

Queensland



Health Act 1937

HEALTH (PRIVATE HOSPITALS) REGULATION 1978

**Reprinted as in force on 27 September 1996
(includes amendments up to SL No. 42 of 1996)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 27 September 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- use appropriate names for instruments and provision units (s 32)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- omit the words of notification (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**

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HEALTH (PRIVATE HOSPITALS) REGULATION 1978

[as amended by all amendments that commenced on or before 27 September 1996]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Health (Private Hospitals) Regulation 1978*.

Definitions

3. In this regulation—

“**floor area**” means in relation to a room the gross area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboards or other built-in furniture, fixtures, or fittings.

“**infectious disease**” means any disease or disability prescribed by or under section 29 of this Act to be notifiable.

Forms

4. The chief health officer may approve forms for use under the Act.

Fees

4A. The fees payable under the Act are in schedule 1.

PART 2—NEW PRIVATE HOSPITALS

Application of part

5. This part applies to—
- (a) the erection of new private hospitals; and
 - (b) the making of any additions or alterations to, in, or about the premises of licensed private hospitals.

Plans and specifications

5A. Where any additions or alteration is to be made to, in, or about the premises of a licensed private hospital, the notice in writing required to be given to the chief health officer by the licensee under section 70 of this Act shall be accompanied by 1 copy of the plans and specifications of all building work involved, so as adequately to describe and specify the proposed addition or alteration, and—

- (a) sections 6 and 7 shall apply (with the necessary changes being made) as if an entire hospital were being erected; and
- (b) the chief health officer may require that the entire building shall be brought into conformity with the Standard Building Law as though it were a new building, if the chief health officer considers that the safety of persons accommodated in or resorting to the building, or the risk of the spread of fire to adjoining buildings of the hospital, so warrants.

Erection of private hospitals

6.(1) An application for a licence to erect a private hospital must be accompanied by a copy of the plans and specifications of the building work involved in the erection of the proposed private hospital.

(2) The plans of the building work shall be drawn to scale and shall consist of a general plan and a site plan.

(2A) Each such site plan shall show the date of its preparation.

(3) The general plan of each building shall—

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- (a) be drawn to a suitable scale;
- (b) show a plan of each floor section;
- (c) show a plan of each elevation of the building;
- (d) show the levels of the lowest floor and of any yard or unbuilt upon area belonging thereto and the levels of adjacent ground;
- (e) indicate the height, design and construction;
- (f) indicate whether the building work relates to the erection of a new building or the alteration of an existing building or the making of additions to an existing building;
- (g) indicate the use to which each room or space is to be put;
- (h) indicate the provision for fire resistance and fire safety, including—
 - (i) the means of escape in case of fire with which the building are to be provided; and
 - (ii) the means (other than for fighting fires) with which the building are to be provided for securing that the means of escape can be safely and effectively used at all material times; and
 - (iii) the means for fighting fire (whether in the building or affecting the means of escape) with which the building are to be provided for use in case of fire by persons in the building; and
 - (iv) the means with which the building are to be provided for giving to persons in the building warning in case of fire.

(4) The general plan shall not be required to be coloured except where the plans and specifications relate to a proposal to carry out, in respect of an existing building, any alteration or rebuilding, in which case the general plan shall be coloured so as adequately to distinguish the proposed alteration or rebuilding.

(5) The site plan of a private hospital shall—

- (a) be drawn to a suitable scale; and
- (b) show the situation of every building or structure, whether existing

or proposed; and

- (c) show the names of the adjacent public roads; and
- (d) show the means of access to and egress from the site.

(6) The specification of each building shall—

- (a) describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply; and
- (b) state whether the materials will be new or second-hand, and if second-hand materials are to be used shall give particulars.

(7) The licensee shall cause all building work involved in the erection of the hospital to be carried out in accordance with the plans and specifications thereof as approved by the chief health officer and no building work shall be carried out otherwise unless the chief health officer has first approved of an alteration or modification of the plans or specifications.

Accommodation requirements

7.(1) The accommodation to be provided for patients shall comply with the following requirements—

- (a) every single room for the accommodation of patients shall have a minimum floor area of 10 m²;
- (b) every room or part thereof for the accommodation of 2 or more patients shall have a minimum floor area of 9 m² for each patient;
- (c) every room or part thereof for the accommodation of children under the age of 10 years shall have a minimum floor area of 7.5 m² for each child, except where a separate nursery with cots is provided for newly-born infants;
- (d) every room shall open directly into a hallway or passage way and no room shall have a means of egress through another room;
- (e) every room for patients suffering or suspected of suffering from any infectious disease shall be adequately ventilated to the external air.

(2) The design of a private hospital shall be such that, in the opinion of the chief health officer, the hospital will contain—

- (a) adequate provision for the proper accommodation, care and treatment of the patients; and
- (b) adequate provision for suitable working areas for the medical, nursing and domestic staff; and
- (c) adequate provision for suitable accommodation for all medical, nursing and domestic staff who are required to reside on the premises of the hospital; and
- (d) adequate provision for the proper management and supervision of the care and treatment of the patients and of the use of the premises as a private hospital.

