

Version No. 006
**Health Services (Private Hospitals and Day
Procedure Centres) Regulations 2002**

S.R. No. 79/2002

Version incorporating amendments as at 7 September 2010

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocation	1
5 Definitions	2
PART 2—PRESCRIBED HEALTH SERVICES	5
6 Private hospitals	5
7 Day procedure centres	5
PART 3—FORMS OF APPLICATION AND FEES	7
8 Application for approval in principle	7
9 Application for variation or transfer of certificate of approval in principle	7
10 Application for registration	7
11 Application for renewal of registration	7
12 Application for variation of registration	8
13 Annual fee	8
PART 4—SENIOR APPOINTMENTS	10
Division 1—Director of Nursing	10
14 Director of Nursing to be appointed	10
15 Acting Director of Nursing	10
16 Secretary to be notified of termination or vacancy	10

<i>Regulation</i>	<i>Page</i>
Division 2—Other appointments	10
17 Chief Executive Officer and Medical Director	11
18 Secretary to be notified of termination or vacancy	11
PART 5—ADMISSION OF PATIENTS	12
Division 1—Unit record number	12
19 Unit record number to be allocated	12
Division 2—Information to be given to patients	12
20 Information about fees and services	12
Division 3—Clinical records	14
21 Clinical record to be created	14
22 Information to be included in clinical record	14
Division 4—Identification of patients	16
23 Means of identifying patients	16
24 Identification of infants	16
PART 6—CARE OF PATIENTS	18
Division 1—Management of patient care	18
25 Respect, dignity and privacy	18
Division 2—Nursing and professional care	18
26 Nurses to be registered and competent	18
27 Sufficient health care staff to be on duty	18
28 Needs of patients to be met	20
PART 7—COMPLAINTS	21
29 Nomination of complaints officer	21
30 Dealing with a complaint	21
31 Record of complaint	21
32 Person making complaint not to be adversely affected	22
PART 8—TRANSFER AND DISCHARGE OF PATIENTS	23
33 Transfer of patients	23
34 Discharge of patients	23
PART 9—REGISTERS AND RECORDS	24
Division 1—Patient Register	24
35 Patient Admission and Discharge Register	24

<i>Regulation</i>	<i>Page</i>
Division 2—Staff register and records	24
36 Staff register	25
Division 3—Other Registers	25
37 Operation Theatre Register	26
38 Birth register	26
PART 10—PREMISES AND EQUIPMENT	28
39 Identification of rooms	28
40 Communications	28
41 Prevention of scalding	28
42 Repair and cleanliness of premises	29
43 Suitability and cleanliness of facilities, equipment etc.	29
PART 11—INFECTION CONTROL	31
44 Notification of infection control management plans	31
45 Infection Control Management Plan	31
PART 12—DISPLAY OF INFORMATION	33
46 Information to be prominently displayed	33
PART 13—STATISTICAL RETURNS	34
47 Information to be forwarded to the Secretary	34
PART 14—ENFORCEMENT	36
48 Form of notice of seizure	36
PART 15—TRANSITIONAL PROVISION	37
49 References to fertilisation procedure	37
50 References to infertility treatment	37
—————	
SCHEDULES	38
SCHEDULE 1—Application for Approval in Principle of a Private Hospital or Day Procedure Centre	38
SCHEDULE 2—Application for Variation or Transfer of Certificate of Approval in Principle of a Private Hospital or Day Procedure Centre	40
SCHEDULE 3—Application for the Registration of a Private Hospital or Day Procedure Centre	42

<i>Regulation</i>	<i>Page</i>
SCHEDULE 4—Application for the Renewal of Registration of a Private Hospital or Day Procedure Centre	44
SCHEDULE 5—Application for the Variation of the Registration of a Private Hospital or Day Procedure Centre	45
SCHEDULE 6—Notice of Seizure of Document or Thing from a Private Hospital or Day Procedure Centre	47
iiiiiiiiiiiiii	
ENDNOTES	48
1. General Information	48
2. Table of Amendments	49
3. Explanatory Details	50

Version No. 006

**Health Services (Private Hospitals and Day
Procedure Centres) Regulations 2002**

S.R. No. 79/2002

Version incorporating amendments as at 7 September 2010

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to—

- (a) provide for the safety and quality of care of patients receiving health services in private hospitals and day procedure centres; and
- (b) prescribe fees, forms and other matters required to be prescribed under the **Health Services Act 1988** in relation to such health service establishments.

2 Authorising provision

These Regulations are made under section 158 of the **Health Services Act 1988**.

3 Commencement

- (1) These Regulations, except regulations 30, 31 and 32, come into operation on the day on which they are made.
- (2) Regulations 30, 31 and 32 come into operation on 1 January 2003.

4 Revocation

The Health Services (Private Hospitals and Day Procedure Centres) (Interim) Regulations 2001¹ are **revoked**.

5 Definitions

In these Regulations—

Act means the **Health Services Act 1988**;

Reg. 5 def. of
*artificial
insemination*
inserted by
S.R. No.
176/2009
reg. 5(2).

artificial insemination has the same meaning as
in the **Assisted Reproductive Treatment
Act 2008**;

Reg. 5 def. of
*assisted
reproductive
treatment*
inserted by
S.R. No.
176/2009
reg. 5(2).

assisted reproductive treatment has the same
meaning as in the **Assisted Reproductive
Treatment Act 2008**;

Reg. 5 def. of
enrolled nurse
inserted by
S.R. No.
88/2010
reg. 4(c).

enrolled nurse means a person registered under
the Health Practitioner Regulation National
Law—

- (a) to practise in the nursing and midwifery
profession as a nurse (other than as a
midwife or as a student); and
- (b) in the enrolled nurses division of that
profession;

Reg. 5 def. of
*infertility
treatment*
revoked by
S.R. No.
176/2009
reg. 5(1).

