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c 346 Sanatoria for Consumptives Act

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CHAPTER 346

The Sanatoria for Consumptives Act

1. In this Act,

Interpre-
tation.

- (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 a board of trustees, directors, commission or other governing body or authority of a sanatorium;
- (c) "Department" means 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 city, town, village and township;
- (g) "medical officer of health" means medical officer of health appointed under *The Public Health Act* or any person having the powers thereof;
- (h) "Minister" means 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 necessities of life, and
 - (iii) special treatment for tuberculosis and transportation to and from any place at which such special treatment is available; 1947, c. 97, s. 1, cls. (a - j).
- (k) "provincial aid" means aid granted to a sanatorium out of moneys appropriated for the purpose by the Legislature; 1947, c. 97, s. 1, cl. (k); 1949, c. 90, s. 1; 1950, c. 71, s. 1.

Rev. Stat.,
c. 306

- (l) "regulations" means 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;
- Rev. Stat. c. 388. (p) "territorial district" means 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 which is without municipal organization. 1947, c. 97, s. 1, cls. (l - r).

PART I

ESTABLISHMENT, OPERATION, INSPECTION OF SANATORIA

Sanatoria aided in 1930 approved.

Rev. Stat., 1927, c. 257.

New sanatoria to be approved.

Suspension or revocation of approval.

Inspectors.

2.—(1) The several institutions with their respective properties and appurtenances which 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. 1947, c. 97, 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. 1947, c. 97, 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 and the regulations shall prevail. 1947, c. 97, s. 4.

Powers of sanatorium.

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 the provisions of this Act and the regulations. 1947, c. 97, s. 5.

Establishment of municipal sanatorium.

6. When two or more municipal corporations propose jointly to establish a sanatorium, the councils of the corporations shall provisionally agree upon the proposal respecting the same. 1947, c. 97, s. 6.

Provisional agreement for joint sanatorium.

7. Any municipal corporation or corporations which 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 may be required by the regulations. 1947, c. 97, s. 7.

Submission of proposals to Minister.

8. If the site for a proposed sanatorium is situate elsewhere in Ontario than in the municipality or in one of the municipalities, the corporation of which is proposing or is a party to 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, which it may have to the establishment of a sanatorium on such site, but no such objection shall necessarily prevent approval being given hereunder. 1947, c. 97, s. 8.

Site in another municipality.

9. The Minister shall submit the proposals, with any report thereon which he may see fit to make, to the Lieutenant-Governor in Council, and upon approval thereof, either as

Approval by Order in Council.

submitted or as modified or altered in any way by the Lieutenant-Governor in Council, such approval shall, subject as hereinafter provided, be sufficient authority for the municipal corporation or corporations to establish a sanatorium in accordance therewith. 1947, c. 97, s. 9.

Procedure
for estab-
lishment,
by-laws, etc.

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 the same according to form approved by the Lieutenant-Governor in Council. 1947, c. 97, s. 10.

County
sanatorium.

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 shall not be necessary that any by-laws passed by the council of such county, under section 10, shall 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. 1947, c. 97, s. 11.

Rev. Stat.,
c. 243 to
apply.

12. Subject as otherwise herein provided, *The Municipal Act* shall apply to all by-laws passed and to all debentures issued by a municipal corporation under this Act. 1947, c. 97, s. 12.

Improve-
ments for
sanatorium.

13. When it is proposed by a municipal corporation, which has or by two or more municipal corporations which, jointly, have established a sanatorium, to make any extensions, additions, or structural alterations or improvements to such 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, shall be the same as for the establishment of a sanatorium. 1947, c. 97, s. 13.

Board of
manage-
ment.

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. 1947, c. 97, 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. 1947, c. 97, s. 15.

16. The board shall be a corporation under such name as may be designated in the approval given by the Lieutenant-Governor in Council for its establishment. 1947, c. 97, 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 similarly be elected. 1947, c. 97, s. 17.

18. With the approval of the Lieutenant-Governor in Council, an association which 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. 1947, c. 97, s. 18.

PART III

ALL SANATORIA

Application
of Part.

19. This Part shall apply to all sanatoria whether established by municipal corporations or associations. 1947, c. 97, s. 19.

Powers of
board.

20. Subject as in this Act and the regulations provided, or in any agreement entered into under this Act stipulated, it shall be the duty of the board of a sanatorium, and it shall have 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 shall have force or effect until it is approved by the Lieutenant-Governor in Council. 1947, c. 97, s. 20.

Appoint-
ment of
staff.

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. 1947, c. 97, s. 21.