(3) Subject to this regulation, a private hospital shall be designed and constructed in compliance in every respect with the provisions of the Standard Building Law.

PART 3—PROVISIONS APPLICABLE TO ALL PRIVATE HOSPITALS

Application of part

8. Subject to section 38, this part applies to all existing and new private hospitals.

Airconditioning

9. Every private hospital shall be provided with an airconditioning system or other equipment and facilities for improving the conditions of each room for the comfort of the patients and staff.

Nurses stations

10.(1) Every private hospital shall be provided with a sufficient number of nurses stations so as to provide proper supervision of the patients.

(2) Each nurses station shall—

- (a) be of adequate size to accommodate all the nurses on duty; and
- (b) be situated so as to provide, as far as practicable, satisfactory supervision of the patients; and
- (c) be situated so as to provide clear visibility of the call system indicator board; and
- (d) be provided with an adequate working area, including facilities for writing and records storage.

Nurses call system

11.(1) Every private hospital shall be provided with a nurses call system in accordance with the requirements of this section.

(2) A nurses call system shall be designed and installed so as to provide both visual and audible signal communication between the patients and the nursing staff.

(3) The nurses call system shall include—

- (a) a call point or points in each nursing unit with an extension cord at each patient's bed; and
- (b) a visible signal in the corridor above the door of each patient's bedroom and so as to be visible from all parts of the corridor; and
- (c) an audible signal and a suitable means of indicating the room from which the call originates shall be located at each nurses station; and
- (d) provision for cancellation of a call at the point of origin or at a nurses station after communication with a patient.

(4) Where a system of verbal communication is installed, the system may provide for cancellation of a call at a nurses station after communication with the patient.

(5) A nurses call point shall be provided in each patient's bathroom, shower room, toilet room and the like and shall be located in a position that is easily accessible to the patients.

(6) A nurses call point shall be provided in each labour room and in each labour room water closet.

(7) A nurses call point for use by the staff in an emergency shall be provided in each operating theatre, delivery room, recovery room intensive care room and nursery.

(8) This section does not apply in respect of any private hospital that is licensed to accommodate 6 patients.

Treatment rooms

12.(1) Every private hospital shall be provided with a sufficient number of treatment rooms.

(2) Each treatment room shall be provided with—

- (a) suitable storage facilities for dangerous drugs; and
- (b) separate cupboards for the storage of dressings, instruments, equipment and the like; and
- (c) a work bench with an impervious top; and
- (d) a sink with hot and cold reticulated water; and
- (e) a wash-hands basin; and
- (f) a suitable medicine trolley; and
- (g) oxygen cylinders and associated resuscitation equipment that are capable of being readily and conveniently used and, if of the moveable type, capable of being readily and conveniently transported.

(3) A medicine cupboard that is capable of being securely locked shall be provided in the treatment room or in a nearby room.

(4) Suitable facilities for the sterilisation of instruments shall be available in the treatment room or elsewhere in the hospital.

Sanitary and bathing facilities

13.(1) Every private hospital shall be provided with—

- (a) a sufficient number of water closets, bathrooms and shower rooms so as to provide adequate facilities for the use of the patients and staff; and

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(b) a sufficient number of water closets so as to provide adequate facilities for the use of visitors.

(2) The sanitary conveniences provided for the use of patients shall be separate from those provided for the use of staff.

(3) There shall be at least 1 sanitary convenience for each 10 persons or part thereof.

(4) At least 1 water closet suitable for use by a person using a wheel chair shall be provided for each 20 persons or part thereof.

(5) There shall be at least 1 plunge bath or 1 shower for each 10 persons or part thereof of each sex.

(6) At least 1 of the plunge baths or shower cubicles provided for each sex shall be suitable for use by a person using a wheel chair.

(7) There shall be at least 1 plunge bath for each 30 patients or part thereof.

(8) A shower shall not be installed over a plunge bath.

(9) A flexible hand shower shall be fitted in each shower cubicle.

(10) There shall be at least 1 standing wash basin for each 5 patients or part thereof.

(11) Separate standing wash basins shall be provided for the use of the staff.

(12) All baths, showers and wash basins shall be provided with hot and cold reticulated water.

(13) Every water closet, bathroom and shower room that is provided for the use of patients shall be fitted on 2 sides with grab bars, guide rails or other suitable devices for the safety and convenience of patients.

(14) Each device shall be of rust resistant material, at least 300 mm long and securely fitted 70 mm from the wall so as to provide adequate support.

(15) The door of every water closet, bathroom and shower room shall be provided with a device for opening the door from the outside even though any device for locking or keeping the door closed from the inside is locked or otherwise secured.

(16) Adequate facilities shall be provided in respect of each ward for the

disposal of soiled linen and the contents of bed pans and so that it is not necessary to traverse any room or area occupied by patients other than the ward concerned.

(17) A separate room shall be provided for the flushing, cleansing and storage of bed pans and urinal bottles.

(18) The pan room or, at least 1 of the rooms where there are more than 1, shall be provided with—

- (a) suitable facilities for the cleansing and disinfection of bed pans and urinal bottles; and
- (b) a bench with an impervious top in which is installed a small sink with reticulated hot water; and
- (c) equipment for urine testing; and
- (d) a wash-hands basin; and
- (e) storage facilities that are constructed of impervious material; and
- (f) an exhaust fan where the room is used frequently or for extended periods; and
- (g) a door that is fitted with a self-closing device.

