



Private Health Facilities Act 1999

Private Health Facilities Regulation 2000

Current as at 1 October 2015



Queensland

Private Health Facilities Regulation 2000

Contents

		Page
1	Short title	3
2	Commencement	3
3	Day hospital health services—Act, s 10(3)	3
4	Minimum patient throughput standard—Act, s 12(2)(g)	3
5	Quality assurance entities and programs—Act, sch 3, definitions quality assurance entity and quality assurance program	4
6	Notification of change of circumstances—Act, ss 23(4), 48(6), 154(5), 155(4) and 156(7)	4
7	Giving of reports—Act, s 144	6
8	Giving of information—Act, s 147(4)	6
9	Fees	7
10	Refund of fees	7
Schedule 1	Quality assurance entities and programs	8
Schedule 2	Agreements	9
Schedule 3	Fees	12

Private Health Facilities Regulation 2000

1 Short title

This regulation may be cited as the *Private Health Facilities Regulation 2000*.

2 Commencement

This regulation commences on 30 November 2000.

3 Day hospital health services—Act, s 10(3)

For section 10(3) of the Act, definition *day hospital health service*, paragraph (b)(iii), the following are prescribed diagnostic, surgical or other procedures—

- (a) cardiac stress testing that is not performed in compliance with the document called ‘Specialty Health Services Standard (version 4)’ mentioned in the *Private Health Facilities (Standards) Notice 2000*;
- (b) haemodialysis;
- (c) cytotoxic infusion, other than cytotoxic infusion performed as maintenance therapy within an established treatment regime;
- (d) gastrointestinal endoscopy, other than the following types of gastrointestinal endoscopy—
 - (i) proctoscopy;
 - (ii) sigmoidoscopy.

4 Minimum patient throughput standard—Act, s 12(2)(g)

For section 12(2)(g) of the Act, the following are prescribed health services—

- (a) cardiac surgery;
- (b) cardiac catheterisation;

- (c) obstetrics.

5 Quality assurance entities and programs—Act, sch 3, definitions *quality assurance entity* and *quality assurance program*

- (1) An entity stated in schedule 1, column 1 is an entity for the definition of *quality assurance entity* in schedule 3 of the Act.
- (2) Also, an entity accredited by JAS-ANZ as being competent to conduct a quality assurance program based on the AS/NZS ISO 9000 series of quality system standards is an entity for the definition of *quality assurance entity* in schedule 3 of the Act.
- (3) A program stated in schedule 1, column 2 that is conducted by an entity stated in schedule 1, column 1 shown opposite the program is a program for the definition of *quality assurance program* in schedule 3 of the Act.
- (4) Also, a quality assurance program based on the AS/NZS ISO 9000 series of quality system standards is a program for the definition of *quality assurance program* in schedule 3 of the Act.
- (5) In this section—

AS/NZS means an Australian/New Zealand Standard jointly published by Standards Australia and Standards New Zealand.

JAS-ANZ means the Joint Accreditation System of Australia and New Zealand.

Editor's note—

JAS-ANZ is declared under the *Joint Accreditation System of Australia and New Zealand (Privileges and Immunities) Regulations 1998* (Cwlth) to be an international organisation to which the *International Organisations (Privileges and Immunities) Act 1963* (Cwlth) applies.

6 Notification of change of circumstances—Act, ss 23(4), 48(6), 154(5), 155(4) and 156(7)

- (1) The following kinds of change in matters, relating to an authority holder, are the kinds of change for sections 23(4), 48(6), 154(5), 155(4) and 156(7) of the Act—

-
- (a) a change in the name of the authority holder or authority holder's associate;
 - (b) a change in the authority holder's address;
 - (c) if the authority holder or authority holder's associate is a corporation—
 - (i) a change of the corporation's executive officers; or
 - (ii) for a corporation, other than a listed corporation, a change of the corporation's shareholders;
 - (d) if the authority holder is the holder of a licence for a private health facility—
 - (i) a change of the person who has the day-to-day management of the facility; or
 - (ii) a change of the nurse in charge of the nursing staff at the facility; or
 - (iii) a change of the quality assurance program, conducted by a quality assurance entity, for the facility; or
 - (iv) a change of the quality assurance entity conducting the quality assurance program for the facility; or
 - (v) a change as to when the facility will be reviewed, by a quality assurance entity, to decide whether to certify under a quality assurance program that the facility operates, or continues to operate, under a quality assurance system.
- (2) In this section—

listed corporation has the same meaning as in section 9 of the Corporations Act.