* * * * *

medical health services means health services
provided to a patient by a registered medical
practitioner that—

- (a) involve diagnosis and non-operative
treatment; and
- (b) require nursing supervision or care;

Nurses Register means the Register of Nurses kept by the Nursing and Midwifery Board of Australia in accordance with section 222 of the Health Practitioner Regulation National Law;

Reg. 5
def. of *nurses register*
substituted as *Nurses Register* by
S.R. No.
88/2010
reg. 4(a).

registered dentist means a person registered under the Health Practitioner Regulation National Law—

Reg. 5 def. of *registered dentist*
substituted by
S.R. No.
88/2010
reg. 4(b).

- (a) to practise in the dental profession as a dentist (other than as a student);
- (b) in the dentists division of that profession;

registered nurse means a person registered under the Health Practitioner Regulation National Law—

Reg. 5 def. of *registered nurse*
inserted by
S.R. No.
88/2010
reg. 4(c).

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student); and
- (b) in the registered nurses division of that profession;

speciality health services means health services that are ordinarily undertaken only by, or under the supervision (whether direct or indirect) of, a specialist registered medical practitioner that require—

- (a) the admission of the patient; and
- (b) the use of specialist equipment; and
- (c) the area in which the services are provided to be fitted out specifically for those kinds of services;

surgical health services means health services provided by a registered medical practitioner or a registered dentist that—

- (a) involve the use of—
 - (i) surgical instruments; and
 - (ii) an operating theatre, procedure room or treatment room; and
- (b) require either—
 - (i) the attendance of one or more other registered health care practitioners; or
 - (ii) post operative observation of the patient by nursing staff;

surgical instrument includes—

- (a) a laser device that disrupts the integrity of epithelial tissue or stroma; and
- (b) cannulae used to penetrate subcutaneous tissue for the purpose of removing either tissue or fluid or both tissue and fluid containing body fat;

unit record number means an identifying number unique to a patient.

PART 2—PRESCRIBED HEALTH SERVICES

6 Private hospitals

For the purposes of the definition of *private hospital* in section 3 of the Act, the following are health services of a prescribed kind or kinds—

- (a) medical health services;
- (b) surgical health services;
- (c) speciality health services for the provision of—
 - (i) artificial insemination; or
 - (ii) assisted reproductive treatment; or
 - (iii) cardiac services; or
 - (iv) emergency medicine; or
 - (v) endoscopy; or
 - (vi) intensive care; or
 - (vii) mental health services; or
 - (viii) neonatal services; or
 - (ix) obstetrics; or
 - (x) oncology (chemotherapy); or
 - (xi) oncology (radiation therapy); or
 - (xii) renal dialysis; or
 - (xiii) specialist rehabilitation services.

Reg. 6(c)
substituted by
S.R. No.
176/2009
reg. 6.

7 Day procedure centres

For the purposes of the definition of *day procedure centre* in section 3 of the Act, the following are health services of a prescribed kind or kinds—

- (a) medical health services;
- (b) surgical health services;

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002

S.R. No. 79/2002

Part 2—Prescribed Health Services

r. 7

Reg. 7(c)
substituted by
S.R. No.
176/2009
reg. 7.

-
- (c) speciality health services for the provision of—
- (i) artificial insemination; or
 - (ii) assisted reproductive treatment; or
 - (iii) cardiac services; or
 - (iv) emergency medicine; or
 - (v) endoscopy; or
 - (vi) mental health services; or
 - (vii) obstetrics; or
 - (viii) oncology (chemotherapy); or
 - (ix) oncology (radiation therapy); or
 - (x) renal dialysis; or
 - (xi) specialist rehabilitation services.
-

PART 3—FORMS OF APPLICATION AND FEES

8 Application for approval in principle

For the purposes of section 70(2) of the Act—

- (a) the prescribed form is the form in Schedule 1; and
- (b) the prescribed fee is 64 fee units.

Reg. 8(b)
amended by
S.R. No.
113/2005
reg. 4.

9 Application for variation or transfer of certificate of approval in principle

For the purposes of section 74 of the Act—

- (a) the prescribed form is the form in Schedule 2; and
- (b) the prescribed fee is 16.1 fee units.

Reg. 9(b)
amended by
S.R. No.
113/2005
reg. 5.

10 Application for registration

For the purposes of section 82(2) of the Act—

- (a) the prescribed form is the form in Schedule 3; and
- (b) the prescribed fee is 55.2 fee units.

Reg. 10(b)
amended by
S.R. No.
113/2005
reg. 6.

11 Application for renewal of registration

For the purposes of section 88(2) of the Act—

- (a) the prescribed form is the form in Schedule 4; and

r. 12

Reg. 11(b)
amended by
S.R. No.
113/2005
reg. 7.

(b) the prescribed fee is 54.2 fee units.

12 Application for variation of registration

For the purposes of section 92(2) of the Act—

(a) the prescribed form is the form in
Schedule 5; and

(b) the prescribed fee—

Reg. 12(b)(i)
amended by
S.R. No.
113/2005
reg. 8(a).