(19) The floors of all water closets, bathrooms, shower rooms and pan rooms shall be of impervious material and shall have a surface graded to the fixture outlet.

(20) The walls of all such rooms shall have a smooth washable surface.

Separate labour ward and operating theatre

14. In every general private hospital the labour ward and the operating theatre shall be separate units.

Labour ward

15.(1) Every private hospital for the reception, care and treatment of maternity cases (whether a general private hospital or a maternity hospital) shall be provided with at least 1 labour ward.

(2) Each labour ward shall comply with the following requirements—

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- (a) it shall have adequate lighting and ventilation;
- (b) all walls shall have a smooth, impervious surface;
- (c) the floor shall have a smooth, impervious surface that can be readily cleansed;
- (d) all window openings and doors shall be fly-proof;
- (e) suitable facilities shall be provided for the sterilisation of instruments;
- (f) a wash-hands basin with hot and cold reticulated water shall be provided;
- (g) a water closet shall be provided in close proximity.

(3) Each labour ward shall be provided with—

- (a) a surgical light or a spot light; and
- (b) an adjustable delivery table or bed, and a chair; and
- (c) a clock with a sweep second hand; and
- (d) bowls, trays, dishes, scissors, forceps, syringes, laryngoscope, adult endotracheal tubes, dressings, and dressing containers; and
- (e) an efficient suction apparatus; and
- (f) a trolley that is supplied with sufficient emergency drugs and suitable apparatus for resuscitation.

(4) Suitable apparatus for the administration of anaesthetics and oxygen shall be provided in the labour ward or in close proximity, so as to be readily available for use.

(5) Each labour ward shall be provided with the following facilities for the care and treatment of newly-born infants—

- (a) an incubator or a basinet that is equipped to function as an incubator;
- (b) adequate resuscitation equipment, which shall include—
 - (i) equipment to permit aspiration of mucous and fluid from the upper respiratory passages of infants; and
 - (ii) suitable apparatus for the administration of oxygen; and

- (iii) a laryngoscope suitable for use on infants; and
- (iv) endotracheal tubes suitable for use on infants and a means of connecting the tubes to an efficient manually operated system for intermittent positive pressure ventilation; and
- (v) emergency drugs.

Nurseries

16.(1) Every private hospital for the reception, care and treatment of maternity cases (whether a general private hospital or a maternity hospital) shall be provided with at least 1 nursery for the newly-born.

(2) Each nursery shall comply with the following requirements—

- (a) it shall have adequate lighting and ventilation;
- (b) all window openings and doors shall be fly-proof;
- (c) a wash-hands basin with hot and cold reticulated water shall be provided;
- (d) sufficient space shall be available to accommodate basinetts and incubators and, if aisles between basinetts are used as passageways, the aisles shall be at least 900 mm wide.

(3) Each nursery shall be provided with the following facilities for the care and treatment of infants—

- (a) a separate basinet shall be provided for each infant;
- (b) basinetts shall have firm, clean mattresses that are covered with rubber or other suitable sheeting and shall have removable washable linings;
- (c) pedal bins with removable linings;
- (d) hampers with removable bags for soiled linen other than napkins;
- (e) accurate scales for weighing infants;
- (f) incubators for premature infants and so that there is 1 incubator for every 10 basinetts in the nursery;
- (g) equipment and facilities for the special care and treatment of infants as follows—

- (i) a suction device suitable for use on infants;
- (ii) equipment for the administration of oxygen to infants;
- (iii) a supply of emergency drugs.

Operating theatre

17.(1) Every general private hospital at which any surgical operation is to be performed shall be provided with at least 1 operating theatre.

(2) Each operating theatre shall comply with the following requirements—

- (a) it shall have a minimum floor area in accordance with subsection (4) or (5);
- (b) it shall have adequate ventilation and artificial lighting;
- (c) all walls shall have a smooth, impervious surface;
- (d) the junction of walls, floors, skirtings and architraves shall be rendered watertight;
- (e) the floor shall be covered with tiles or other material that is suitable for use in an operating theatre;
- (f) all window openings and doors shall be fly-proof;
- (g) adequate wash-hands basins with hot reticulated water shall be provided in an adjacent room;
- (h) the operating theatre shall be airconditioned or otherwise capable of having the room temperature controlled and regulated;
- (i) a staff changing room shall be located adjacent to the theatre and this room shall contain an adequate supply of suitable clothing for use by the staff in the operating theatre;
- (j) the operating theatre and the adjacent rooms to be used in connection with it shall be designed to prevent the likelihood of the spread of infection.

(3) Each operating theatre shall be provided with—

- (a) an operating table that is adequate for the operations to be performed;

- (b) suitable facilities for the sterilisation, storage and handling of instruments, equipment and linen;
- (c) adequate equipment for the replacement of blood and intravenous fluids;
- (d) adequate anaesthetic equipment, which shall include—
 - (i) an anaesthetic machine with a separate supply of emergency oxygen; and
 - (ii) a suction apparatus for the sole use of the anaesthetist or, where a common suction apparatus is used for all theatre suction devices, a portable emergency suction apparatus; and
 - (iii) a laryngoscope with a suitable range of endotracheal tubes, connections and fittings; and
 - (iv) bowls, trays, dishes, instrument tables and dressing tables that are adequate for the operations to be performed.