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 student; and
- (b) in the registered nurses division of that profession.

7 Giving of reports—Act, s 144

- (1) This section applies to reports required to be given under section 144 of the Act.
- (2) For section 144(3)(b) of the Act, the licensee must give the reports at the following times—
 - (a) for a report about patient identification, diagnosis and activity data—within 35 days after the end of each month during the term of the licence;
 - (b) for a report about clinical indicator data—within 35 days after the end of each 6-month period during the term of the licence;
 - (c) for a report about a review by a quality assurance entity to decide whether to certify under a quality assurance program that the facility operates, or continues to operate, under a quality assurance system—within 35 days after the licensee receives a written notice of the outcome of the review from the quality assurance entity.

8 Giving of information—Act, s 147(4)

- (1) The agreements stated in schedule 2 are agreements prescribed for section 147(4)(c)(ii) of the Act.
- (2) For section 147(4)(h)(ii) of the Act, the following are prescribed entities for evaluating, managing, monitoring or planning health services by reviewing patterns of health services delivery and projecting the future demand for, and supply of, health services—
 - (a) Aspex Consulting Pty Ltd ACN 119 934 173;
 - (b) Capital Insight Pty Ltd ACN 056 297 100;
 - (c) Carramar Consulting Pty Ltd ACN 116 505 134;
 - (d) Deloitte Touche Tomatsu ABN 74 490 121 060;
 - (e) Harges and Associates Pty Ltd ACN 079 150 940;
 - (f) KPMG ABN 51 194 660 183;
 - (g) PricewaterhouseCoopers ABN 52 780 433 757;

- (h) Thinc Health Australia Pty Ltd ACN 133 263 617.

9 Fees

- (1) The fees payable under the Act are stated in schedule 3.
- (2) For section 42(c) of the Act, the fee is the total of the following—
 - (a) an application fee;
 - (b) a licence fee.
- (3) For section 51(2)(c) of the Act, the fee is a licence fee.

10 Refund of fees

The chief health officer must, as soon as practicable, refund the licence fee paid on an application for the issue or renewal of a licence if—

- (a) the chief health officer refuses to grant the application;
or
- (b) the applicant withdraws the application before it is decided.

Schedule 1 Quality assurance entities and programs

section 5

Column 1

Quality assurance entities

The Australian Council on
Healthcare Standards

ACN 008 549 773

Quality Improvement Council
Limited ACN 080 125 908

Column 2

Quality assurance programs

Evaluation and quality
improvement program

Review/accreditation program

Schedule 2 Agreements

section 8

- 1 Agreement between the State of Queensland and the Australian Institute of Health and Welfare for the giving of certain health information by the State to the Institute dated 4 May 1999
- 2 The agreement dated 28 August 1998 between the Commonwealth and the State entered into under the *Health Care (Appropriation) Act 1998* (Cwlth)
- 3 Agreement between Queensland and New South Wales for the funding of admitted and non-admitted patient services provided to residents of New South Wales by Queensland and vice versa, for the period 1 July 2003 to 30 June 2008
- 4 Agreement between Queensland and the Australian Capital Territory for the funding of admitted patient services provided to residents of Queensland by the Australian Capital Territory and vice versa, for the period 1 July 2003 to 30 June 2008
- 5 Agreement between Queensland and the Northern Territory for the funding of admitted patient services provided to residents of Queensland by the Northern Territory and vice versa, for the period 1 July 2003 to 30 June 2008
- 6 Agreement between Queensland and South Australia for the funding of admitted patient services provided to residents of Queensland by South Australia and vice versa, for the period 1 July 2003 to 30 June 2008
- 7 Agreement between Queensland and Tasmania for the funding of admitted patient services provided to residents of Queensland by Tasmania and vice versa, for the period 1 July 2003 to 30 June 2008
- 8 Agreement between Queensland and Victoria for the funding of admitted patient services provided to residents of Queensland by Victoria and vice versa, for the period 1 July 2003 to 30 June 2008

