharged forthwith into the care of the court by which he was remanded to the psychiatric hospital and the certificate of the superintendent or of any legally qualified medical practitioner who is a member of the staff of the hospital shall be sufficient authority for the granting of the said discharge. R.S.O. 1927, c. 354, s. 9 (4); 1935, c. 39, sched.

Discharge where patient not mentally ill, etc.
Rev. Stat., c. 392.

(5) The costs properly incurred under clause *e* of subsection 1 and under subsections 3 and 4 shall be payable by the city in which the patient was a resident at the time of his arrest. R.S.O. 1927, c. 354, s. 9 (5).

Expenses to be paid by city.

10.—(1) Any person who is a resident of the Township of York may be admitted to the Toronto Psychiatric Hospital in the manner prescribed by clauses *a* to *e* of subsection 1 of section 9, and any judge or magistrate having jurisdiction in the Township of York shall have authority to issue the order required by clause *e* of subsection 1 of section 9.

Residents of Township of York.

(2) The superintendent of the Toronto Psychiatric Hospital or the officer in charge of the admission of patients may refuse the admission of any person under this section when, in his opinion, there is not sufficient accommodation or when, in his opinion, the accommodation is sufficient only to provide for the admission of residents of the City of Toronto.

When admission may be refused.

(3) The provisions of subsection 5 of section 9 and of sections 12, 13 and 19 shall apply to the corporation of the Township of York with respect to patients in the said hospital who are residents of the said Township.

Application of certain provisions.

(4) All the provisions of this Act and regulations not inconsistent with this section shall apply to any person admitted under this section. 1935, c. 57, s. 2.

Application of general provisions of Act, etc.

11. Patients receiving care and treatment in a psychiatric hospital may be divided into the following classes,—

Classification of patients.

- (a) outpatients or persons treated outside the limits of a psychiatric hospital or calling within the limits of the hospital for treatment from time to time but not residing therein;

- (b) inpatients or patients treated and temporarily residing within the limits of the hospital;
- (c) paying patients or persons whose maintenance is paid in some manner other than by the municipal corporation at the rate of \$1.50 *per diem* or more;
- (d) indigent patients or persons whose maintenance is paid at less than \$1.50 *per diem*. R.S.O. 1927, c. 354, s. 10.

Liability of
municipal
corporation.

12. If a patient is unable to pay at the rate of \$1.50 *per diem* for his maintenance and there is no other person liable for his support who can make such payment the municipal corporation shall be liable to the hospital at the said rate. R.S.O. 1927, c. 354, s. 11.

When
municipal
corporation
not liable.

13. The municipal corporation shall not be liable for any charges for the maintenance, treatment or care of a patient beyond the period of ten days from the day of the admission of such patient to the psychiatric hospital. R.S.O. 1927, c. 354, s. 12.

Who may
not be
admitted.

Rev. Stat.,
cc. 392, 394.

14.—(1) No person shall be admitted to a psychiatric hospital who is,—

- (a) certified to be mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, or within the meaning of sections 24 and 25 of *The Private Sanitaria Act*;
- (b) an alcoholic habituate;
- (c) a drug habituate;
- (d) a person suffering from mental infirmities due to old age or from incurable disease for which general hospital or other institutional care is required;
- (e) a person suffering from tuberculosis or other communicable disease;
- (f) a mentally defective or feeble-minded person;
- (g) an epileptic;
- (h) a person who has been admitted to and discharged on probation from an institution under *The Mental Hospitals Act*, and whose term of probation has not expired;

- (i) a person committed to a gaol or other penal institution and who has been given a ticket-of-leave, paroled or granted a permit to work outside the limits of such gaol or penal institution and whose term of imprisonment has not expired. R.S.O. 1927, c. 354, s. 13 (1); 1935, c. 39, sched.

(2) Where it is found through the result of observation or treatment that a patient admitted to a psychiatric hospital comes within any of the classes mentioned in subsection 1, the inspector, upon the report of the superintendent, may by his warrant direct the removal of such patient to a general hospital or to an institution under *The Mental Hospitals Act*, or into the charge of his friends. R.S.O. 1927, c. 354, s. 13 (2). ^{Removal of ineligible patients. Rev. Stat., c. 392.}

15.—(1) A patient admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner may be discharged by the superintendent when in his opinion the patient is in a fit mental condition to be discharged. R.S.O. 1927, c. 354, s. 14 (1). ^{Discharge of voluntary patients.}