(4) In a private hospital containing only 1 operating theatre, such operating theatre shall have a minimum floor area of 25 m².

(5) In a private hospital containing more than 1 operating theatre—

- (a) 1 operating theatre shall have a minimum floor area of 25 m²; and
- (b) the other operating theatres shall each have a minimum floor area of 25 m² or 20 m², accordingly as approved by the chief health officer having regard to the surgical operations to be performed therein.

Recovery ward

18.(1) Every general private hospital at which any surgical operation is to be performed shall be provided with at least 1 recovery ward.

(1A) Each recovery ward shall be separate from any operating theatre.

(1B) Each recovery ward shall be provided with adequate facilities for the nursing supervision of the patients to be accommodate therein.

(2) Each recovery ward shall comply with the following requirements—

- (a) the recovery ward shall have a floor area of at least 14 m²;

- (b) where the recovery ward is to service more than 1 operating theatre, additional floor area shall be provided at the rate of 10.5 m² for each additional theatre served;
 - (c) each recovery ward shall be provided with adequate facilities for the nursing supervision of the patients to be accommodated therein.
- (3)** Each recovery ward shall be provided with—
- (a) recovery trolleys that are fitted with detachable sides for their entire lengths for retaining the patients on the trolleys and that are capable of allowing the trolley heads to be depressed to 30° below the horizontal; and
 - (b) suitable apparatus for the administration of oxygen; and
 - (c) adequate resuscitation equipment; and
 - (d) an efficient suction apparatus.

Stairs and lifts

19.(1) Every private hospital shall be provided with adequate stairways for the normal daily use of patients, staff and visitors.

(2) Where in any building patients are to be accommodated or treated on any floor above the ground storey, at least 1 suitable lift shall be provided to operate between the ground floor and all such other floors.

(3) At least 1 lift car shall be capable of accommodating a trolley with a patient thereon lying horizontally.

(4) Every lift car shall be provided with hand rails on 2 sides.

Kitchens

20.(1) Every private hospital shall be provided with at least 1 kitchen.

(2) Each kitchen shall comply with the following requirements—

- (a) all window openings and doors shall be fly-proof;
- (b) the floor shall be of impervious material and shall be covered up at the edges where it joins the walls to permit easy cleaning;

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- (c) the walls and ceiling shall be of a smooth durable material with a washable finish;
- (d) the tables, bench tops, and other surfaces on which food is prepared or handled shall be covered with smooth, impervious material;
- (e) sufficient storage space shall be provided for the protection from dust and vermin of foodstuffs, utensils, cutlery and crockery.

(3) Suitable refrigerators shall be provided for the storage of all perishable foodstuffs.

(4) The licensee of a private hospital shall ensure—

- (a) that kitchens and other places used for the preparation or storage of food are maintained in a clean and sanitary condition; and
- (b) that the preparation and storage of food is carried out in accordance with clean and hygienic methods and practices;

so that all food for consumption in the hospital is wholesome and free from contamination.

Laundries

21.(1) Every private hospital shall be provided with a suitable laundry which is adequately equipped for the cleansing of all bedding, clothing and other articles and with facilities for disinfecting all bedding, clothing and other articles requiring disinfection.

(2) The laundry and other facilities referred to in subsection (1) shall be a separate room or set of rooms and shall not have any means of entrance or egress through any kitchen or other room where food is stored, prepared or handled.

(3) The floor of a laundry shall be covered with impervious material.

(4) This section does not apply to any private hospital that is provided with an adequate laundry and disinfecting service by a contractor to the licensee.

Birds and animals

22. The licensee of a private hospital shall not permit or allow any bird or animal to enter upon or to remain in any place in a private hospital where any patient is accommodated or treated or where food is stored, prepared or handled.

Accommodation for staff

23. Every private hospital shall be provided with suitable accommodation for all medical, nursing and domestic staff who are required to reside on the premises of the hospital.

Ward accommodation for patients

24.(1) Every private hospital shall be provided with suitable wards for the accommodation of the patients.

(2) Each ward shall comply with the following requirements—

- (a) the walls and ceilings of patients' bedrooms shall have a surface that is capable of being readily cleansed and shall be painted or otherwise finished in a light colour;
- (b) the surfaces of walls and ceilings shall have a coating of paint or other finish which will allow without damage the use of a disinfecting spray or other means of disinfection;
- (c) the floors of patients' bedrooms shall be covered with lino, floor tiles or other material capable of being readily cleansed and disinfected;
- (d) all passageways shall be fitted with handrails on 1 side at least;
- (e) there shall be provided within the ward or in an adjacent room an adequate sitting room for the use of the patients;
- (f) the ward shall be adequately ventilated to the external air.