Schedule 2

- 9 Agreement between Queensland and Western Australia for the funding of admitted patient services provided to residents of Queensland by Western Australia and vice versa, for the period 1 July 2003 to 30 June 2008
- 10 The agreement dated 31 August 2003 between the Commonwealth and the State entered into under the *Health Care (Appropriation) Act 1998* (Cwlth)
- 11 National Health Information Agreement between the Health Authorities of the States and Territories of Australia, the Health Insurance Commission, the Australian Institute of Health and Welfare and the Commonwealth of Australia (2004 to 2009)
- 12 Intergovernmental Agreement on Federal Financial Relations, the schedules and any agreements under the schedules, as amended from time to time, between the Commonwealth of Australia and the States and Territories of Australia, commenced 1 January 2009
- 13 Agreement between Queensland and the Australian Capital Territory for the funding of admitted patient services provided to residents of Queensland by the Australian Capital Territory and vice versa, made 1 July 2009
- 14 Agreement between Queensland and the Northern Territory for the funding of admitted patient services provided to residents of Queensland by the Northern Territory and vice versa, made 1 July 2009
- 15 Agreement between Queensland and South Australia for the funding of admitted patient services provided to residents of Queensland by South Australia and vice versa, made 1 July 2009
- 16 Agreement between Queensland and Tasmania for the funding of admitted patient services provided to residents of Queensland by Tasmania and vice versa, made 1 July 2009
- 17 Agreement between Queensland and Victoria for the funding of admitted and non-admitted patient services provided to residents of Queensland by Victoria and vice versa, made 1 July 2009

- 18 Agreement between Queensland and Western Australia for the funding of admitted patient services provided to residents of Queensland by Western Australia and vice versa, made 1 July 2009

Schedule 3 Fees

section 9

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Approvals

- | | | |
|---|---|---------|
| 1 | Application under section 17(c) of the Act for an approval for— | |
| | (a) a day hospital | 1441.00 |
| | (b) a private hospital with not more than 25 beds | 2162.50 |
| | (c) a private hospital with more than 25 beds but not more than 100 beds | 2883.00 |
| | (d) a private hospital with more than 100 beds but not more than 200 beds | 3603.00 |
| | (e) a private hospital with more than 200 beds | 4324.00 |
| 2 | Application under section 25(3)(c) of the Act for an extension of the term of an approval | 216.00 |
| 3 | Application under section 30(2)(b) of the Act to change details about the proposed private health facility stated in an approval— | |
| | (a) for a change to the type of health services proposed to be provided at the proposed facility | 430.50 |
| | (b) for an increase of more than 25 in the number of beds for the proposed facility | 430.50 |
| | (c) for other changes | 216.00 |
| 4 | Issue another approval under section 38(4) of the Act to replace a lost, stolen, destroyed or damaged approval | 216.00 |

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Licences

5	Application under section 42(c) of the Act for a licence for—	
	(a) a day hospital	1441.00
	(b) a private hospital with not more than 25 beds	2162.50
	(c) a private hospital with more than 25 beds but not more than 100 beds	2883.00
	(d) a private hospital with more than 100 beds but not more than 200 beds	4324.00
	(e) a private hospital with more than 200 beds	7208.50
6	Application under section 51(2)(c) of the Act for renewal of a licence—	
	(a) for a day hospital—	
	(i) if the term of the licence is 1 year or less	216.00
	(ii) otherwise	648.00
	(b) for a private hospital with not more than 25 beds—	
	(i) if the term of the licence is 1 year or less	430.50
	(ii) otherwise	1297.50
	(c) for a private hospital with more than 25 beds but not more than 100 beds—	
	(i) if the term of the licence is 1 year or less	863.50
	(ii) otherwise	2594.00
	(d) for a private hospital with more than 100 beds but not more than 200 beds—	
	(i) if the term of the licence is 1 year or less	1729.00
	(ii) otherwise	5189.50

