

A BILL TO AMEND THE MENTAL DISEASES ACT

NOTE

This Bill amends *The Mental Diseases Act*, being chapter 192 of the Revised Statutes of Alberta, 1942.

Section 2 is amended. "Hospital" is redefined. "Psychiatric ward" is redefined to mean a part of a hospital declared by the Lieutenant Governor in Council to be a psychiatric ward. "Superintendent" is redefined to mean the superintendent of the mental hospital, where such is concerned, or the superintendent of the hospital in which there is established a psychiatric ward, where such wards are concerned.

Part II is amended by striking out sections 35 to 44 and substituting therefor new sections. Section 35 permits the Lieutenant Governor in Council to declare a part of an approved hospital to be a psychiatric ward.

Section 36 sets out the duties of the superintendent with respect to a psychiatric ward.

Section 37 provides that no one is to be admitted to or hospitalized in a psychiatric ward otherwise than in accordance with Part II.

Section 38 provides that upon the application of a medical doctor, consented to by the superintendent, a person who has signed an application or for whom an application has been signed by the spouse, relative or guardian, may be admitted to a psychiatric ward if no coercion is necessary to have him so admitted.

Section 39 prohibits the admission of certain mental and other cases such as alcoholics, drug addicts, persons suffering from senility, or a communicable disease, mental hospital patients and certain persons out of penal institutions.

Section 40 permits the superintendent to refuse admission to prevent overcrowding in the ward.

Section 41, subsection (1) provides when a patient shall be discharged from a psychiatric ward. Subsection (2) provides that no patient shall be kept in a psychiatric ward for a longer period than three months in a twelve month period.

Section 42 authorizes such restraint of the patient as may be necessary for his treatment.

Section 43 provides for the discharge of a patient.

Section 44 authorizes the Lieutenant Governor in Council to make necessary regulations to implement the intent of Part II.

This Bill comes into force on the 1st day of June, 1953.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 82 of 1953

An Act to amend The Mental Diseases Act

(Assented to , 1953)

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 192 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended

Section 2
amended

(a) by striking out clause (b) and by substituting the following:

"(b) 'hospital' means

"hospital"

"(i) in Part I any hospital designated as a mental diseases hospital by the Lieutenant Governor in Council,

"(ii) in Part II any other hospital of which a part has been declared a psychiatric ward;"

(b) by striking out clause (f) and by substituting the following:

"(f) 'psychiatric ward' means the part of any hospital declared to be a psychiatric ward by the Lieutenant Governor in Council;"

"psychiatric ward"

(c) by striking out clause (g) and by substituting the following:

"(g) 'superintendent' means

"superintendent"

"(i) in Part I, the superintendent of any hospital designated as a mental disease hospital by the Lieutenant Governor in Council,

"(ii) in Part II, the superintendent of a hospital of which a part has been declared a psychiatric ward;"

3. The heading "Psychopathic Wards" immediately preceding section 35 is struck out and the heading "Psychiatric Wards" is substituted.

Heading
amended

4. Sections 35 to 44 inclusive are struck out and the following are substituted:

Sections 35 to
44 amended

"35. The Lieutenant Governor in Council may declare a part of any hospital in receipt of any allowance under section 3 of *The Hospitals Act* to be a psychiatric ward.

Psychiatric
ward

Supervision of psychiatric ward	<p>"36. The superintendent</p> <p>"(a) shall supervise the psychiatric ward,</p> <p>"(b) may investigate the management and conduct of the psychiatric ward and any occurrence therein, and for the purpose of an investigation may make such inquiries as he considers necessary.</p>
Admission to psychiatric ward	<p>"37. No person shall be admitted as a patient or hospitalized in a psychiatric ward otherwise than pursuant to the provisions of this Part.</p>
Treatment	<p>"38. Upon the request of a qualified medical practitioner and with the consent of the superintendent and subject to section 39, a person who is or who is believed to be suffering from mental illness may be admitted to the psychiatric ward for treatment if</p> <p>"(a) a voluntary application in writing is signed by the person or by the spouse, relative or guardian of the person, and</p> <p>"(b) the person can be conveyed to the psychiatric ward without resort to any methods of deception, restraint or violence.</p>
Persons not eligible for admission	<p>"39. No person shall be admitted for treatment to a psychiatric ward who is</p> <p>"(a) mentally defective or suffering from the effects of chronic epilepsy,</p> <p>"(b) an alcoholic habituate,</p> <p>"(c) a drug habituate,</p> <p>"(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,</p> <p>"(e) a person suffering from tuberculosis or other communicable disease,</p> <p>"(f) a person who has been admitted to and discharged on probation from a mental hospital and whose term of probation has not expired,</p> <p>"(g) a person on remand from any court,</p> <p>"(h) 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 institute, and whose term of imprisonment has not expired.</p>
Refusal of admission	<p>"40. The superintendent may refuse admission to any person for treatment in a psychiatric ward when in his opinion there is not sufficient accommodation in the psychiatric ward.</p>
Discharge	<p>"41. (1) A person who has been hospitalized in a psychiatric ward shall be forthwith discharged as soon as such person is, in the opinion of the superintendent, mentally recovered and fit to be discharged, or whose discharge has been requested in writing by the attending physician.</p>

"(2) Notwithstanding subsection (1), no person shall be hospitalized in a psychiatric ward for a longer time than three months in any twelve-month period.

"42. A person admitted for treatment to a psychiatric ward pursuant to section 38 may be restrained by the officers of the hospital and other persons in charge of the ward while he is hospitalized in the psychiatric ward. Control of person detained

"43. Where the superintendent is satisfied that the mental condition of a patient is such that further detention in a psychiatric ward is not likely to prove beneficial, or is not for any other reason advisable, upon giving ten days' notice in writing to the patient or the relatives of the patient for arrangements to be made for the removal of the patient, the superintendent may discharge the patient from the psychiatric ward and require his removal therefrom. Notice to relatives re removal

"44. The Lieutenant Governor in Council may make such regulations as may be necessary to carry out the intent of this Part." Regulations

5. This Act comes into force on the first day of June, 1953. Coming into force

No. 82

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Mental
Diseases Act

Received and read the

First time

Second time

Third time

HON. DR. CROSS