(3) Each ward shall be provided with sufficient furniture, bedding and fittings for the number of patients the ward is designed to accommodate;

(4) There shall be 1 bed and mattress for each patient over 10 years and 1 cot and mattress for each patient under 10 years provided that a patient

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under 10 years may be accommodated in a bed.

(5) Each patient shall be provided with—

- (a) a chair; and
- (b) a bedside locker; and
- (c) a wardrobe or other suitable receptacle for the storage of clothes; and
- (d) a bed lamp provided that another type of lamp adjacent to the patient's bed may be substituted;

(6) Screens shall be provided to ensure the privacy of each patient and such screens shall be suspended from overhead tracks.

(7) Each ward shall be provided with sufficient equipment, instruments and utensils for the number of patients the ward is designed to accommodate, including—

- (a) a sufficient number of bed pans and commodes; and
- (b) urinal bottles for the use of male patients; and
- (c) forceps, kidney trays, bowls and the like for carrying out simple dressings; and
- (d) hypodermic syringes and thermometers; and
- (e) wash bowls for the sponging of patients who are confined to bed.

(8) Every private hospital shall be provided with spare mattresses at the rate of 1 mattress for each 10 beds or part thereof with which the hospital is provided.

Records

25.(1) The licensee of a private hospital shall provide and keep at the hospital a record book which shall be called the 'case book' wherein shall be recorded in respect of each patient (other than a maternity patient) the following particulars—

- (a) full name and address;
- (b) sex and age;
- (c) date of admission;

- (d) name of medical attendant;
 - (e) nature of disease or condition;
 - (f) nature and date of any surgical procedure;
 - (g) date of discharge, transfer or death.
- (2) Such particulars shall be recorded—
- (a) within 24 hours after admission of the patient in the case of the particulars referred to in subsections (1)(a) to (e);
 - (b) in the case of the particulars referred to in subsections (1)(f) and (g) on the day after the relevant date.

Maternity case book

26. The licensee of a private hospital for the reception, care and treatment of maternity cases (whether a general private hospital or a maternity hospital) shall provide and keep at the hospital a record book which shall be called the 'maternity case book' wherein shall be recorded in respect of each maternity patient the particulars mentioned in schedule 2.

Report book

27. The licensee of a private hospital shall provide and keep at the hospital a record book which shall be called the 'report book' wherein shall be recorded in respect of each patient particulars in respect of the medical condition of the patient.

Records and reports

28.(1) The record books referred to in sections 25, 26 and 27 shall be entered up by the licensee of the private hospital or by a member of the medical or nursing staff designated by the licensee and each entry or group of entries recorded therein shall be signed by the person who made the entry or entries.

- (2) The licensee of a private hospital shall—
- (a) keep every case book and maternity case book at the hospital during the period of 3 years after the date of the last entry

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recorded therein;

- (b) keep every report book at the hospital during the period of 12 months after the date of the last entry recorded therein.

(3) The licensee of a private hospital shall in respect of each month furnish to the chief health officer a report in the approved form in respect of each patient whose stay in the hospital has been terminated by reason of discharge, transfer or death during the month.

(4) Such reports shall be forwarded to the chief health officer so as to reach the chief health officer not later than the last day of the month next following the month to which the reports relate.

(5) Where the stay of a patient is terminated more than once during any month, a separate report shall be forwarded to the chief health officer in respect of each termination.

Infectious disease

29.(1) The licensee of a private hospital shall not receive into the hospital any person who is suffering from any infectious disease, or from any sickness the symptoms of which raise a reasonable suspicion that it may be an infectious disease, unless adequate provision has been made for the isolation of that person.

(2) The licensee of a private hospital shall notify in writing to the chief health officer, when required to do so by the chief health officer, information and particulars in respect of all cases of infectious disease received into or occurring in the hospital.

(3) The chief health officer may, upon application in writing being made to the chief health officer by the licensee of a private hospital, approve that part of the premises of the hospital be set apart for the reception of persons suffering from any infectious disease.

(4) The licensee of a private hospital shall, forthwith after a patient suffering from any infectious disease has ceased to occupy any room, cause such room and all bedding, clothing, and other articles which have been exposed to infection to be thoroughly cleansed and disinfected.

Surgical operations

30. The licensee of a private hospital shall not permit or allow any surgical operation to be performed therein unless the hospital is provided with an operating theatre in accordance with section 17.

Maintenance of hospital and equipment

31.(1) The licensee of a private hospital shall maintain all buildings and structures within the premises of the hospital in good repair and condition.

(2) The licensee of a private hospital shall maintain in good repair and condition all equipment, apparatus, instruments, furniture, fixtures, fittings, bedding, utensils, and other articles whatsoever with which the hospital is provided.

Licensee's obligations—general

32.(1) The licensee of a private hospital—

- (a) shall cause all furniture, bedding, household linen, cutlery, crockery, and utensils for the preparation or holding of food to be thoroughly and regularly cleansed; and
- (b) shall provide covered containers for the reception of all used surgical dressings, human tissues, blood, infective, faecal or other discharges and shall cause all waste material to be destroyed as soon as practicable by burning in an efficient incinerator; and
- (c) shall provide on the premises of the hospital an efficient incinerator for the proper disposal of waste material or, with the prior approval of the chief health officer, may arrange for such disposal elsewhere.