(2) Where in the opinion of the superintendent a patient is mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, or cannot be further benefited by observation and treatment in the psychiatric hospital, and such patient was admitted as a voluntary patient or upon the certificate of a legally qualified medical practitioner as provided in clauses *a* and *c* of subsection 1 of section 9 the superintendent may cause the patient to be examined by two legally qualified medical practitioners and if such medical practitioners certify, according to the provisions of section 20 of *The Mental Hospitals Act*, that the patient is mentally ill, mentally defective or epileptic within the meaning of *The Mental Hospitals Act*, the inspector shall issue his warrant for the removal of the patient to an institution under *The Mental Hospitals Act*. R.S.O. 1927, c. 354, s. 14 (2); 1935, c. 39, sched. ^{Transfer of certain patients. Rev. Stat., c. 392.}

(3) A patient admitted on an order of the inspector may be discharged by the inspector or by him transferred back to the general hospital from which he was admitted. ^{Patient admitted on order.}

(4) Where a patient has been admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner or on the order of the inspector, in lieu of being discharged he may be committed by the inspector to the custody of relatives or others capable of and legally responsible for the care and supervision of the patient. ^{Committal to custody of friends.}

Patient admitted on warrant. (5) A patient admitted on the warrant of the Lieutenant-Governor shall not be discharged from a psychiatric hospital without the written consent of the Attorney-General.

Delivery of patient to custody of his friends. (6) If the superintendent considers it conducive to the recovery of any person detained in a psychiatric hospital except such persons as are admitted under clauses *b* and *e* in subsection 1 of section 9 that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them upon receiving a written undertaking in the prescribed form by one or more of the friends of such person that he or they will keep an oversight over him.

Recommitment to hospital from custody of friends. (7) If within six months from such temporary discharge the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form directed to any constable or peace officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the psychiatric hospital from which he was temporarily discharged, and such warrant shall be an authority to anyone acting under it to apprehend the person named therein and to bring him back to the psychiatric hospital. R.S.O. 1927, c. 354, s. 14 (3-7).

Collecting maintenance. **16.** All moneys due to a psychiatric hospital for the maintenance of any patient for the necessary expenses incurred in his behalf shall be a debt due to the Crown and may be sued for and collected by the bursar of the psychiatric hospital or by the inspector from the said patient or his estate or from any other person or municipal corporation liable therefor. R.S.O. 1927, c. 354, s. 15.

Public Trustee as official committee. **17.** Upon the admission of any person as a resident patient in a psychiatric hospital the Public Trustee shall be the official committee of the estate of such person in the same manner and to the same extent as in the case of a patient admitted to an institution under *The Mental Hospitals Act*, unless and until a committee of the estate of such patient has been appointed by the court. R.S.O. 1927, c. 354, s. 16.

Apprehension of escaped patient. **18.** If a patient in a psychiatric hospital, not being a voluntary patient, escapes therefrom or from any officer or servant of the hospital such officer or servant or any other person may without warrant within forty-eight hours after such escape, or under a warrant in the prescribed form within three weeks after such escape, retake such escaped patient and return him to the hospital and he shall be detained therein

under the authority by virtue of which he was detained prior to his escape. R.S.O. 1927, c. 354, s. 17.

19. The costs and expenses incurred in conveying persons to and from a psychiatric hospital shall be borne by the patient or his estate except in the case of persons admitted to a psychiatric hospital under clauses *b*, *d* and *e* of subsection 1 of section 9 in which cases such costs and expenses shall be borne by the municipal corporation subject to such recourse as the corporation may have against the patient or any other person. R.S.O. 1927, c. 354, s. 18.

Costs of conveying patients to and from hospital.

20. The Minister, with the approval of the Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) for the appointment of officers, servants and employees of a psychiatric hospital and defining their duties, hours of service and regulating the conduct of such officers and employees;
- (c) respecting the accommodation, care and treatment of patients admitted to a psychiatric hospital and for regulating the discipline and custody of persons who are admitted as inmates of a psychiatric hospital or who are treated therein and prescribing, subject to the provisions of this Act, the rates to be paid for the accommodation of patients;
- (d) prescribing the books and accounts to be kept in a psychiatric hospital and the manner in which the supplies necessary for the use and maintenance of the hospital and the officers and patients thereof shall be provided and accounted for;
- (e) prescribing the penalties for the breach of any regulation;
- (f) generally for the better carrying out of the provisions of this Act. R.S.O. 1927, c. 354, s. 19; 1937, c. 72, s. 49 (2).

21. The Minister may direct the establishment and maintenance of post graduate courses and clinical and laboratory research at a psychiatric hospital to be carried on in accordance with any regulations which may be made respecting the same. 1931, c. 23, s. 27 (1).

Post-graduate courses, etc., in psychiatry.