Powers of
expropria-
tion.

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, which may be 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 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 Municipal Act* are to be exercised and performed by the clerk of the municipality; provided however that the board of a sanatorium which 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. 1947, c. 97, s. 22.

Rev. Stat.,
c. 243.

Exemption
from
taxation.

23. The real property acquired and used for the purpose of and in connection with a sanatorium shall be exempt from all municipal or other taxation, including taxation for school purposes, except and excluding, however, any municipal tax or rate imposed in respect of any public utility supplied to a sanatorium. 1947, c. 97, 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. 1947, c. 97, s. 24.

Sale, etc.,
to be
approved.

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. 1947, c. 97, s. 25.

Protection
from
adverse
expropria-
tion.

26. Nothing in sections 24 and 25 shall apply to or prevent the sale, disposition or expropriation of any part of the property acquired or used for the purposes of a sanatorium if the same is required in the widening of any highway, if the Minister has first approved thereof. 1947, c. 97, s. 26.

Saving as
to highway
widening.

27. The board may accept from any person donations of property, real or personal, and whether 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. 1947, c. 97, s. 27.

Donations.

28. No sanatorium which has been approved and established may permanently be closed without the approval of the Lieutenant-Governor in Council, and when any 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 the properties and assets thereof, and for the application of any proceeds of the sale or disposition and otherwise in every respect, as he may deem proper. 1947, c. 97, s. 28.

Approval
for closing
sanatorium.

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 may be required by the regulations. 1947, c. 97, s. 29.

Medical
students'
clinics.

30. Except as may otherwise be 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. 1947, c. 97, s. 30.

Sanatorium
to admit
patients.

31. Except as may otherwise be provided in this Act or in the agreement, no sanatorium established by an association which has entered into an agreement with a municipal corporation under this Act shall refuse to admit as a patient any

Admissions
to associa-
tion sana-
torium.

indigent person or dependant of an indigent person resident in such municipality and requiring treatment. 1947, c. 97, s. 31.

Refusal of
communi-
cable disease
cases.
Rev. Stat.,
c. 306.

32. Nothing in this Act shall require that any sanatorium 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. 1947, c. 97, s. 32.

Refusal of
non-
residents.

33. Nothing in this Act shall, unless by refusal of admission life would thereby be endangered, require that any sanatorium admit as a patient any person who is not a resident or a dependant of a resident in Ontario. 1947, c. 97, s. 33.

PART IV

MUNICIPAL LIABILITY

Notice to
municipi-
pality.

34.—(1) Upon admission to a sanatorium of any patient, the superintendent shall, by registered letter, notify the clerk of the local municipality in which such 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.

Reply.

(2) Within 30 days after the mailing of such notice to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom the notice was received stating whether such 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 which he has obtained relating to the residence of the patient.

Penalty.

(3) If the clerk fails or neglects to comply with the provisions of 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. 1947, c. 97, s. 34.

Superin-
tendent may
request in-
formation.

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

Penalty
for failure
to reply.

(2) Unless the clerk of the local municipality within 30 days of the mailing to him of any such notice as mentioned in subsection 1, shall have 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 such patient in the sanatorium at the rate set for

provincial aid in the regulations, commencing 30 days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section. 1947, c. 97, s. 35.

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

Cost of transportation to sanatorium.

(2) The local municipality in which any indigent patient was a resident at the time of the admission of such patient to a sanatorium shall pay the costs of transportation of such patient 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 an inspector.

Transportation to another sanatorium.

(3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or 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 such patient was a resident at the time of his admission to a sanatorium. 1947, c. 97, s. 36.

Recovery by sanatorium.

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 any patient who was a 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.

Notice that patient recovered.

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

Responsibility of local board.

(3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within 30 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

Failure of local board to comply with provisions of subs. 2.

patient in the sanatorium at the rate set for provincial aid in the regulations commencing 30 days after the notice has been sent to the local board.

Return of patient to sanatorium.

(4) In the event that the local board fails or neglects to comply with the provisions of subsection 2, the Minister may direct that the patient shall 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.

Where patient proceeds to other municipality.

(5) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first-named local municipality shall provide for such 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 a resident at the time of his admission to a sanatorium.

Recovery from county.

(6) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 5. 1947, c. 97, s. 37.

Burial expenses.

38. In the event of the death in a sanatorium of any patient who is an indigent person that local municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, not exceeding \$30, but the municipality may increase the maximum amount payable to \$40. 1947, c. 97, s. 38; 1948, c. 80, s. 1.

Statements of account to be rendered.