(2) The licensee of a private hospital shall provide plant, equipment or facilities that are approved by the chief health officer for ensuring that, during any interruption of the supply of electricity to the hospital, adequate facilities are available for continuing any surgical operation commenced before the interruption of the supply of electricity and for administering treatment to any patient requiring immediate attention.

(3) For the purposes of this section, the chief health officer may approve the provision by the licensee of—

- (a) a generating plant for the emergency supply of electricity to the electrical installation of the hospital; or
- (b) equipment or other facilities, whether of an electrical nature or not, that, in the opinion of the chief health officer, are adequate in respect of the particular hospital.

Licensee to maintain hospital in clean condition

33. The licensee of a private hospital shall at all times maintain the premises of the hospital in a clean and sanitary condition.

Body of dead person

34. The licensee of a private hospital shall ensure that the body of a dead person does not remain for more than 1 hour in any ward or other room occupied by patients.

Fire safety

35.(1) Every private hospital shall be provided with—

- (a) adequate exits and paths of travel to exits for use as means of escape from fire in the hospital; and
- (b) adequate self-contained emergency lighting for securing that the means of escape can be safely and effectively used at all material times; and
- (c) adequate hose reels and fire extinguishers for use in case of fire by persons in the hospital; and
- (d) adequate fire alarms for giving to persons in the hospital warning in case of fire.

(2) The chief health officer may, before determining an application for the renewal of the licence for a private hospital, require the applicant to furnish to the chief health officer a report in writing in respect of—

- (a) the existing level of fire protection and fire safety afforded to persons accommodated in or resorting to any building of the hospital or any portion of any building, in any case where there is

not in force in relation thereto a certificate of compliance issued under the *Fire Service Act 1990*; and

- (b) what, if anything, is reasonably required to be done to bring such existing level of fire protection and fire safety up to a satisfactory level for premises used as a hospital, having regard to the standards prescribed by the Standard Building Law and the *Building Fire Safety Regulation 1991*.

(3) Such report shall be prepared by—

- (a) an authorised fire officer within the meaning of the *Fire Service Act 1990*; or
- (b) where the chief health officer so approves—a registered architect or registered professional engineer, and shall bear his or her name indicating acknowledgment of authorship.

Penalty

36. Any person who contravenes or fails to comply with any provision of this regulation shall be guilty of a breach of this regulation and shall be liable to a penalty not exceeding 4 penalty units.

PART 4—LICENSING OF PRIVATE HOSPITALS

Approved forms

37.(1) An application for a licence to erect or use a private hospital shall be in the approved form.

(2) A licence to erect a private hospital shall be in the approved form.

(3) A licence to use a private hospital shall be in the approved form.

(4) An application for renewal of a licence to erect or use a private hospital shall be in the approved form.

(5) A renewal of a licence for a private hospital shall be in the approved form.

(6) An application for the transfer of a licence for a private hospital shall be in the approved form.

Powers of the chief health officer

38.(1) When granting any licence for a private hospital or when granting any renewal thereof the chief health officer—

- (a) may grant the licence or the renewal of the licence without conditions; or
- (b) may grant the licence or the renewal of the licence upon and subject to such conditions as the chief health officer deems fit, whether in addition to or in substitution for the conditions previously applicable.

(2) Without limiting the generality of subsection (1)—

- (a) the chief health officer may impose conditions in respect of the maximum numbers of the various classes of patients that the licensee is authorised to accommodate in the hospital;
- (b) the chief health officer may impose conditions in respect of the number, description, qualifications and experience of the medical, nursing and domestic staff required to be employed by the licensee in the hospital;
- (c) where a private hospital was licensed under this Act at the date on which this regulation came into force, the chief health officer shall not be bound to refuse to grant any renewal of that licence by reason only that the hospital in question, or its equipment, apparatus or other facilities, do not fully comply with the requirements of part 3, if the hospital, notwithstanding any such non-compliance, meets with the chief health officer's approval in respect of its premises, equipment, apparatus and other facilities, after the chief health officer has taken into consideration—
 - (i) whether the hospital contains reasonably satisfactory provision for the accommodation, care and treatment of the patients, and for working areas for all its staff; and
 - (ii) whether the hospital affords to persons accommodated therein or resorting thereto a reasonably satisfactory level of

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fire protection and fire safety.

For these purposes the chief health officer shall have regard to whether, in the chief health officer's opinion, any requirement of this regulation that has not been complied with—

- (i) has been substantially complied with; or
 - (ii) has been effectively complied with by reason of some other action taken or other provision made by the licensee;
- (d) where this regulation has not been fully complied with in respect of any licensed private hospital, the chief health officer may grant a renewal of the licence upon and subject to conditions that are directed towards obtaining compliance with any specified requirements prescribed by this regulation or that are directed towards bringing the hospital and its equipment, apparatus and facilities up to standards approved by the chief health officer within such period as the chief health officer stipulates provided that—
- (i) where the imposition of any such condition would necessitate the making of alterations or additions of a structural nature to any building of the hospital—the chief health officer shall stipulate a period of not less than 6 months for compliance with that condition;
 - (ii) where the chief health officer proposes to grant a renewal of a licence upon and subject to any conditions not already included in or attached to the licence—the chief health officer shall first afford to the licensee a reasonable opportunity to make representations in writing relative to the proposed conditions.