(i) in the case of an application for the
transfer of the certificate to another
person who intends to become the
proprietor is 47.8 fee units; and

Reg. 12(b)(ii)
amended by
S.R. No.
113/2005
reg. 8(b).

(ii) in any other case is 16.1 fee units.

13 Annual fee

For the purposes of section 87 of the Act, the
prescribed annual fee for a private hospital or day
procedure centre registered for the number of beds
specified in column 1 of the Table below is the fee
specified in column 2 of that Table opposite the
relevant number of beds for that hospital or centre.

Reg. 13
(Table)
substituted by
S.R. No.
113/2005
reg. 9.

TABLE

<i>Column 1</i>	<i>Column 2</i>
<i>Number of beds for which the private hospital or day procedure centre is registered</i>	<i>Fee</i>
1–26	63.5 fee units
27–50	73.2 fee units
51–75	83.0 fee units
76–100	92.8 fee units

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002

S.R. No. 79/2002

Part 3—Forms of Application and Fees

r. 13

<i>Column 1</i>	<i>Column 2</i>
<i>Number of beds for which the private hospital or day procedure centre is registered</i>	<i>Fee</i>
101–150	107.4 fee units
151–200	127.0 fee units
201–300	146.5 fee units
301–400	175.9 fee units
401–500	214.9 fee units
501 or more	263.8 fee units

PART 4—SENIOR APPOINTMENTS

Division 1—Director of Nursing

14 Director of Nursing to be appointed

- (1) The proprietor of a private hospital or day procedure centre must appoint a suitably qualified person as the Director of Nursing.

Penalty: 50 penalty units.

- (2) For the purposes of subregulation (1), a person is suitably qualified if he or she has a qualification or practical experience in nursing management and is a registered nurse.

15 Acting Director of Nursing

If a Director of Nursing is absent, incapacitated or the position is vacant, the proprietor of a private hospital or day procedure centre must appoint a person to act as the Director of Nursing during the period of the absence, incapacity or vacancy.

Penalty: 50 penalty units.

16 Secretary to be notified of termination or vacancy

The proprietor of a private hospital or day procedure centre must notify the Secretary in writing of the name, qualifications and experience of any person appointed by the proprietor—

- (a) as the Director of Nursing; or
(b) to act as the Director of Nursing for a period of more than 28 days—

within 28 days after the appointment has been made.

Penalty: 20 penalty units.

Division 2—Other appointments

Reg. 14(2)
substituted by
S.R. No.
88/2010 reg. 5.

17 Chief Executive Officer and Medical Director

If the proprietor of a private hospital or day procedure centre appoints a—

- (a) Chief Executive Officer; or
- (b) Medical Director—

(however titled) the proprietor must notify the Secretary in writing of the name, qualifications and experience of the person appointed as Chief Executive Officer or Medical Director within 28 days of the appointment.

Penalty: 20 penalty units.

18 Secretary to be notified of termination or vacancy

If the proprietor of a private hospital or day procedure centre terminates the appointment of a Chief Executive Officer or Medical Director (however titled) or the position otherwise becomes vacant the proprietor must notify the Secretary in writing within 28 days of the termination or vacancy.

Penalty: 20 penalty units.

PART 5—ADMISSION OF PATIENTS

Division 1—Unit record number

19 Unit record number to be allocated

The proprietor of a private hospital or day procedure centre must ensure that on or as soon as practicable after the admission of a patient to the hospital or centre a unit record number is allocated to that patient.

Penalty: 30 penalty units.

Division 2—Information to be given to patients

20 Information about fees and services

- (1) The proprietor of a private hospital or day procedure centre must ensure that on or before admission each patient of the hospital or centre is given—
 - (a) a statement containing information in relation to the health care services provided at the hospital or centre that complies with subregulation (2); and
 - (b) information about fees to be charged by the hospital or centre and any likely out of pocket expenses which may be incurred by the patient; and
 - (c) a clear explanation of the treatment and services to be provided to the patient at the hospital or centre.

Penalty: 50 penalty units.

-
- (2) A statement referred to in subregulation (1) must contain information about the following matters—
- (a) the quality or standard of health care and services provided in the private hospital or day procedure centre;
 - (b) courteous treatment of patients;
 - (c) consideration of a patient's beliefs and ethnic, cultural and religious practices;
 - (d) consideration of a patient's special dietary needs, if any;
 - (e) a patient's privacy;
 - (f) that a patient may request the names and roles of the key health workers involved in the patient's care;
 - (g) a patient's entitlement to ask for a referral if he or she wants to seek another medical opinion;
 - (h) that any personal information or identifying material about a patient is dealt with in a confidential manner except—
 - (i) where necessary to enable another health care worker to assist in the patient's care; or
 - (ii) when authorised by or under a law;
 - (i) a patient's consent to treatment;
 - (j) that a patient may refuse the presence of health workers not directly involved in the patient's care;
 - (k) that a patient may discharge himself or herself at any time despite the advice of the attending health care practitioner or staff of the hospital or centre;
-

-
- (l) that a patient may comment on or complain about the treatment or the quality of the health services or care being provided including to whom any complaint should be made.

Division 3—Clinical records

21 Clinical record to be created

The proprietor of a private hospital or day procedure centre must ensure that a separate clinical record for each patient is—

- (a) created on or as soon as practicable after the admission of the patient to the hospital or centre; and
- (b) maintained during the patient's stay.

