



CHAPTER 85

An Act to provide for the payment of services of physicians
and the cost of maintenance of injured persons in
public charitable institutions

[Assented to, the 18th of May, 1935]

HIS MAJESTY, with the advice and consent of the
Legislative Council and of the Legislative Assembly
of Quebec, enacts as follows:

1. This act may be cited as *Charitable Institutions Short title.*
Injured Persons Costs Payment Act.

2. Any institution recognized by the Lieutenant-Gov-^{Institutions}
ernor in Council as a public charitable institution may ^{affected.}
benefit from the privileges granted by this act.

A list of such institutions shall be published every year ^{List.}
in the *Quebec Official Gazette*.

3. This act shall apply to any person the victim of an ^{Scope of}
accident admitted to the institution in virtue of the provi-^{act.}
sions of the Quebec Public Charities Act or treated in the
public wards of the institution although he does not come
within the scope of the said act owing to his domicile.

4. Every such person victim of an accident and who ^{Claiming of}
has been or is being hospitalized or treated in a public ^{damages.}
charitable institution, or, in the case of the death of such
victim, the consort, ascendants and descendants of such
victim must, when they claim damages resulting from an
offence or a quasi-offence from a person responsible for
such offence or quasi-offence, include in their claim the ^{Accounts to}
accounts: ^{be included.}

a. Of the institution where such person has been or is
being treated, cared for or hospitalized;

b. Of the physicians on the staff or attached to the staff of such institution and who have treated, operated on or cared for such person, for the services rendered to such person by them in such institution.

Procedure
to be follow-
ed by
institution.

5. In order to benefit from the advantages of this act, the institution must:

a. Within fifteen days of the admission of such person victim of an accident, place in the hands of the prothonotary of the Superior Court of the district, where the offence or the quasi-offence occurred, a written declaration certifying that it has treated, cared for or hospitalized, or is treating, caring for or hospitalizing such person. The prothonotary must, upon the verbal or written request of any person, give him communication of the said declarations and when the request is made in writing inform him immediately in writing.

b. Within fifteen days of the receipt of a request from an interested person, produce its detailed accounts with the detailed accounts of the physicians on the permanent staff or attached to the staff of such institution, who have treated or cared for such victim of an accident, for the services rendered to the latter, in such institution. The institution must, moreover, declare whether the said accounts are final or not. Whenever any one of such accounts has been declared to be final, the persons to whom such account is due shall not be able to challenge it. Such a request cannot be invoked nor interpreted as an admission of responsibility.

If procedure
not followed

In each case where the institution has failed to abide by the provisions of this act, such institution and the physicians on the staff or attached to the staff of such institution shall not have the right to the benefit of this act nor be able to invoke same, in so far as such case is concerned.

Settlement
subject to
certain
payments.

6. No settlement of any such claim for damages may be effected between the parties unless the amounts of such accounts allowed by the said settlement be paid directly to the institution or to the physicians on the staff or attached to the staff of such institution.

Paying of
amounts.

Any amount granted by a judgment for hospitalization and medical costs must be paid directly to the institution and to the physicians on the staff or attached to the staff of such institution and the judgment shall mention the same. Such amounts shall be limited to the treatment necessitated by the accident.

In each case where there is common fault on the part of the injured person and the person responsible, the latter shall be bound to pay such accounts only in proportion to his responsibility as fixed by the judgment or by the terms of the settlement between the said parties, as the case may be.

7. Where the victim of an accident has been admitted to a public charitable institution under the provisions of the Quebec Public Charities Act, such institution, at the time of the settlement of the above-mentioned accounts, must repay to the Bureau of Public Charities the sum expended by the said Bureau for the hospitalization of such injured person, to the extent of the amount so recovered.

8. Public charitable institutions in which the injured person was treated, operated on or cared for, and the physicians on the staff or attached to the staff of such institution rendering such services for these purposes, may individually or in a joint action bring suit for the amount due them, as well against the victim of the accident or his representatives, as aforesaid, as against the person who effected a settlement without having conformed to the provisions of section 6 of this act, and in such suit the question of liability for the offence or the quasi-offence cannot be raised.

9. The payment of the said accounts by the person making a settlement does not create against him any presumption of responsibility for the accident and cannot be invoked against him, and the mere receipt of the institution and of the physicians on the staff or attached to the staff of such institution shall constitute a valid discharge of the said accounts, without the necessity, in the case where the injured person is a minor or otherwise disqualified, of calling a family council and of fulfilling the other legal formalities usually required in the case of minors or other disqualified persons, with respect to the said accounts.

10. For the purposes of this act, the tariff of the Workmen's Compensation Act, 1931, (21 George V, chapter 100), and its amendments, shall apply, *mutatis mutandis*, to the accounts of the physicians and of the hospitals.

Application. **11.** This act shall not apply to injured persons treated
restricted. under the Workmen's Compensation Act.

Coming into **12.** This act shall come into force on the day of its
force. sanction.