(3) All conditions imposed by the chief health officer upon the grant of any licence or upon the grant of the renewal of any licence shall be included in or attached thereto and shall form part of the licence.

(4) Nothing in this regulation shall be read or construed so as to limit or affect the discretion of the chief health officer under section 67 or 68 of this Act to refuse to grant a licence for any private hospital or to refuse to grant a renewal of any licence for a private hospital.

Use of rooms

39.(1) Except as prescribed by this section the licensee of a private hospital shall not—

- (a) permit or allow any patient to be accommodated in any room not specified in the approved plan of the hospital as being for the accommodation of patients;
- (b) permit or allow to be used for any other purpose any room specified in the approved plan of the hospital as being for the accommodation of patients;
- (c) permit or allow patients to be accommodated in any room in excess of the number specified for that room in the approved plan of the hospital;
- (d) let or sublet any room or portion of the hospital.

(2) The chief health officer may, on application in that behalf by the licensee of a private hospital, permit that licensee in writing to—

- (a) use for some other purpose a room specified in the approved plan of the hospital as being for the accommodation of patients;
- (b) accommodate patients in any room in excess of the number specified for that room in the approved plan of the hospital for such limited period as the chief health officer specifies;
- (c) let or sublet any room or portion of the hospital, for the purpose of the provision of any service for or in connection with the hospital or its patients or staff, being in any case a purpose which in the opinion of the chief health officer is not detrimental to the proper use of the premises as a hospital.

(3) For the purposes of this regulation, the approved plan of a private hospital means the general plans of the buildings of the hospital, as approved by the chief health officer under this regulation or under the *Private Hospitals Regulation 1937*, and includes any general plans of a private hospital kept in the office of the chief health officer and purporting to be the approved plan of a private hospital.

(4) The chief health officer may, on application in that behalf by the licensee of a private hospital, amend the approved plan of the hospital in respect of the purpose for which any room or space is to be used and

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thereupon, such plan, as amended, shall be the approved plan of the hospital for the purposes of this regulation.

SCHEDULE 1**FEEs**

section 4A

	\$
1. Application for a licence for a private hospital	223.00
2. Application for renewal of a licence for a private hospital	57.00

SCHEDULE 2**MATERNITY CASE BOOK**

section 26

1. Particulars regarding the mother before confinement

- (a) name—
age— home address—
- (b) next of kin—
- (c) name of medical attendant—
- (d) number of previous labours—
previous miscarriages—

2. Particulars regarding the mother before confinement

- (a) date and time of birth— duration of pregnancy—
- (b) was doctor present at birth—
if yes, name—
- (c) name of nurse or other witnesses by whom baby delivered—
- (d) record of results of urine tests and blood pressure of labour and
the puerperium—
- (e) any complications—
- (f) any surgical procedure—
- (g) time labour started, if known—
duration of labour—

3. Particulars of the baby

- (a) sex— born living or dead—
- (b) if dead, cause—
- (c) any abnormality, malformation or disease in baby—

SCHEDULE 2 (continued)

4. Completion of the case

- (a) condition of mother on leaving hospital—
- (b) condition of baby on leaving hospital—

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 September 1996. Future amendments of the Health (Private Hospitals) Regulation 1978 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Health (Private Hospitals) Regulation 1978 (prev Private Hospitals Regulation 1978 see list of annotations s 1)

pubd gaz 11 March 1978 pp 965–988

commenced on date of publication

exempted from application of Regulatory Reform Act 1986 by o in c pubd gaz
6 May 1989 pp 208–9

as amended by—

regulations published gazette (pre SL series)—

24 March 1979 pp 1094-5

commenced on date of publication

10 November 1979 pp 1097-8

commenced on date of publication

15 December 1979 p 1560

commenced on date of publication

1 November 1980 p 1056

commenced on date of publication

21 November 1981 p 1269

commenced on date of publication

3 December 1983 p 1477

commenced on date of publication

22 September 1984 p 415
commenced on date of publication

9 November 1985 p 1312
commenced on date of publication

9 August 1986 p 2503
commenced on date of publication

26 September 1987 p 339
commenced on date of publication

22 October 1988 p 849
commenced on date of publication

23 September 1989 p 752
commenced on date of publication

15 September 1990 p 282
commenced on date of publication

**Department of Health (Variation of Fees) Regulation (No. 2) 1991 SL No. 147
pts 1, 7**

pubd gaz 30 November 1991 pp 1644–55
commenced on date of publication

Health Legislation Amendment Regulation (No. 1) 1994 SL No. 213 pts 1, 9

notfd gaz 24 June 1994 pp 1058–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1994 (see s 2(1))

Health (Private Hospitals) Amendment Regulation (No. 1) 1996 SL No. 42

notfd gaz 8 March 1996 pp 1094–5
commenced on date of notification

5 List of annotations

Note—A provision of the Health (Private Hospitals) Regulation 1978 that was called a regulation or subregulation before the commencement of the Department of Health (Variation of Fees) Regulation 1991 may be called a section or subsection and a reference to a regulation or subregulation of the regulation designated by a number is a reference to a section or subsection of the regulation designated by that number (see 1991 SL No. 147 s 2)