Penalty: 30 penalty units.

22 Information to be included in clinical record

The proprietor of a private hospital or day procedure centre must take reasonable steps to ensure that each clinical record contains the following information—

- (a) the patient's unit record number;
- (b) the patient's name, address, date of birth and sex;
- (c) the name and contact details of a relative or friend nominated by the patient;
- (d) relevant clinical details of the patient including—
 - (i) clinical history on admission;
 - (ii) progress notes during the patient's stay;

-
- (iii) any medication ordered or given;
 - (iv) known allergies and drug sensitivities;
 - (v) current medication;
 - (vi) pre-procedure assessment;
 - (vii) results of any relevant diagnostic tests;
 - (e) if a procedure is carried out on a patient—
 - (i) the consent form for the procedure and anaesthesia;
 - (ii) the date of the procedure;
 - (iii) the names and signatures of the practitioners carrying out the procedure;
 - (iv) the type of procedure carried out;
 - (v) the pre-procedure check list by the attending practitioner or by the assisting nurse;
 - (vi) administered drugs and dosages;
 - (vii) a record of any monitoring undertaken;
 - (viii) a record of any intravenous fluids administered;
 - (ix) a procedure room report including any procedure findings;
 - (x) the final diagnosis of the patient on discharge.

Penalty: 30 penalty units.

Note

The **Health Records Act 2001** contains provisions relating to the retention of records. See HPP4.

Division 4—Identification of patients

23 Means of identifying patients

The proprietor of a private hospital or day procedure centre must ensure that a patient admitted to the hospital or centre can be readily identified at all times when the patient is receiving health care or other services at the hospital or centre by—

- (a) an identity band or other suitable device attached to the patient; or
- (b) a photograph, a copy of which must be attached to the clinical record of the patient.

Penalty: 40 penalty units.

24 Identification of infants

(1) The proprietor of a private hospital or day procedure centre must ensure that if an infant is born at the hospital or centre, at least 2 identity bands or other suitable devices which contain the information specified in subregulation (3) are attached to that infant—

- (a) as soon as practicable after the birth and before leaving the delivery room; and
- (b) as long as the infant remains in the hospital or centre.

Penalty: 30 penalty units.

(2) If immediately after giving birth to an infant, a mother is admitted as a patient of a private hospital or day procedure centre for—

- (a) the receipt of medical services in connection with the birth; or

-
- (b) the provision of nursing services by a suitably qualified nurse that are directly related to the birth—

the proprietor of the hospital or centre must ensure that at least 2 identity bands or other suitable devices which contain the information specified in subregulation (3) are attached to the infant for as long as the infant remains in the hospital or centre.

Penalty: 30 penalty units.

- (3) For the purposes of subregulations (1) and (2) the information is—
- (a) the surname of the infant;
 - (b) the full name of the mother;
 - (c) the unit record number of the mother.
-

PART 6—CARE OF PATIENTS

Division 1—Management of patient care

25 Respect, dignity and privacy

The proprietor of a private hospital or day procedure centre must ensure that a patient admitted to the hospital or centre—

- (a) is treated with dignity and respect and with due regard to his or her religious beliefs, and ethnic and cultural practices; and
- (b) is entitled to privacy; and
- (c) is not subjected to unusual routines, particularly with respect to the timing of meals and hygiene procedures, unless the routines are for the benefit of the patient.

Penalty: 50 penalty units.

Division 2—Nursing and professional care

26 Nurses to be registered and competent

The proprietor of a private hospital or day procedure centre must ensure that each nurse at the hospital or centre—

- (a) is registered in the Nurses Register; and
- (b) is professionally competent through education or experience to provide nursing care at the hospital or centre having regard to the kind or kinds of health service being provided.

Penalty: 50 penalty units.

27 Sufficient health care staff to be on duty

- (1) The proprietor of a private hospital or day procedure centre must ensure that whenever patients are receiving health services from the hospital or centre, a sufficient number of appropriately educated or experienced nursing and other health professional staff is on duty to provide care for those patients.

Penalty: 50 penalty units.

- (2) For the purposes of subregulation (1), a sufficient number of appropriately educated or experienced nursing staff is on duty if—

(a) in the case of a private hospital—

- (i) at least one registered nurse is on duty for each 10 patients or fraction of that number during day and evening shifts; and

Reg. 27(2)(a)(i)
amended by
S.R. No.
88/2010
reg. 6(1).

- (ii) at least one registered nurse is on duty for each 15 patients or fraction of that number during night shifts; or

Reg. 27(2)(a)(ii)
amended by
S.R. No.
88/2010
reg. 6(1).

(b) in the case of a day procedure centre, not less than one registered nurse is on duty for each 10 patients or fraction of that number.

Reg. 27(2)(b)
amended by
S.R. No.
88/2010
reg. 6(1).

- (3) Despite subregulation (2), in determining the number of nurses on duty, if 3 or more nurses are on duty at a private hospital or a day procedure centre during a shift, one-third may be enrolled nurses.

Reg. 27(3)
substituted by
S.R. No.
88/2010
reg. 6(2).

28 Needs of patients to be met

The proprietor of a private hospital or day procedure centre must take reasonable steps to ensure that the needs of patients are met promptly and effectively by nursing and other health professional staff who are appropriately qualified or skilled to meet those needs.