Schedule 3

	\$
(e) for a private hospital with more than 200 beds—	
(i) if the term of the licence is 1 year or less	3458.00
(ii) otherwise	10,378.50
7 Application under section 56(2)(b) of the Act to change details about the private health facility stated in a licence—	
(a) for a change to the type of health services provided at the facility	863.50
(b) for an increase of more than 25 in the number of beds for the facility	863.50
(c) for an increase of not more than 25 in the number of beds for the facility	430.50
(d) for other changes	216.00
8 Application under section 63(c) of the Act for approval of a prescribed alteration to a private health facility—	
(a) for a day hospital	216.00
(b) for a private hospital	430.50
9 Application under section 68(2)(c)(ii) of the Act to transfer a licence for—	
(a) a day hospital	1441.00
(b) a private hospital with not more than 25 beds	2162.50
(c) a private hospital with more than 25 beds but not more than 100 beds	2883.00
(d) a private hospital with more than 100 beds but not more than 200 beds	4324.00
(e) a private hospital with more than 200 beds	7208.50
10 Issue another licence under section 79(4) of the Act to replace a lost, stolen, destroyed or damaged licence	216.00

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	30 November 2000	1 December 2000
1A	2001 SL No. 213	23 November 2001	29 November 2001

Reprint No.	Amendments included	Effective	Notes
1B	2003 SL No. 5	31 January 2003	
1C	2003 SL No. 130	1 July 2003	R1C withdrawn, see R2
2	—	1 July 2003	
2A	2004 SL No. 135	23 July 2004	
2B	2004 SL No. 292	17 December 2004	
2C	2005 SL No. 46	1 April 2005	
2D	2005 SL No. 222	9 September 2005	
2E	2005 SL No. 170	1 October 2005	R2E withdrawn, see R3
3	—	1 October 2005	
3A	2006 SL No. 190	1 October 2006	
3B	2007 SL No. 129	1 October 2007	
3C	2008 SL No. 185	1 October 2008	
3D	2009 SL No. 154	1 October 2009	
3E	2010 SL No. 108	1 July 2010	
3F	2010 SL No. 193 2010 SL No. 260	1 October 2010	
3G	2010 SL No. 370	10 December 2010	
3H	2011 SL No. 60	20 May 2011	
4	2011 SL No. 117	1 October 2011	
4A	2012 SL No. 152	1 October 2012	

Current as at	Amendments included	Notes
1 October 2013	2013 SL No. 185	
21 March 2014	2014 SL No. 29	
1 October 2014	2014 SL No. 211	
1 October 2015	2015 SL No. 49	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Private Health Facilities Regulation 2000 SL No. 295

made by the Governor in Council on 23 November 2000

notfd gaz 24 November 2000 pp 1188–9

ss 1–2 commenced on date of notification

remaining provisions commenced 30 November 2000 (see s 2)

exp 31 August 2016 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

Notes— (1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared. amending legislation—

Private Health Facilities Amendment Regulation (No. 1) 2001 SL No. 213

notfd gaz 23 November 2001 pp 1088–91

commenced on date of notification

Private Health Facilities Amendment Regulation (No. 1) 2003 SL No. 5

notfd gaz 31 January 2003 pp 318–19

commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 2003 SL No. 130 pts 1, 6

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

Private Health Facilities Amendment Regulation (No. 1) 2004 SL No. 135

notfd gaz 23 July 2004 pp 929–30
commenced on date of notification

Health Legislation Amendment Regulation (No. 4) 2004 SL No. 292 pts 1, 3

notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 2005 SL No. 46 pts 1, 6

notfd gaz 1 April 2005 pp 1066–9
commenced on date of notification

Health Legislation Amendment Regulation (No. 4) 2005 SL No. 170 ss 1, 2(2), pt 7

notfd gaz 29 July 2005 pp 1146–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2005 (see s 2(2))

