

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Sixteenth Year of the Reign of His Majesty  
KING GEORGE V

Being the Third Session of the Sixteenth  
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TENTH DAY OF FEBRUARY  
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED  
AND TWENTY-SIX.



ONTARIO

HIS HONOUR HENRY COCKSHUTT  
LIEUTENANT-GOVERNOR

TORONTO:

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1926

## CHAPTER 71.

## An Act respecting Psychiatric Hospitals.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Psychiatric Hospitals Act*, Short title, 1926.

2. In this Act,—

Interpre-  
tation.

- (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; **"Applicant."**
- (b) "Inspector" shall mean the Inspector of Prisons and Public Charities designated by the Lieutenant-Governor to inspect the Ontario Hospitals under *The Prisons and Public Charities Inspection Act*; **"Inspector."**
- (c) "Minister" shall mean the member of the executive council charged for the time being with the administration of the Ontario hospitals; **"Minister."**
- (d) "Patient" shall mean any person receiving care or treatment in or by a psychiatric hospital under the authority of this Act; **"Patient."**
- (e) "Prescribed" shall mean prescribed by this Act or by regulations made under the authority of this Act. **"Pre-scribed."**

3. 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. **City by-law establishing.**

Approval,  
of plans and  
site.

4. Before a psychiatric hospital is established the plans and site selected therefor shall be approved by the Lieutenant-Governor in Council.

Designation  
by hospital  
superin-  
tendent.

5.—(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.

Minister  
to be in  
control.

(2) The psychiatric hospital shall thereafter be under the control of the Minister.

Cost of  
mainten-  
ance.

6. 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.

Accounts  
to be kept.

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

- (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.

Application  
of receipts.

8. 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.

Appoint-  
ment of  
officers.

9. 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.

Admission to  
hospital.

10.—(1) A person who is, or is believed to be in need of such treatment as is provided in a psychiatric hospital may be admitted thereto for such treatment.—

(a)

- (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 an inmate of 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 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 insane.

(2) Where a person admitted to a psychiatric hospital under clause e of subsection 1 appears to the superintendent to be insane he shall direct the medical examination of such person and proceed in the same manner generally as is provided in sections 7 and 8 of *The Hospitals for the Insane Act* and if such person is certified to be insane as provided by that Act the documents mentioned in the said sections shall be transmitted to the inspector who shall arrange for the transfer of such person to an Ontario hospital. Patient found to be insane.

(3) A person admitted to a psychiatric hospital under the provisions of clause e of the preceding subsection who does not appear to the superintendent to be insane shall be discharged forthwith into the care of the court by which he was remanded to the psychiatric hospital. Discharge where patient not insane.

(4) The costs properly incurred under clause e of subsection 1 and under subsections 2 and 3 shall be payable by the city in which the patient was a resident at the time of his arrest. Expenses to be paid by city.

(a)

Classi-  
fication of  
patients.

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

- (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 more than \$1.50 per diem;
- (d) Indigent patients or persons whose maintenance is paid at less than \$1.50 per diem.

(2) 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.

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.

Who may  
not be  
admitted.

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

- (a) certified to be insane within the meaning of sections 7 and 8 of *The Hospitals for the Insane Act* or within the meaning of sections 1 and 2 of *The Private Sanitarium 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) an idiot, imbecile or feeble-minded person;
- (g) an epileptic;

(h)

(h) a person who has been admitted to and discharged on probation from an Ontario hospital 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.

(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 Ontario Hospital or into the charge of his friends.

Removal of patient to hospital or into charge of friends.

14.—(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.

Discharge voluntary patients.

(2) Where in the opinion of the superintendent a patient is insane 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 10 the superintendent may cause the patient to be examined by two legally qualified medical practitioners and if such medical practitioners certify in the form numbered 1 in *The Hospitals for the Insane Act* that the patient is insane the inspector shall issue his warrant for the removal of the patient to an Ontario Hospital.

Transfer of patient found to be insane to Ontario Hospital.

(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 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.

Commitment to custody of friends.

(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.

Patient admitted on warrant

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 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.

Recommittal 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 any one acting under it to apprehend the person named therein and to bring him back to the psychiatric hospital.

Collecting maintenance.

15. 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.

Public trustee as official committee.

16. 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 Ontario hospital unless and until a committee of the estate of such patient has been appointed by the court.

Apprehension of escaped patient.

17. If a patient in a psychiatric hospital, not being a voluntary patient, escapes 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.

Costs of conveying patients to and from hospital.

18. 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 section 10 in which cases such costs and expenses shall be borne by the

municipal

municipal corporation subject to such recourse as the corporation may have against the patient or any other person.

**19.** The Minister, with the approval of the Lieutenant-Governor in Council may make 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, inmates 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.

**20.** *The Reception Hospitals Act*, being chapter 54 of the Statutes of 1914, and section 4 of *The Public Institutions Amendment Act, 1919*, are repealed. 1914, c. 54;  
1914, c. 83,  
s. 4,  
repealed.

**21.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.