Penalty: 50 penalty units.

PART 7—COMPLAINTS

29 Nomination of complaints officer

- (1) The proprietor of a private hospital or day procedure centre must nominate a person to receive and deal with any complaints that may be made by, or on behalf of, a patient of the hospital or centre.

Penalty: 50 penalty units.

- (2) The proprietor of a private hospital or day procedure centre must take reasonable steps to ensure that every patient and member of the staff of the hospital or centre is informed of the name of the person nominated by the proprietor to receive and deal with complaints.

Penalty: 50 penalty units.

30 Dealing with a complaint

- (1) The proprietor of a private hospital or day procedure centre must ensure that a complaint—
- (a) is responded to as soon as practicable after the complaint has been made; and
 - (b) is dealt with as discreetly as possible in the particular circumstances.

Penalty: 40 penalty units.

- (2) The proprietor of a private hospital or day procedure centre must ensure that the person who made the complaint is informed of the action taken in respect of the complaint.

Penalty: 40 penalty units.

31 Record of complaint

- (1) The proprietor of a private hospital or day procedure centre must ensure that a written record is kept of every complaint made by, or on behalf of, a patient of that hospital or centre that contains the following information—
- (a) the nature of the complaint; and
 - (b) the date of the complaint; and
 - (c) the action taken in respect of that complaint.

Penalty: 30 penalty units.

- (2) The proprietor of a private hospital or day procedure centre must ensure that the written record referred to in subregulation (1) is kept in a secure place for a period of 7 years after the complaint has been made.

Penalty: 30 penalty units.

32 Person making complaint not to be adversely affected

The proprietor of a private hospital or day procedure centre must take reasonable steps to ensure that a patient of the hospital or centre or a person making a complaint on behalf of the patient is not adversely affected because a complaint has been made by the patient or on behalf of the patient.

Penalty: 60 penalty units.

PART 8—TRANSFER AND DISCHARGE OF PATIENTS

33 Transfer of patients

If a patient is transferred from a private hospital or day procedure centre to another health service establishment or health care agency, the proprietor of the hospital or centre must ensure that all information and copies of any documents relating to the patient's medical condition and treatment necessary for the establishment or agency to which the patient is being transferred to provide appropriate ongoing treatment or care are sent with the patient.

Penalty: 40 penalty units.

34 Discharge of patients

The proprietor of a private hospital or day procedure centre must take reasonable steps to ensure that a patient being discharged from the hospital or centre is given a clear explanation of any recommendations or arrangements which have been made with respect to the future health care needs of the patient.

Penalty: 60 penalty units.

PART 9—REGISTERS AND RECORDS

Division 1—Patient Register

35 Patient Admission and Discharge Register

For the purposes of section 109(1) of the Act—

- (a) the prescribed particulars with respect to every patient who receives care in a private hospital or day procedure centre are—
 - (i) the unit record number of the patient;
 - (ii) the full name of the patient;
 - (iii) the sex of the patient;
 - (iv) the address and telephone number of the patient;
 - (v) the patient's date of birth;
 - (vi) the date of his or her admission and discharge;
 - (vii) the status of the patient at discharge;
 - (viii) if the patient is transferred to another health service establishment or health care agency, the name of that establishment or agency and the reason for the transfer; and
- (b) the prescribed manner in which the prescribed particulars are to be kept is in writing; and
- (c) the prescribed period for which the prescribed particulars are to be retained is 7 years.

Division 2—Staff register and records

36 Staff register

For the purposes of section 109(1) of the Act—

- (a) the prescribed particulars of staff employed in a private hospital or day procedure centre are—
- (i) the full name of every member of the nursing and other health professional staff responsible for the care and treatment of patients;
 - (ii) the date of birth of every such member;
 - (iii) the designation of every such member;
 - (iv) the qualifications of every such member;
 - (v) if applicable, the registration number or code of every such member; and
- (b) the prescribed manner in which the prescribed particulars are to be kept is in writing; and
- (c) the prescribed period for which the prescribed particulars are to be retained is 2 years.

Reg. 36(a)(v)
amended by
S.R. No.
88/2010 reg. 7.

Division 3—Other Registers

37 Operation Theatre Register

- (1) The proprietor of a private hospital or day procedure centre at which surgical health services or speciality health services for the provision of endoscopy may be carried on must ensure that an Operation Theatre Register that complies with subregulation (2) is kept at the hospital or centre.

Penalty: 30 penalty units.

- (2) An Operation Theatre Register must be in writing and contain the following information with respect to each procedure performed at the hospital or centre—
- (a) the date and time of the procedure;
 - (b) the unit record number of the patient;
 - (c) the full name of the patient, his or her sex and date of birth;
 - (d) the nature of the procedure;
 - (e) the name of the health practitioner undertaking the procedure and assistant (if any);
 - (f) the name of the anaesthetist and assistant (if any);
 - (g) the names of attending theatre staff;
 - (h) any remarks concerning the outcome of the procedure;
 - (i) the anaesthetic administered;
 - (j) any anaesthetic or procedural complications encountered.

Note

The **Health Records Act 2001** contains provisions relating to the retention of records. See HPP4.

38 Birth register

- (1) The proprietor of a private hospital or day procedure centre in which speciality health services for the provision of obstetrics may be carried on must ensure that a Birth Register that complies with subregulation (2) is kept at the hospital or centre.

