

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Twenty-First Year of the Reign of His  
Majesty KING GEORGE V

Being the Second Session of the Eighteenth  
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWELFTH DAY OF FEBRUARY  
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED  
AND THIRY-ONE



ONTARIO

HIS HONOUR WILLIAM DONALD ROSS  
LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Herbert H. Ball, Printer to the King's Most Excellent Majesty  
1931

## CHAPTER 78.

An Act respecting Public Hospitals and Hospitals  
for Incurables.*Assented to April 2nd, 1931.*

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

- Short title.      **1.** This Act may be cited as *The Public Hospitals Act, 1931*
- Interpretation.      **2.** In this Act,—
- “Board.”      (a) “Board” shall mean a board of directors, governors, trustees, commission or other governing body or authority of a hospital;
- “Dependant.”      (b) “Dependant” shall mean and include a patient for the charges for whose treatment some other person is liable in law;
- “Department.”      (c) “Department” shall mean the Department of Health for Ontario;
- “Hospital.”      (d) “Hospital” shall mean and include any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of incurable persons;
- “Incurable person.”      (e) “Incurable person” shall mean any person afflicted with or suffering from any incurable disease, sickness, injury or other condition of a permanent nature requiring treatment;
- “Inspector.”      (f) “Inspector” shall mean an officer of the Department designated under this Act as an inspector;
- “Minister.”      (g) “Minister” shall mean the member of the Executive Council charged for the time being with the administration of this Act;

(h)

- (h) "Municipality" shall mean a city, separated town or county, except that in a territorial district it shall mean a city, town, village or township; <sup>"Municipality."</sup>
- (i) "Patient" shall mean a person admitted to a hospital for the purpose of treatment; <sup>"Patient."</sup>
- (j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature; <sup>"Provincial aid."</sup>
- (k) "Regulations" shall mean any regulations made under this Act; <sup>"Regulations."</sup>
- (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a hospital; <sup>"Resident."</sup>
- (m) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a hospital; <sup>"Superintendent."</sup>
- (n) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*; <sup>"Territorial district."</sup>
- (o) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient; <sup>"Treatment."</sup>
- (p) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. <sup>"Unorganized territory."</sup>

3. Nothing in this Act contained shall in any way relate to or affect a sanatorium under *The Sanatoria for Consumptives Act, 1931*, or a private hospital under *The Private Hospitals Act, 1931*. <sup>Sanatoria and private hospitals not affected. 1931, cc. 76, 77.</sup>

4.—(1) The several institutions which under *The Hospitals and Charitable Institutions Act* as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act. <sup>Hospitals aided in 1930 approved.</sup>

(2) No institution, building or other premises or place shall hereafter be created, established or incorporated as a hospital until the same has been approved by the Lieutenant-Governor in Council. <sup>New hospitals to be approved.</sup>

(3) No institution, building or other premises or place shall be operated or used as a hospital unless and until the same is approved by the Lieutenant-Governor in Council. <sup>Hospitals not to operate without approval.</sup>

(4)

(h)

Suspension  
or revocation  
of approval.

(4) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations  
for  
hospitals.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be deemed necessary for,—

Creation,  
construction,  
etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classifica-  
tion, etc.

(b) their classification, grades and standards;

Inspection,  
etc.

(c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc.

(d) their superintendents, staffs, officers, servants and employees, and the powers and duties thereof;

Patients, etc.

(e) the admission, treatment, conduct, discipline and discharge of patients;

Rates, etc.

(f) the classification and lengths of stay of and rates and charges for patients;

Accounting,  
etc.

(g) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;

Provincial  
aid.

(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid;

Miscel-  
laneous.

(i) all other matters affecting hospitals.

Enforcement  
of Act.

6. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient.

Inspectors.

7. 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, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Hospital  
powers and  
their  
exercise.

8. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or

empowered

empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

9. The board of a hospital may with the approval of the Lieutenant-Governor in Council pass by-laws for expropriating any land adjacent to or in the vicinity of such hospital which may be requisite for or advantageous to any of 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 to exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality.

Expropriation powers.

10. No by-law, rule or regulation of any hospital shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

By-laws, etc., to be approved

11. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Medical students' clinics.

12. Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations.

Hospitals to admit sick persons.

13. Except as may otherwise be provided in this Act or in the agreement, no hospital with which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment.

Admission of indigents under agreement.

14. Nothing in this Act contained shall require that any hospital, other than an isolation hospital, 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.

Refusal of communicable disease cases



Refusal of non-residents.

**15.** Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a resident or a dependant of a resident of Ontario.

Admission of incurable persons.

**16.** No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person for the charges for whose treatment a municipality may be liable under this Act, until such person or dependant is certified in accordance with the regulations to be an incurable person.

Employers' liability.

**17.**—(1) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the treatment of any of such employees admitted as a patient in a hospital at such rate and for such length of stay and subject to such conditions and limitations as the regulations may prescribe.

Rev. Stat., c. 179.

(2) Nothing in this section contained shall extend, apply to or affect the furnishing of medical aid to which employees are entitled under *The Workmen's Compensation Act*.

*Repealed 1933 ch. 57 sec. 2*

Municipal liability for indigents.

**18.**—(1) Subject as in this Act may otherwise be provided, when any patient in a hospital is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day.

*(1) Repealed & substituted 1933 ch. 67 sec. 3*

Relief of certain municipalities.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Municipal agreements as to indigents.

**19.** With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act.

Liability for non-residents may be assumed.

