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c 130 The Public Health Amendment Act, 1973

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CHAPTER 130

An Act to amend The Public Health Act

Assented to November 29th, 1973
Session Prorogued March 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. (1) Clause a of section 45 of The Public Health Act, being section 4, is repealed and the following substituted therefor:

(a) "Director" means the Director of Laboratory and Specimen Collection Centre Licensing appointed under section 45a.

(2) Clause d of the said section 45 is amended by adding at the end thereof "or a specimen collection centre".

(3) The said section 45 is amended by adding thereto the following clause:

(fa) "specimen collection centre" means a place where specimens are taken or collected from the human body for examination to obtain information for diagnosis, prophylaxis or treatment, but does not include a place where a legally qualified medical practitioner is engaged in the practice of medicine or surgery or a laboratory that is established, operated or maintained under a licence under this Act.

2. Section 45a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

45a. The Minister shall appoint an officer of the Ministry to be the Director of Laboratory and Specimen Collection Centre Licensing for purposes of sections 45 to 45n.
3.—(1) Subsection 1 of section 45d of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after “tests” in the fifth line “or such tests within a class or classes of tests”.

(2) The said section 45d is amended by adding thereto the following subsections:

(2a) No person shall establish, operate or maintain a specimen collection centre except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a specimen collection centre to take or collect such specimens or class or classes of specimens and subject to such conditions as the Director may specify in the licence.

(2b) Subject to subsection 3, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a specimen collection centre and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence.

(2c) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence to establish, operate or maintain the laboratory or specimen collection centre, as the case may be, in the area where the applicant proposes to establish, operate or maintain the laboratory or specimen collection centre, section 45f shall not apply and the Director shall not issue the licence to the applicant and shall give written notice to the applicant of the refusal and of the Minister’s statement.

(2d) Except in the case of a specimen collection centre that is in operation immediately before this subsection comes into force and notwithstanding subsections 2 and 2b, where an application is made for a licence and the Minister states in writing to the Director that it is not in the public interest to issue a licence:

(a) in the case of a laboratory, for any of such classes of tests or any of the tests within a class or classes of tests in respect of which the application is made; or

(b) in the case of a specimen collection centre, to take or collect such specimens or class or classes of
specimens in respect of which the application is made,

sections 45e and 45f shall not apply, and where the Director issues a licence to the applicant upon such application the Director shall give written notice to the applicant of the Minister's statement and the licence shall not be for such classes of tests or such tests within a class or classes of tests or for taking or collecting such specimens or class or classes of specimens as are set out in the Minister's statement.

(2e) In considering,

(a) under subsection 2c, whether it is in the public interest to issue a licence,

(i) to establish, operate or maintain a laboratory in an area, or

(ii) to establish, operate or maintain a specimen collection centre in an area; or

(b) under subsection 2d, whether it is in the public interest,

(i) in the case of a laboratory, to limit the classes of tests or the tests within a class or classes of tests, or

(ii) in the case of a specimen collection centre, to limit the specimens or class or classes of specimens,

in respect of which the Director may issue a licence to the applicant,

the Minister shall take into account,

(c) the number of laboratories or specimen collection centres, as the case requires, that operate under the authority of licences issued under this Act,

(i) in the area, or

(ii) in the area and any other area;

(d) the number of laboratories or specimen collection centres, as the case requires, operated by a Ministry or Ministries of the Crown,
(i) in the area, or
(ii) in the area and any other area;

(e) the tests and classes of tests performed in the laboratories or the specimens or class or classes of specimens taken or collected in the specimen collection centres, as the case requires,

(i) in the area, or
(ii) in the area and any other area;

(f) the utilization of existing laboratories or specimen collection centres, as the case requires, and their capacity to handle increased volume;

(g) the availability of facilities for the transportation of persons and specimens to laboratories or for the transportation of persons to specimen collection centres, as the case requires,

(i) in the area, or
(ii) in the area and any other area; or

(h) the funds available to provide payment for laboratory tests that are insured services under *The Health Insurance Act, 1972.*

(3) Clause a of subsection 3 of the said section 45d is repealed.

(4) Clause b of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the fourth line "or specimen collection centre".

(5) Clause c of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the first line "or specimen collection centre".

(6) Clause d of subsection 3 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre, as the case requires".

(7) Clause e of subsection 3 of the said section 45d is amended by inserting after "tests" in the second line "or the taking or collecting of the specimens".

(8) Subsection 4 of the said section 45d is repealed.
(9) Subsection 5 of the said section 45d is amended by adding at the end thereof "or specimen collection centre".

(10) Subsection 8 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre".

(11) Subsection 9 of the said section 45d is amended by inserting after "laboratory" in the second line and in the fourth line "or specimen collection centre".

(12) Clause a of subsection 11 of the said section 45d is amended by adding at the end thereof "or specimen collection centre".

(13) Subsection 11 of the said section 45d is amended by adding thereto the following clause:

\[(ba)\] any specimen taking or collecting authorized by the licence is incompetently carried out.

(14) Clause e of subsection 11 of the said section 45d is amended by inserting after "laboratory" in the second line "or specimen collection centre".

(15) Clause f of subsection 11 of the said section 45d is amended by inserting after "laboratory" in the third line "or specimen collection centre".

4.-(1) Section 45j of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by inserting after "operator" in the first line "of a laboratory".

(2) The said section 45j is further amended by adding thereto the following subsection:

(2) Every owner and operator of a specimen collection centre shall ensure that no specimen taking or collecting is carried out in the specimen collection centre other than specimen taking or collecting authorized by the licence, and no person employed in the specimen collection centre shall knowingly participate in such specimen taking or collecting.

5. Section 45k of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following subsection:
(2) No person shall advertise or cause to be advertised the services of a specimen collection centre, but any person may notify such classes of persons as are specified by the regulations respecting,

(a) the name and address of the specimen collection centre;

(b) employees of the specimen collection centre and the specimens or class or classes of specimens that are authorized to be taken or collected under the specimen collection centre licence;

(c) the equipment, premises, procedures and tariff of the specimen collection centre;

(d) information as to new specimen taking or collecting provided.

(3) Where the Director has reasonable and probable grounds to believe that any institution, building or place other than a private dwelling is being used as a laboratory or specimen collection centre without being licensed under this Act, the Director may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of subsection 1 or 2a of section 45d.

(1) Section 45n of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is amended by adding thereto the following clauses:

(d) respecting the staff and employees of specimen collection centres and respecting the duties, responsibilities and qualifications of the staff and employees of specimen collection centres;

(ea) prescribing the classes of persons who may take or collect specimens in a specimen collection centre.
(2) Clause \( f \) of the said section 45n is amended by inserting after "laboratories" in the second line "or specimen collection centres".

(3) Clause \( g \) of the said section 45n is amended by inserting after "laboratories" in each instance where it occurs in the second line "and specimen collection centres".

(4) Clause \( h \) of the said section 45n is amended by inserting after "laboratories" in the first line "and specimen collection centres".

(5) Clause \( k \) of the said section 45n is amended by striking out "or any class thereof" in the first line and inserting in lieu thereof "or specimen collection centres or any class of either of them".

(6) Clause \( m \) of the said section 45n is amended by adding at the end thereof "and specimen collection centres".

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

9. This Act may be cited as The Public Health Amendment Act, 1973.