Penalty: 30 penalty units.

- (2) A Birth Register must be in writing and contain the following information with respect to each birth at the hospital or centre—

- (a) the date and time of the birth;
- (b) the full name of the mother;
- (c) the unit record number of the mother;
- (d) the sex of the infant;
- (e) the names of all health care personnel in attendance at the birth.

- (3) The proprietor of a private hospital or day procedure centre must retain a Birth Register for at least 25 years after the date of the last entry.

Penalty: 30 penalty units.

PART 10—PREMISES AND EQUIPMENT

39 Identification of rooms

The proprietor of a private hospital or day procedure centre must ensure that each room in which beds or recovery chairs are provided for the accommodation of patients is clearly identified at the entrance to that room by a sign stating—

- (a) the letter or number of that room; and
- (b) the number of beds and recovery chairs ordinarily in that room.

Penalty: 10 penalty units.

40 Communications

- (1) The proprietor of a private hospital or day procedure centre must ensure that an effective electronic communication system that complies with subregulation (2) is provided and kept operational at the hospital or centre.

Penalty: 60 penalty units.

- (2) An electronic communication system must—
 - (a) enable patients and staff to summon assistance; and
 - (b) enable calls to be made from—
 - (i) each bed;
 - (ii) any recovery chair in a recovery room;
 - (iii) each toilet, shower or bath or other facility used for the bathing of patients;
 - (iv) any common room, recreational or rest area or other place where patient care is provided.

41 Prevention of scalding

The proprietor of a private hospital or day procedure centre must ensure that a system or mechanism is installed to control the outlet temperature of hot water to every bath, shower or hand basin used by patients which avoids the risk of scalding.

Penalty: 50 penalty units.

42 Repair and cleanliness of premises

The proprietor of a private hospital or day procedure centre must ensure that the premises at which the hospital or centre is carried on are kept—

- (a) in a clean and hygienic condition; and
- (b) in a proper state of repair; and
- (c) free of hazards or the accumulation of materials which may become offensive, injurious to health or likely to facilitate the outbreak of fire.

Penalty: 80 penalty units.

43 Suitability and cleanliness of facilities, equipment etc.

The proprietor of a private hospital or day procedure centre must ensure that facilities, equipment, furnishings and fittings at the private hospital or day procedure centre are—

- (a) suitable for the kind or kinds of health services being provided by the hospital or centre; and
 - (b) kept in a proper state of repair and maintained in good working order; and
-

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002

S.R. No. 79/2002

Part 10—Premises and Equipment

r. 43

(c) kept in a clean and hygienic condition.

Penalty: 80 penalty units.

PART 11—INFECTIOIN CONTROL

44 Notification of infection control management plans

Until 1 July 2003, if the proprietor of a private hospital or day procedure centre implements a plan providing for the prevention and control of infection at the hospital or centre, the proprietor must, as soon as practicable after implementing the plan, notify the Secretary in writing—

- (a) that the proprietor has implemented such a plan; and
- (b) the name and telephone number of the person responsible for implementing the plan.

45 Infection Control Management Plan

- (1) After 1 July 2003, the proprietor of a private hospital or day procedure centre must develop and implement an Infection Control Management Plan that complies with subregulation (2).

Penalty: 80 penalty units.

- (2) An Infection Control Management Plan must provide for the surveillance, prevention and control of infection at the hospital or centre and, without limiting the generality of this subregulation, must—
 - (a) state its objectives;
 - (b) identify and assess all the infection risks specific to the hospital or centre which the proprietor knows, or ought reasonably to know, exists or may exist and state how these risks are to be minimised;
 - (c) provide for an on-going infection control education program for the staff of the hospital or centre;

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002

S.R. No. 79/2002

Part 11—Infection Control

r. 45

- (d) state the particulars of training for persons who provide services at the hospital or centre that involve infection control risks;
 - (e) set out how the proprietor will monitor and review the implementation and effectiveness of the plan.
-

PART 12—DISPLAY OF INFORMATION

46 Information to be prominently displayed

The proprietor of a private hospital or day procedure centre must display in a prominent position at the entrance foyer or reception area of the hospital or centre—

- (a) the certificate of registration of the premises as a private hospital or day procedure centre or a full size copy of the certificate; and
- (b) the name of the Director of Nursing and, if a Chief Executive Officer or Medical Director (however titled) has been appointed, the name of the Chief Executive Officer or Medical Director; and
- (c) the name and contact telephone number of the person nominated under regulation 29 to receive complaints.

Penalty: 20 penalty units.

PART 13—STATISTICAL RETURNS

47 Information to be forwarded to the Secretary

- (1) The proprietor of a private hospital or day procedure centre must forward to the Secretary for each month—
 - (a) the following information relating to each patient—
 - (i) unit record number;
 - (ii) campus code;
 - (iii) admission date, time and type of admission;
 - (iv) admission source;
 - (v) date of birth and country of birth;
 - (vi) indigenous status;
 - (vii) postcode and locality;
 - (viii) marital status and sex;
 - (ix) type of care received and procedures carried out;
 - (x) health fund and level of insurance;
 - (xi) Medicare number;
 - (xii) account classification;
 - (xiii) separation date, time and type;
 - (xiv) transfer source;
 - (xv) date of discharge or death;
 - (xvi) discharge destination;
 - (xvii) final diagnoses on discharge; and

-
- (b) the following information relating to occupancy rates—
- (i) the number of separations;
 - (ii) the number of same day separations;
 - (iii) the number of bed days;
 - (iv) the average number of available beds.

