

BILL NO. 56 OF 1925.

A BILL RESPECTING PRIVATE HOSPITALS.

NOTE

This Bill provides for—

1. the licensing of private hospitals, (Sec. 3) ;
2. a resident superintendent in the case of medical and surgical hospitals and maternity homes, (Sec. 8) ;
3. the keeping of a register in such hospitals and the inspection of the hospitals and registers, (Sec. 9, 10) ;
4. the forbidding of operations in private hospitals without leave of the Department of Public Health, (Sec. 12) ;
5. full reports of deaths in private hospitals, (Sec. 13).

WALTER S. SCOTT,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 56 of 1925.

An Act respecting Private Hospitals.

(Assented to 1925.)

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

1. This Act may be cited as "*The Private Hospitals Act*."
2. In this Act, unless the context otherwise requires,—
 - (a) "Approved hospital" or "hospital" shall mean any hospital approved by the Minister of Health;
 - (b) "Local board" shall mean the local board of health of any city, town, village or municipal district;
 - (c) "Maternity home" shall mean a house for the reception and care of patients in or in respect to child-birth;
 - (d) "Patient" shall mean any person received and lodged in a private hospital;
 - (e) "Prescribed" shall mean prescribed by the Minister of Health;
 - (f) "Private hospital" shall mean any institution, building, rooms or other place visited by or accessible to the public and operated by any person as a place for the reception and treatment of sick persons, and shall include nursing homes, maternity homes and baby shelters, but shall not include—
 - (i) a hospital receiving public aid under *The Hospitals Act*; or
 - (ii) a hospital or other establishment wholly or mainly supported by provincial aid;
 - (g) "Provincial board" shall mean the Provincial Board of Health constituted and organized under *The Public Health Act*.
3. No private hospital shall be operated except under the authority of a licence issued under this Act—
 - (a) in cities by the local board of health; and
 - (b) in towns, villages, municipal districts and improvement districts by the Provincial Board of Health.

4. Every application for a licence to keep a private hospital shall be—

- (a) in writing;
- (b) verified by statutory declaration of the applicant; and
- (c) accompanied by a fee of five dollars.

5. Every licence—

- (a) shall state whether a private hospital is licenced as
 - (i) a medical and surgical hospital; or
 - (ii) a maternity home; or
 - (iii) a baby shelter;
- (b) shall state the maximum number of patients to be cared for in the private hospital at one time;
- (c) may be limited to the reception of any particular class or classes of patients; and
- (d) shall continue in force until the first day of January next following the date of its issue.

6. A licence may at any time be revoked by a local board or by the Provincial board as the case may be, if—

- (a) the licensee has made default for three months in paying the annual licence fee; or
- (b) the licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment; or
- (c) in the opinion of the local board or the provincial board, as the case may require, the private hospital premises are unsanitary or without proper fire protection, or the private hospital is managed or conducted in such a manner that the revocation of the licence is required in the public interest.

7. No structural alteration of or addition to any hospital shall be made until a plan of the proposed alteration or addition has been submitted to and approved by the local board or the provincial board, as the case may be.

8. In the case of medical and surgical hospitals and maternity homes, there shall be at all times a superintendent resident in the hospital:

Provided, that the local board or the provincial board, as the case may be, may temporarily exempt any hospital from the provisions of this section.

9.—(1) In every private hospital there shall be kept a register of patients in which shall be entered the following particulars:

- (a) The name, age, and usual place of abode of every patient, and the date of admission;
- (b) The name of the medical practitioner, if any, attending each patient;

(c) The date at which each patient leaves or, in the event of the death of a patient, the date of his or her death;

(d) Such other particulars as may be prescribed by the local board or the provincial board.

(2) Such particulars shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

10. Every private hospital and the registers thereof shall at all times be open to inspection by the local board or the provincial board, or any person authorized by either board.

11.—(1) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

(2) The superintendent of a private hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the private hospital.

(3) The superintendent of every private hospital shall, in respect of every child born in the private hospital, cause a form in form A of the schedule to *The Vital Statistics Act* to be filled up and to be signed by the mother of the child before she leaves the hospital and thereafter to be forwarded to the Registrar of Vital Statistics.

12.—(1) No operation shall be performed in a private hospital in any place where accommodation can be obtained in an approved hospital unless and until the consent of the Department of Public Health has been applied for and obtained, excepting operations of an ordinary obstetrical nature.

(2) Curettage or Caesarean section shall not be considered to be of an ordinary obstetrical nature.

(3) If the consent as aforesaid is applied for and obtained, all the provisions respecting operations contained in the regulations under *The Hospitals Act* shall be observed.

13. In cases of death in a private hospital a full report shall be forwarded—

(a) in cities, to the local board of health; and

(b) in towns, villages, municipal districts and improvement districts, to the Provincial Board of Health.

PENALTIES.

14. Any person operating a private hospital without a licence in breach of the provisions of this Act, and all persons concerned in the management thereof, shall severally, upon summary conviction, be liable to a penalty not exceeding twenty-five dollars for every day during which such use is continued.

15. If any alteration or addition is made to a private hospital in breach of the provisions of section 7 of this Act, the licensee shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars.

16. Any person operating a private hospital while there is no superintendent resident in the hospital, in breach of the provisions of this Act, shall be liable upon summary conviction to a penalty of twenty-five dollars for every day he so operates the hospital.

17. Any person who knowingly makes an untrue entry in the register required by this Act shall be liable, upon summary conviction, to a penalty not exceeding two hundred dollars.

18. Every licensee who fails to make or cause to be made any entry in the register required by this Act shall be liable, upon summary conviction, to a penalty not exceeding fifty dollars.

19. Any person who prevents or obstructs or attempts to prevent or obstruct the entry into a hospital, or inspection of a hospital on the part of any member of a local board or the provincial board, as the case may be, or of any person authorized by either of such boards, shall be liable, upon summary conviction, to a penalty not exceeding two hundred dollars.

20. If any private hospital is used—

- (a) for any purpose other than the purpose in respect of which the licence is granted and purposes reasonably incidental thereto; or
- (b) for the reception of a greater number of patients than is permitted by the licence; or
- (c) for the reception of any patient of a class not authorized by the licence—

the licensee and the superintendent, if any, shall severally incur, upon summary conviction, a penalty not exceeding twenty-five dollars for every day during which it was so used.

21. Any person who performs an operation in contravention of this Act shall be liable, upon summary conviction, to a penalty of one hundred dollars.

22.—(1) In any prosecution for an offence against this Act the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged.

(2) In any prosecution for an offence against this Act, the burden of proving that a licence is in force, and of proving its terms, and that any person apparently having the charge, control or management of the private hospital is not the superintendent thereof within the meaning of this Act, shall be upon the person charged.

23. The Lieutenant Governor in Council may make regulations as to—

- (a) the transfer of licences;
- (b) the necessary qualifications for superintendents under the provisions of this Act;
- (c) the temporary fulfilment of the duties of the superintendent by an acting superintendent—

and generally such regulations respecting the licensing and inspection, management, maintenance and operation of, accommodation in, and reports from private hospitals, and all other matters pertaining to private hospitals.

24. The provisions of *The Public Health Act* shall, so far as applicable, apply to the procedure and to all matters and things dealt with in this Act.

25. This Act shall come into force on the day of, 19....

No. 56.

FIFTH SESSION
FIFTH LEGISLATURE
15 GEORGE V
1925

BILL
An Act respecting Private Hospitals.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOADLEY.

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J. W. JEFFERY, KING'S PRINTER
A.D. 1925