**20.** A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such hospital.

Burial expenses.

**21.**—(1) In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a

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resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, but not exceeding \$30.

(2) If such deceased patient was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from The Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$30 to The Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Contribution to Last Post Fund.

22. Upon admission or after admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Notice of admission to municipality.

23. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act.

Notice disputing liability.

24. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient.

Information to be furnished.

25. For the purpose of this Act, no patient shall be deemed to be a resident in a 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 hospital in such municipality; or

Persons seeking medical aid.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis 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 hospital,

Health seekers in the districts.

but

resident

Workmen's  
Compensa-  
tion Board  
cases, etc..

Rev. Stat.,  
c. 179.

Provincial  
aid.

Initial  
indigent rate  
of aid.

Baby rate of  
aid.

Secondary  
indigent rate  
of aid.

Indigent  
rate of aid  
for unorgan-  
ized  
territory.

Incurable  
persons' rate  
of aid.

Limitation  
as to  
patients  
subject  
of aid.

**33.** Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act* or by an employer under section 17 of this Act.

**34.**—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, as follows:

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph (b) mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital.

(b) For treatment of every patient who is a baby of an indigent person born in a hospital at the rate of thirty cents per day for every day up to fourteen days after birth that such patient is receiving treatment in a hospital.

(c) For treatment of every patient mentioned in paragraph (a) of this section at the rate of ten cents per day for every day in excess of one hundred and twenty days that such patient is receiving treatment in a hospital.

(d) For treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a hospital at the rate of two dollars per day for every day that such patient is receiving treatment in the hospital.

(e) For treatment of every incurable person admitted as a patient in a hospital for incurables at the rate of sixty cents per day for every day that such incurable person is receiving treatment in such hospital.

(2) In calculating the amount of provincial aid the day of departure of a patient or incurable person shall not be included.

(27 1933 ch. 61 sec. 5)

**35.** Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein, if the charges received by the hospital in

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respect to such patient exceed \$1.75 per day from all sources other than provincial aid. *Repealed subs 1933 ch. 6-1 sec. 6*

**36.** Unless the Lieutenant-Governor in Council otherwise directs the provincial aid which may be granted in any year to a hospital established elsewhere than in a territorial district shall not exceed the total of all amounts received by such hospital in that year from municipalities under the provisions of this Act. *Maximum aid not to exceed municipal aid.*

**37.** No provincial aid shall be granted to a hospital for any year in which the revenues of such hospital are equal to or exceed the expenditures for operation and maintenance of the hospital, unless the Lieutenant-Governor in Council otherwise directs. *No aid where hospital self-sustaining.*

**38.** No provincial aid shall be granted to any hospital the approval of which has been revoked or suspended, or to any hospital which does not comply with the provisions of this Act and the regulations. *No aid while approval revoked, etc.*

**39.** When from any cause provincial aid to any hospital has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such hospital has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. *Restoration of aid.*

GENERAL.

**40.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act.* *Penalties.*

**41.** *The Hospitals and Charitable Institutions Act, being chapter 359 of the Revised Statutes of Ontario, 1927, The Hospitals and Charitable Institutions Act, 1928 and section 18 of chapter 21 of the Statutes of 1929, are repealed.* *Repeal.*

**42.** This Act shall come into force on the 1st day of October, 1931. *Commencement of Act.*

Account-  
ing, etc.

(i) the records, books, accounting systems, audits, reports and returns to be made and kept by charitable institutions;

Provincial  
aid.

(j) the distribution, payment, withholding and restoration of and other matters affecting provincial aid and

General.

(k) all other matters affecting charitable institutions.

Powers  
of Depart-  
ment.

**6.** It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare any or all of the regulations to be in force with respect to all charitable institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Department may deem expedient.

Inspectors.

**7.** 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, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Powers of  
institution.

**8.** Every charitable institution shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by any general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Approval of  
by-laws, etc.

**9.** No by-law, rule or regulation of any charitable institution receiving provincial aid shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

Distribution  
of provincial  
aid.

**10.**—(1) Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution on the list of institutions entitled to receive provincial aid, as follows:

Refuges.

(a) For every indigent person an inmate of a refuge, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

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- (b) For every infant or child an inmate of an orphanage <sup>Orphanages, etc.</sup> or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, five cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, ten cents per day for each day's actual maintenance of such inmate.
- (c) For every adult, friendless and indigent female <sup>Female refugees,</sup> person an inmate of any such refuge, orphanage or infant's home, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

(2) In calculating the amount of provincial aid the day of departure of an inmate of a charitable institution shall not be counted.

**11.** No provincial aid shall be granted to a charitable institution for any year in which the revenues thereof are equal to or exceed the expenditures for operation and maintenance of the institution, unless the Lieutenant-Governor in Council otherwise directs. <sup>No aid for self-sustaining institutions.</sup>

**12.** No provincial aid shall be granted to any charitable institution the approval of which has been revoked or suspended or to any such institution which does not comply with the provisions of this Act and the regulations. <sup>Withdrawal of aid.</sup>

**13.** When from any cause provincial aid to any charitable institution has not been granted or the grant thereof has been withheld or withdrawn, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such charitable institution has been received or until compliance with the provisions of this Act and the regulations is made, as the case may be. <sup>Restoration of aid.</sup>

**14.** Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*. <sup>Penalty.</sup> <sup>Rev. Stat., c. 121.</sup>

**15.** This Act shall come into force on the 1st day of October, 1931. <sup>Commencement of Act</sup>