Penalty: 40 penalty units.

- (2) A proprietor must ensure that the information to be forwarded under subregulation (1) does not include the name and address of a patient.

Penalty: 40 penalty units.

- (3) A proprietor must ensure that the information to be forwarded under subregulation (1) is forwarded to the Secretary—

- (a) if the Secretary has determined a time, being not less than 14 days after the end of the month to which the information relates, and has notified a proprietor in writing of that time, within that time; or
- (b) in any other case, not later than 17 days after the end of the month to which the information relates.

Penalty: 40 penalty units.

PART 14—ENFORCEMENT

48 Form of notice of seizure

For the purposes of section 147(2)(a) of the Act,
the prescribed form of a notice of seizure is the
form of Schedule 6.

PART 15—TRANSITIONAL PROVISION

49 References to fertilisation procedure

On and from the commencement of regulation 3(1) until 31 December 2009, a reference in a certificate of registration of a private hospital or day procedure centre to speciality health services for the provision of fertilisation procedures is to be read as a reference to speciality health services for the provision of infertility treatment.

Reg. 49
amended by
S.R. No.
176/2009
reg. 8.

50 References to infertility treatment

On and from 1 January 2010, a reference in a certificate of registration or a certificate of renewal of registration of a private hospital or day procedure centre to speciality health services for the provision of infertility treatment is to be read as a reference to speciality health services for the provision of artificial insemination or assisted reproductive treatment or both artificial insemination and assisted reproductive treatment as the case requires.

Reg. 50
inserted by
S.R. No.
176/2009
reg. 9.

SCHEDULES

SCHEDULE 1

Regulation 8

APPLICATION FOR APPROVAL IN PRINCIPLE OF A PRIVATE HOSPITAL OR DAY PROCEDURE CENTRE

SECTION A

1. Full name of applicant:
2. Postal address of applicant:
3. The name, telephone and facsimile numbers and email address of a contact person for the purposes of the application:
4. If the applicant is a body corporate, the name and address of a director or officer of the body corporate who may exercise control over the private hospital or day procedure centre:

SECTION B

1. The kind of health service establishment to which the application relates is:
 - *a private hospital
 - *a day procedure centre
2. The name (or proposed name) of the hospital or centre, its street address and the municipal district in which the hospital or centre is, or is to be, located:
3. This application is for an approval in principle for:
 - *the use of particular land or premises as a private hospital or a day procedure centre;
 - *premises proposed to be constructed for use as a private hospital or day procedure centre;
 - *alterations or extensions to premises used, or proposed to be used, as a private hospital or day procedure centre;
 - *a variation of the registration of a private hospital or day procedure centre to alter the number of beds to which the registration relates;
 - *a variation of the registration of a private hospital or day procedure centre to vary the kinds of health services that may be carried on on the premises;

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002
S.R. No. 79/2002

Sch. 1

*a variation of the registration of a private hospital or day procedure centre to vary the number of beds that may be used for the specified kinds of prescribed health services.

SECTION C

In accordance with section 70(3) of the **Health Services Act 1988**, I have given notice in writing of this application to any other person who has an interest in the land as owner or lessee.

Signature of applicant:

Name of each signatory (in BLOCK LETTERS)

Date:

*(Strike out whichever does not apply)

SCHEDULE 2

Regulation 9

**APPLICATION FOR VARIATION OR TRANSFER OF
CERTIFICATE OF APPROVAL IN PRINCIPLE OF A
PRIVATE HOSPITAL OR DAY PROCEDURE CENTRE**

SECTION A

1. Full name of applicant:
2. Postal address of applicant:
3. The name, telephone and facsimile numbers and email address of a contact person for the purposes of the application:

SECTION B

1. The kind of health service establishment to which the application relates is:
 - *a private hospital
 - *a day procedure centre
2. The name (or proposed name) of the hospital or centre, its street address and the municipal district in which the hospital or centre is, or is to be, located:
3. This application is for approval in principle for:
 - *variation of the certificate of approval in principle or any condition to which it is subject; or
 - *transfer of the certificate of approval in principle to another person.
4. Reason for the proposed variation:
5. If the application relates to the transfer of the certificate to another person—
 - (a) the name of that person; and
 - (b) the postal address of that person; and
 - (c) that person's, telephone and facsimile numbers and email address.
6. If the transferee is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the private hospital or day procedure centre:

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002
S.R. No. 79/2002

Sch. 2

SECTION C

In accordance with section 70(3) of the **Health Services Act 1988**, I have given notice in writing of this application to any other person who has an interest in the land as owner or lessee.

Signature of applicant:

Name of each signatory (in BLOCK LETTERS)

Date:

*(Strike out whichever does not apply)

Sch. 3

Sch. 3
amended by
S.R. No.
176/2009
reg. 10.

