1970

c 20 Ambulance Act

Ontario
CHAPTER 20

The Ambulance Act

1. In this Act,
   (a) "ambulance" means a conveyance used or intended to be used in an ambulance service for the transportation of persons requiring medical attention or under medical care;
   (b) "ambulance service" means a service held out to the public as available for the conveyance of persons requiring medical attention or under medical care, and includes the service of dispatching ambulances;
   (c) "Commission" means the Ontario Hospital Services Commission;
   (d) "Director" means the Director of Emergency Health Services;
   (e) "Minister" means the Minister of Health;
   (f) "municipality" includes a metropolitan or regional municipality but does not include an area municipality thereof;
   (g) "operator" means a person or corporation that owns or provides an ambulance service and "operate" has a corresponding meaning;
   (h) "regulations" means the regulations made under this Act;
   (i) "resident" means a person who was actually residing and physically present in a municipality for a period of three months within the preceding six months.

2. The Commission is responsible for the administration and enforcement of this Act. 1968-69, c. 3, s. 2.

3.—(1) Subject to section 6, the council of a municipality may pass by-laws for acquiring, maintaining and operating an ambulance service.

   (2) The Commission and the council of a municipality or board of health of a health unit may enter into agreements in respect of the acquisition, maintenance and operation of an ambulance service. 1968-69, c. 3, s. 3.
4.—(1) It is the function of the Commission and it has power,
(a) to ensure the development throughout Ontario of a balanced and integrated system of ambulance services and of effectual ambulance communications facilities;
(b) to require hospitals to establish, maintain and operate ambulance services and intercommunication respecting ambulance services;
(c) to establish, maintain and operate, alone or in co-operation with others, ambulance services, inter-communication systems in connection with ambulance services and storage depots for the equipment and supply of ambulances;
(d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for ambulance services;
(e) to receive and disburse all moneys appropriated by the Legislature for the purposes of this Act and all moneys payable to the Commission under this Act;
(f) to determine the amounts to be paid by the Commission and to pay operators for ambulance services provided and to make retroactive adjustments for underpayment and overpayment for such services according to the cost thereof;
(g) to establish regions and districts for the purposes of ambulance services and the communications facilities therefor.

(2) The Regulations Act does not apply to anything done by the Commission under subsection 1. 1968-69, c. 3, s. 4.

5. No application to incorporate a corporation whose objects include the operation of an ambulance service shall be proceeded with until it has first received the approval of the Commission. 1968-69, c. 3, s. 5.

6. No person shall operate an ambulance service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations. 1968-69, c. 3, s. 6.

7. The Director may issue a temporary licence in accordance with the regulations to operate a specified conveyance as an ambulance for a definite period of time stated in the licence. 1968-69, c. 3, s. 7.
8. The Director may refuse to issue a licence,
   (a) where the proposed operation would be in contravention of this Act or the regulations;
   (b) where there is no public need for the ambulance service in the area where the applicant proposes to operate;
   (c) where the applicant is not financially responsible; or
   (d) where the granting of the licence would be against the public interest. 1968-69, c. 3, s. 8.

9. The Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened this Act or the regulations or is in breach of a condition of his licence. 1968-69, c. 3, s. 9.

10.—(1) Where the Director refuses to issue or renew or proposes to revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed revocation and a notice stating the right to a hearing by the Commission, and the applicant or licensee may, by written notice given to the Director and the Commission within fifteen days after the receipt of the notice of refusal or proposed revocation, require a hearing by the Commission.

   (2) The Commission shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

   (3) The notice of hearing shall contain,
      (a) a statement of the time and place of the hearing which shall not be longer than thirty days after notice is given to the Commission under subsection 1;
      (b) a statement of the statutory power under which the hearing is being held;
      (c) a reference to the rules of procedure applicable to the hearing;
      (d) a concise statement of the issues; and
      (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 3, s. 10.

11.—(1) The Director, the applicant or licensee and any other person specified by the Commission are parties to the hearing.

   (2) If a person who has been duly notified of a hearing does not attend, the Commission may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 3, s. 11.
12.—(1) A hearing may be adjourned from time to time by the Commission on reasonable grounds,
   (a) on its own motion; or
   (b) on the motion of any party to the hearing.