Short title

s 1 sub 1991 SL No. 147 s 33; 1994 SL No. 213 s 40

Definitions

prov hdg sub 1996 SL No. 42 s 3

s 3 amd 1996 SL No. 42 s 3

def “**Fire Safety Regulations**” om 1994 SL No. 213 s 41

def “**Standard Building By-laws**” om 1994 SL No. 213 s 41

Forms

s 4 sub 1994 SL No. 213 s 42

Fees

s 4A ins 1996 SL No. 42 s 4

Application of part

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 5 pres s 5 (prev s 5(1)) amd 1994 SL No. 213 s 43; 1996 SL No. 42 s 5
renum 1996 SL No. 42 s 13 sch 2

Plans and specifications

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 5A pres s 5A (prev s 5(2)) renum 1996 SL No. 42 s 13 sch 2

Erection of private hospitals

s 6 amd 1994 SL No. 213 s 44

Accommodation requirements

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 7 amd 1994 SL No. 213 s 45

Application of part

s 8 ins 1996 SL No. 42 s 6

Treatment rooms

s 12 amd 1996 SL No. 42 s 13 sch 2

Sanitary and bathing facilities

s 13 amd 1996 SL No. 42 s 13 sch 2

Separate labour ward and operating theatre

s 14 prov hdg ins 1996 SL No. 42 s 12 sch 1

Operating theatre

s 17 amd reg pubd gaz 24 March 1979 pp 1094-5

Recovery ward

s 18 amd reg pubd gaz 24 March 1979 pp 1094-5

Laundries

s 21 amd 1996 SL No. 42 s 13 sch 2

Ward accommodation for patients

s 24 amd 1996 SL No. 42 s 13 sch 2

Maternity case book

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 26 amd 1996 SL No. 42 ss 7, 13 sch 2

Report book

s 27 prov hdg ins 1996 SL No. 42 s 12 sch 1

Records and reports

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 28 amd 1994 SL No. 213 s 46; 1996 SL No. 42 s 13 sch 2

Licensee's obligations—general

s 32 prov hdg ins 1996 SL No. 42 s 12 sch 1

Licensee to maintain hospital in clean condition

s 33 prov hdg ins 1996 SL No. 42 s 12 sch 1

Body of dead person

s 34 prov hdg ins 1996 SL No. 42 s 12 sch 1

Fire safety

s 35 amd 1994 SL No. 213 s 47; 1996 SL No. 42 s 13 sch 2

Penalty

s 36 amd 1996 SL No. 42 s 8

Approved forms

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 37 amd reg pubd gaz 10 November 1979 pp 1097-8; 1 November 1980 p 1056; 21 November 1981 p 1269; 3 December 1983 p 1477; 22 September 1984 p 415; 9 November 1985 p 1312; 9 August 1986 p 2503; 26 September 1987 p 339; 22 October 1988 p 849; 23 September 1989 p 752; 15 September 1990 p 282; 1991 SL No. 147 s 34; 1994 SL No. 213 s 48; 1996 SL No. 42 s 9

Use of rooms

prov hdg ins 1996 SL No. 42 s 12 sch 1

s 39 prev s 39 om reg pubd gaz 24 March 1979 pp 1094-5
pres s 39 (prev s 40) amd 1996 SL No. 42 s 10
renum 1996 SL No. 42 s 13 sch 2

SCHEDULE 1—FEES

prev om 1994 SL No. 213 s 49
pres sch 1 ins 1996 SL No. 42 s 11

SCHEDULE 2—MATERNITY CASE BOOK

prev sub reg pubd gaz 24 March 1979 pp 1094-5; 15 December 1979 p 1560
om 1994 SL No. 213 s 49
pres sch 2 ins 1996 SL No. 42 s 11

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 796(1)(a)

7 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
38(4)	om 'sections' ins 'section'

8 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
6(2), 2nd sentence	6(2A)
13(18)(i)	13(18)(a)
13(18)(ii)	13(18)(b)
13(18)(iii)	13(18)(c)
13(18)(iv)	13(18)(d)
13(18)(v)	13(18)(e)
13(18)(vi)	13(18)(f)
13(18)(vii)	13(18)(g)
17(4)(a)	17(4)
17(4)(b)	17(5)
17(4)(b)(i)	17(5)(a)
17(4)(b)(ii)	17(5)(b)
18(1)(a)	18(1)
18(1)(b)	18(1A)
18(1)(c)	18(1B)
19(3), 2nd sentence	19(4)
24(5)(i)	24(5)(a)
24(5)(ii)	24(5)(b)
24(5)(iii)	24(5)(c)
24(5)(iv)	24(5)(d)
25(2)(i)	25(2)(a)
25(2)(ii)	25(2)(b)
32(3)(i)	32(3)(a)
32(3)(ii)	32(3)(b)
35(2)(i)	35(2)(a)
35(2)(ii)	35(2)(b)
35(3)(i)	35(3)(a)
35(3)(ii)	35(3)(b)