SCHEDULE 3

Regulation 10

**APPLICATION FOR THE REGISTRATION OF A PRIVATE
HOSPITAL OR DAY PROCEDURE CENTRE**

SECTION A

1. Full name of applicant:
2. Postal address of applicant:
3. The name, telephone and facsimile numbers and email address of a contact person for the purposes of the application:
4. If the applicant is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the private hospital or day procedure centre:

SECTION B

1. The kind of health service establishment for which registration is sought:
 - *a private hospital
 - *a day procedure centre
2. The proposed name of the hospital or centre, its street address and the municipal district in which the hospital or centre is located:
3. The proposed number of beds:
4. The kind or kinds of health service for which registration is being sought:
 - *Medical health services
 - *Surgical health services
 - *Speciality health services for the provision of—
 - *Artificial insemination
 - *Assisted reproductive treatment
 - *Cardiac Services
 - *Emergency Medicine
 - *Endoscopy
 - *Intensive Care
 - *Mental Health
 - *Neonatal Services

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002
S.R. No. 79/2002

Sch. 3

*Obstetrics

*Oncology (Chemotherapy)

*Oncology (Radiation Therapy)

*Renal Dialysis

*Specialist Rehabilitation

5. Is the applicant the owner or tenant of the premises?

6. If the applicant is not the owner, please state the name and address of the owner:

Signature of applicant:

Name of each signatory (in BLOCK LETTERS)

Date:

*(Strike out whichever does not apply)

Sch. 4

SCHEDULE 4

Regulation 11

**APPLICATION FOR THE RENEWAL OF REGISTRATION
OF A PRIVATE HOSPITAL OR DAY PROCEDURE CENTRE**

SECTION A

1. Full name of applicant:
2. Postal address of applicant:
3. The name, telephone and facsimile numbers and email address of a contact person for the purposes of the application:
4. If the applicant is a body corporate, the name and address of any director or officer of the body corporate who may exercise control over the private hospital or day procedure centre:

SECTION B

1. The name of the hospital or centre and its street address:
2. Date of expiry of current registration:

SECTION C

In accordance with section 88(3) of the **Health Services Act 1988**, I have given notice in writing of this application to any other person who has an interest in the land as owner or lessee.

Signature of applicant:

Name of each signatory (in BLOCK LETTERS)

Date:

SCHEDULE 5

Regulation 12

**APPLICATION FOR THE VARIATION OF THE
REGISTRATION OF A PRIVATE HOSPITAL OR DAY
PROCEDURE CENTRE**

SECTION A

1. Full name of applicant:
2. Postal address of applicant:
3. The name, telephone and facsimile numbers and email address of a contact person for the purposes of the application:

SECTION B

1. The nature of the variation sought:
 - *change of the kind of establishment to which the registration applies
 - *transfer of the certificate of registration to another person who intends to become the proprietor of the establishment
 - *variation of any condition to which the registration is subject
 - *an alteration in the number of beds to which the registration relates
 - *variation of the kinds of prescribed health services that may be carried on on the premises
 - *variation of the number of beds that may be used for specified kinds of prescribed health services
2. Details of the variation sought:
3. If the application relates to the transfer of the certificate of registration to another person, the name, postal address, telephone and facsimile numbers and email address of the proposed transferee.

SECTION C

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002
S.R. No. 79/2002

Sch. 5

In accordance with section 92(3) of the **Health Services Act 1988**, I have given notice in writing of this application to any other person who has an interest in the land as owner or lessee.

Signature of applicant:

Name of each signatory (in BLOCK LETTERS)

Date:

*(Strike out whichever does not apply)

SCHEDULE 6

Regulation 48

Health Services (Private Hospitals and Day Procedure Centres)
Regulations 2002

**NOTICE OF SEIZURE OF DOCUMENT OR THING FROM A
PRIVATE HOSPITAL OR DAY PROCEDURE CENTRE**

Name of private hospital or day procedure centre:

Address of private hospital or day procedure centre:

I, _____, being an authorised officer of the Department, am
(print full name)
seizing under section 147 of the **Health Services Act 1988** the document or
thing listed below.

The seized document or thing will be returned to the place of seizure within
48 hours from the time of seizure.

DOCUMENT OR THING SEIZED

- 1.
- 2.
- 3.

Signed: _____ Date: _____ Time: _____
(Authorised Officer)

Signed: _____ Date: _____ Time: _____
(Proprietor/staff member)

DOCUMENT OR THING RETURNED

Signed: _____ Date: _____ Time: _____
(Authorised Officer)

Signed: _____ Date: _____ Time: _____
(Proprietor/staff member)



ENDNOTES

1. General Information

The Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002, S.R. No. 79/2002 were made on 10 September 2002 by the Governor in Council under section 158 of the **Health Services Act 1988**, No. 49/1988 and came into operation as follows:

All of Regulations (*except* regulations 30–32) on 10 September 2002: regulation 3(1); regulations 30–32 on 1 January 2003: regulation 3(2).

The Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002 will sunset 10 years after the day of making on 10 September 2012 (see section 5 of the **Subordinate Legislation Act 1994**).

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2002
S.R. No. 79/2002

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002 by statutory rules, subordinate instruments and Acts.

Health Services (Private Hospitals and Day Procedure Centres) (Fees) Regulations
2005, S.R. No. 113/2005

Date of Making: 20.9.05

Date of Commencement: 20.9.05

Health Services (Private Hospitals and Day Procedure Centres) Amendment
Regulations 2009, S.R. No. 176/2009

Date of Making: 15.12.09

Date of Commencement: 1.1.10: reg. 3

Health Services (Private Hospitals and Day Procedure Centres) Amendment
Regulations 2010, S.R. No. 88/2010

Date of Making: 7.9.10

Date of Commencement: 7.9.10

Endnotes

3. Explanatory Details

¹ Reg. 4: S.R. No. 170/2001.