

No. 36

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 36

A Bill to amend The Mental Diseases Act

HON. DR. ROSS

Printed by L. S. WALL, Printer to the Queen's Most Excellent Majesty,
Edmonton, Alberta, 1959

Explanatory Note

2. Part III is being added by clause 4 hereto and a necessary change made in definition of "superintendent". Section 2(g) reads at present:

"2. In this Act,

.....

(g) "superintendent" means

- (i) in Part I, the superintendent of any hospital designated as a mental diseases hospital by the Lieutenant Governor in Council, and
- (ii) in Part II, the superintendent of a hospital of which a part has been declared a psychiatric ward."

3. The present section relates the hospital herein mentioned to the payment of an allowance under section 4 of The Hospitals Act. That reference is no longer exact and the term "approved hospital" is being substituted. Section 40 presently reads:

"40. The Lieutenant Governor in Council may declare a part of any hospital in receipt of any allowance under section 4 of The Hospitals Act to be a psychiatric ward."

4. This clause adds a New Part III creating Emotionally Disturbed Children's Wards.

BILL

No. 36 of 1959

An Act to amend The Mental Diseases Act

(Assented to _____, 1959)

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

1. *The Mental Diseases Act*, being chapter 200 of the Revised Statutes, is hereby amended.

2. Section 2, clause (g) is amended

(a) by adding at the end of subclause (ii) the word "and",

(b) by adding immediately after subclause (ii) the following:

(iii) in Part III, the superintendent of a hospital of which a part has been declared an emotionally disturbed children's ward.

3. Section 40 is struck out and the following substituted:

40. The Lieutenant Governor in Council may declare to be a psychiatric ward any part of an approved hospital within the meaning of *The Hospitals Act*.

4. The following Part is added immediately after section 49:

PART III

Emotionally Disturbed Children's Wards

50. In this Part "ward" means an emotionally disturbed children's ward established pursuant to this Part.

51. The Lieutenant Governor in Council may declare to be an emotionally disturbed children's ward any part of an approved hospital within the meaning of *The Hospitals Act*.

52. (1) The superintendent shall supervise the ward.

(2) The superintendent may investigate the management and conduct of the ward and any occurrence therein, and for the purpose of an investigation may make such inquiries as he considers necessary.

53. No child shall be admitted to or hospitalized in a ward otherwise than pursuant to the provisions of this Part.

54. (1) Upon the request of a duly qualified medical practitioner or of a provincial guidance clinic psychiatrist but subject to section 55, a child who is or who is believed to be suffering from emotional disturbance may be admitted to and hospitalized in a ward for treatment, if

- (a) a voluntary application in writing for admission of the child is made by a parent or the guardian of the child, and
- (b) the child is conveyed to the ward by a parent or guardian or some responsible person designated by a parent or the guardian.

(2) Before making a request for the admission to a ward of an emotionally disturbed child, the medical practitioner or psychiatrist shall first obtain the consent of the superintendent supervising the ward to the admission thereto of the child.

(3) The superintendent may refuse admission to a child when there is not, in his opinion, sufficient accommodation available in the ward for the child.

55. A child shall not be admitted to or retained in a ward for treatment if the child

- (a) is fourteen years of age or over,
- (b) is suffering from tuberculosis or other communicable disease, or
- (c) is known to be or is obviously mentally defective.

56. (1) A child who is hospitalized in a ward shall be forthwith discharged therefrom as soon as the child is, in the opinion of the superintendent, mentally recovered and fit to be discharged.

(2) A child who is hospitalized in a ward shall be discharged if the parent who made application for admission of the child to the ward, or both parents, or the guardian gives to the superintendent notice in writing requiring the discharge of the child from the ward.

(3) Where notice has been given pursuant to subsection (2), the child shall be discharged not later than ten days from the receipt by the superintendent of the notice.

57. A child who is duly admitted to a ward may be restrained therein by the staff and officers of the ward and the superintendent while the child is duly hospitalized in the ward.

58. Where the ward is in an approved hospital, the hospitalization of a child in the ward shall not exceed six weeks for any one period of hospitalization, subject to section 60.

59. (1) Where the superintendent is satisfied that the mental condition of a child is such that further hospitalization in the ward is unlikely to prove beneficial for the child or is not for any other reason advisable, the superintendent may discharge the child from the ward and may, in writing, notify the parents or guardian to remove the child from the ward within such time as the superintendent may direct.

(2) A parent or guardian who wilfully refuses to remove a child or to make adequate arrangement for the removal of a child from a ward within the time directed in the notification of the superintendent is guilty of an offence and liable on summary conviction to a fine of fifty dollars and in default thereof to a term of imprisonment not exceeding one week.

60. The superintendent supervising a ward may in his discretion permit any child hospitalized therein to be absent from the ward for any period not exceeding ten days, and upon receipt of satisfactory reports concerning the child may extend the period from time to time, but if the total period a child is absent from the ward pursuant to this provision exceeds six months, the child shall be discharged.

61. With the consent of the parent who made application for admission of the child to the ward or both parents or the guardian, of the child, the superintendent may arrange for the transfer of the child from a ward to a mental diseases hospital under *The Mental Diseases Act*.

62. The Lieutenant Governor in Council may make such regulations as are necessary to carry out the intent of this Part.

5. This Act comes into force on the first day of April, 1959.

No. 36

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Mental
Diseases Act

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. ROSS