Health Legislation Amendment Regulation (No. 5) 2005 SL No. 222 pts 1, 5

notfd gaz 9 September 2005 pp 147–8
commenced on date of notification

Health Legislation Amendment Regulation (No. 6) 2006 SL No. 190 ss 1, 2(3), pt 8

notfd gaz 28 July 2006 pp 1480–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2006 (see s 2(3))

Health Legislation Amendment Regulation (No. 3) 2007 SL No. 129 ss 1, 2(4), pt 6

notfd gaz 22 June 2007 pp 1018–20
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2007 (see s 2(4))

Health Legislation Amendment Regulation (No. 3) 2008 SL No. 185 ss 1, 2(4), pt 8

notfd gaz 27 June 2008 pp 1268–78
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2008 (see s 2(4))

Health Legislation Amendment Regulation (No. 2) 2009 SL No. 154 ss 1–2(1), pt 6

notfd gaz 24 July 2009 pp 1169–70
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2009 (see s 2(1))

Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1, 12

notfd gaz 11 June 2010 pp 459–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 193 ss 1, 2(3), pt 5

notfd gaz 30 July 2010 p 1253–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2010 (see s 2(3))

Private Health Facilities Amendment Regulation (No. 1) 2010 SL No. 260

notfd gaz 1 October 2010 pp 294–7
commenced on date of notification

Health Legislation Amendment Regulation (No. 4) 2010 SL No. 370 s 1, pt 3

notfd gaz 10 December 2010 pp 1082–6
commenced on date of notification

Health Legislation Amendment Regulation (No. 2) 2011 SL No. 60 pts 1, 3

notfd gaz 20 May 2011 pp 142–3
commenced on date of notification

Health Legislation (Fees) Amendment Regulation (No. 1) 2011 SL No. 117 ss 1, 2(4), pt 6

notfd gaz 1 July 2011 pp 589–96
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2011 (see s 2(4))

Health Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 152 pts 1, 6

notfd gaz 7 September 2012 pp 17–18
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2012 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 185 pts 1, 6

notfd <www.legislation.qld.gov.au> 27 September 2013
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2013 (see s 2)

Health Legislation Amendment Regulation (No. 1) 2014 SL No. 29 pts 1, 3

notfd <www.legislation.qld.gov.au> 21 March 2014
commenced on date of notification

Health Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 211 pts 1, 7

notfd <www.legislation.qld.gov.au> 26 September 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2014 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 49 ss 1, 2(2), pt 7

notfd <www.legislation.qld.gov.au> 26 June 2015
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2015 (see s 2(2))

5 List of annotations

Day hospital health services—Act, s 10(3)

s 3 amd 2001 SL No. 213 s 3; 2004 SL No. 292 s 5

Minimum patient throughput standard—Act, s 12(2)(g)

s 4 amd 2010 SL No. 260 s 3

Notification of change of circumstances—Act, ss 23(4), 48(6), 154(5), 155(4) and 156(7)

s 6 amd 2004 SL No. 292 s 6; 2010 SL No. 108 s 56

Giving of reports—Act, s 144

s 7 amd 2001 SL No. 213 s 4

Giving of information—Act, s 147(4)

s 8 sub 2014 SL No. 29 s 5

SCHEDULE 2—AGREEMENTS

sub 2003 SL No. 5 s 3

amd 2004 SL No. 292 s 7; 2005 SL No. 46 s 12; 2005 SL No. 222 s 9; 2010 SL No. 370 s 7; 2011 SL No. 60 s 6

SCHEDULE 3—FEES

sub 2003 SL No. 130 s 14; 2004 SL No. 135 s 3; 2005 SL No. 170 s 15; 2006 SL No. 190 s 17; 2007 SL No. 129 s 13; 2008 SL No. 185 s 17; 2009 SL No. 154 s 13; 2010 SL No. 193 s 11; 2011 SL No. 117 s 14; 2012 SL No. 152 s 12; 2013 SL No. 185 s 12; 2014 SL No. 211 s 14; 2015 SL No. 49 s 14

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