39.—(1) When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which such patient 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.

Right of recovery.

(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. 1947, c. 97, 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 the same may be recovered as a debt in any court of competent jurisdiction. 1947, c. 97, s. 40.

Municipal recourse against estate of patient.

41. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a 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 which made the payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 40. 1947, c. 97, s. 41.

Municipal recourse against proper municipality.

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

Cases where residence not presumed.

(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 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 the first-named municipality for the purpose of seeking such advice, treatment or admission; or

Persons seeking medical aid.

(b) if the municipality is in a territorial district, and the patient 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 a patient in a sanatorium, but in such cases the patient shall for the purposes 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

Health seekers in the districts.

(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 Act*, or other seminary of learning therein and at the time he became such a pupil was

Pupils.

Rev. Stat.. c. 256.

not a resident therein, but in such cases the patient shall for the purposes 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

Institutional inmates.

(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, jail, 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 purposes 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 patient or inmate; or

Member of military, naval or air force.

(e) if such patient 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 the patient shall for the purposes of this Act be deemed to be a resident in that municipality in which he was a resident at the time of enlistment for such service. 1947, c. 97, s. 42.

Residence of former patients.

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 a 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 a resident of the first-mentioned local municipality,

such patient shall not, for the purposes of this Act, be deemed to be a resident of the local municipality in which he has been living since his discharge from the sanatorium but shall be deemed a resident of the local municipality in which he was resident at the date of his first admission to a sanatorium. 1947, c. 97, s. 43.

PART V

PROVINCIAL AID

Provincial aid.

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

- (a) pay provincial aid to any sanatorium; and
- (b) make payments for the treatment outside a sana-

torium 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 may be prescribed by the regulations. 1950, c. 71, s. 2.

PART VI

GENERAL

45.—(1) Any medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct. Medical officer may require examination.

(2) In requiring any 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 the medical officer of health and by an inspector, specifying the nature, time and place of the examination. Notice.

(3) Any person served with a notice who fails to carry out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 52. Penalty.

(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. 1947, c. 97, s. 45. Expenses.

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 complaint or information. Information or complaint.

(2) Upon receiving any such complaint or information the justice of the peace shall hear and consider the allegations of the complainant, 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. Issue of summons.

Issue of warrant.

(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.

Magistrate's inquiry.

(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 complaint or information, and for such purpose shall proceed in the manner prescribed by *The Summary Convictions Act* and shall have all the powers of a magistrate holding a hearing under that Act.

Rev. Stat., c. 379.

Order for detention.

(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 may be set aside with the approval of the Minister for the care of tuberculous persons, for such period not exceeding one year, as the magistrate may deem necessary.

Laboratory certificate.

(6) 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 shall be *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.

Detention pending inquiry or removal.

(7) 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 may direct.

Transfer of patients.

(8) The Minister may direct the transfer of any 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.

Extension of detention.

(9) 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 30 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 he may order that such person be further detained in a sanatorium or such other place as may be set aside with the approval of the Minister for the care of tuberculous persons for such period, not exceeding one year, as the magistrate may deem necessary. 1947, c. 97, s. 46.

47. Any patient in a sanatorium or in any other place set aside with the approval of the Minister for the care of tuberculous persons 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 behaviour is detrimental to the recovery of other patients, may, with the approval in writing of the Minister, be brought before a magistrate who may, if he finds any such condition to exist, order that such patient be segregated from the other patients in a separate part of the sanatorium or other place and there detained for such period not exceeding one year as the magistrate may deem necessary. 1947, c. 97, s. 47.

48.—(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 shall have authority to,

- (a) execute any warrant and enforce any order of a magistrate issued or made under section 46 or 47;
- (b) bring any person before a magistrate under subsection 9 of section 46 or section 47; 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 or 47.

(2) Where the Minister is of opinion that any person detained under section 46 or 47 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 47 shall be paid out of such moneys as may be appropriated for the purposes of this Act by the Legislature. 1947, c. 97, s. 48.

Transfer to
a public
hospital.

Rev. Stat.,
c. 307.

49. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such 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*. 1947, c. 97, s. 49.

Limitation
of action.

50. 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 any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards. 1947, c. 97, s. 50.

Regulations
for
sanatoria.

51.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make such regulations with respect to sanatoria 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, 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 the carrying out of the provisions of 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 other matters affecting sanatoria,

and may make regulations providing payment for the treat-

ment 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 may deem expedient. 1947, c. 97, s. 51.

52. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$5 and not more than \$500. 1947, c. 97, s. 52.