Subpoenas

(2) The Commission may command the attendance before it of any person as a witness.

(3) The Commission may require any person,
   (a) to give evidence on oath or by affirmation at a hearing; and
   (b) to produce such documents and things as the Commission requires.

Idem

(4) The Commission may admit evidence not given under oath.

(5) Any person who, without lawful excuse,
   (a) on being duly summoned as a witness before the Commission, makes default in attending; or
   (b) being in attendance as a witness before the Commission, refuses to take an oath or affirmation legally required by the Commission to be taken, or to produce any document or thing in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer; or
   (c) does any other thing that would, if the Commission had been a court of law having power to commit for contempt, have been contempt of that court,

   is guilty of an offence.

(6) The Commission may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. 1968-69, c. 3, s. 12.

13.—(1) Any party may be represented before the Commission by counsel or agent.

(2) Any witness may be represented before the Commission by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.
(3) Any party who is present at a hearing before the Commission may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. 1968-69, c. 3, s. 13.

14. Upon a review, the Commission shall hear such evidence as is submitted to it that in its opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by the Commission, forms the record. 1968-69, c. 3, s. 14.

15.—(1) The Commission may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Commission considers proper, and for this purpose the Commission may substitute its opinion for that of the Director.

(2) The decision of the Commission, including the reasons therefor, shall be in writing.

(3) The reasons for the final decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of fact; and

(c) the conclusions of law based on the findings mentioned in clauses a and b.

(4) The Commission shall serve each party with a copy of its final decision, together with the reasons therefor and a notice stating the right to a review by the Minister under section 16. 1968-69, c. 3, s. 15.

16.—(1) Upon the request of any party to the hearing before the Commission, made within fifteen days after being served with a decision under subsection 4 of section 15, the Minister shall review the record and the decision of the Commission and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law.

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Commission within thirty days after he receives the request for the review.
(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to a judge of the Court of Appeal. 1968-69, c. 3, s. 16.

17. Except where otherwise provided, any notice required by this Act to be given shall be served personally or, where personal service cannot be effected, service is sufficient if sent by registered mail addressed to the person to whom notice is to be given at his last known address. 1968-69, c. 3, s. 17.

18.—(1) The Commission may appoint inspectors for the purposes of this Act and the regulations and such appointments shall be in writing.

(2) An inspector may enter the premises or conveyances of an operator at any time during daylight hours and may examine, extract information from and make copies of his books, accounts and records pertaining to the ambulance service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations. 1968-69, c. 3, s. 18.

19. Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation. 1968-69, c. 3, s. 19.

20. Every licence, except a temporary licence, expires one year after it is issued. 1968-69, c. 3, s. 20.

21.—(1) Where a municipality is liable to a hospital for the payment of the charges for treatment of an indigent person or dependant of an indigent person under section 22 of The Public Hospitals Act, the municipality is also liable to the hospital for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital.

(2) Where a municipality is not liable to a hospital for the payment of the charges for treatment of an indigent person or a dependant of an indigent person under section 22 of The Public Hospitals Act, the Commission is responsible for the indigent person's share of an ambulance service operator's fee, prescribed by the regulations, for transporting the indigent person or dependant to or from the hospital. 1968-69, c. 3, s. 21.

22.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

(a) prescribing the standards of conveyances and equip-
ment for ambulance services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such conveyances and equipment as are specified in the regulations;

(b) governing the management, operation and use of ambulance services, including insurance against liability in connection with their operation;

(c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Commission;

(d) prescribing the qualifications for persons employed in ambulance services including their testing and examination, physical or otherwise;

(e) providing for the issuing of licences and prescribing terms and conditions of licences;

(f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;

(g) prescribing the fees that may be charged by the operators of each class of ambulance service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person transported in an ambulance.

(2) The regulations may provide that any provision is limited in its application to any specified class of ambulance service, person or thing. 1968-69, c. 3, s. 22.

23.—(1) Subject to subsection 2, any person who contravenes this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $10,000 and not as provided therein.

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose. 1968-69, c. 3, s. 23.
24. The Commission shall not be held to be vicariously liable for the acts or omissions of operators or their employees. 1968-69, c. 3, s. 24.

25. No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of ambulance services after the expiration of one year from the time when the damages were sustained. 1968-69, c. 3, s. 25.