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Health Services (Private Hospitals and Day Procedure Centres) Regulations 2013

S.R. No.

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STATUTORY RULES 2013

Second Draft 19/6/2013

S.R. No.

Health Services Act 1988

**Health Services (Private Hospitals and Day
Procedure Centres) Regulations 2013**

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

DAVID DAVIS
Minister for Health

Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the safety and quality of care of patients receiving health services in private hospitals and day procedure centres by prescribing—
 - (i) requirements for staffing; and
 - (ii) procedures for the handling of complaints; and
 - (iii) records to be kept; and
 - (iv) other requirements to ensure the welfare of patients; and

- (b) to prescribe fees, forms and other matters required or permitted to be prescribed or necessary to be prescribed under the **Health Services Act 1988** in relation to private hospitals and day procedure centres.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 8 September 2013.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

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

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

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) whose name appears in the Division of Enrolled nurses (Division 2) of the Register of Nurses;

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;

National Agency means the Australian Health Practitioner Regulation Agency established under section 23 of the Health Practitioner Regulation National Law.

Register of Nurses 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;

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

- (a) to practise a health profession (other than as a student); and
- (b) whose name appears on the register kept by the Dental Board of Australia in conjunction with the National Agency in accordance with section 223(a) of the Health Practitioner Regulation National Law;

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

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) in the Dentists Division of Dental Practitioners;

registered health practitioner means a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student);

registered 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) whose name appears in the Division of Registered nurses (Division 1) of the Register of Nurses;

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

- (a) to practise a health profession (other than as a student); and
- (b) whose name appears on the register kept by the Podiatry Board of Australia in conjunction with the National Agency in accordance with section 223(a) of the Health Practitioner Regulation National Law;

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, registered podiatric surgeon, registered dental specialist 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 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;

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

unit record number means an identifying number unique to a patient that is allocated under regulation 19.

PART 2—PRESCRIBED HEALTH SERVICES

6 Day procedure centres

For the purposes of paragraph (a) of the definition of *day procedure centre* in section 3(1) 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) mental health services; or
 - (vii) obstetrics; or
 - (viii) oncology (chemotherapy); or
 - (ix) oncology (radiation therapy); or
 - (x) renal dialysis; or
 - (xi) specialist rehabilitation services.

7 Private hospitals

For the purposes of the definition of *private hospital* in section 3(1) 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.
-

PART 3—FORMS OF APPLICATION AND FEES

8 Application for approval in principle

- (1) For the purposes of section 70(2)(a) of the Act, the prescribed form is the form in Schedule 2.
- (2) For the purposes of section 70(2)(b) of the Act, the prescribed fee is 64 fee units.

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

For the purposes of section 74(2) of the Act—

- (a) the prescribed form is the form in Schedule 3; and
- (b) the prescribed fee is 16·1 fee units.

10 Application for registration

- (1) For the purposes of section 82(2)(a) of the Act, the prescribed form is the form in Schedule 4.
- (2) For the purposes of section 82(2)(b) of the Act, the prescribed fee is 55·2 fee units.

11 Annual fees

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.

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
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

12 Application for renewal of registration

- (1) For the purposes of section 88(2)(a) of the Act, the prescribed form is the form in Schedule 5.
- (2) For the purposes of section 88(2)(b) of the Act, the prescribed fee is 54.2 fee units.

13 Application for variation of registration

- (1) For the purposes of section 92(2)(a) of the Act, the prescribed form is the form in Schedule 6.
- (2) For the purposes of section 92(2)(b) of the Act, the prescribed fee—
 - (a) 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
 - (b) in any other case is 16.1 fee units.

PART 4—SENIOR APPOINTMENTS

Division 1—Director of Nursing

14 Director of Nursing must 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 the Director of Nursing is absent or 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 must be notified of appointment

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 making the appointment.

Penalty: 20 penalty units.

Division 2—Other appointments

17 Chief Executive Officer and Medical Director

If the proprietor of a private hospital or day procedure centre appoints a Chief Executive Officer or Medical Director (however titled), the proprietor must notify the Secretary in writing of the name, qualifications and experience of the person appointed 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 must be allocated

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

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) if necessary to enable another health care worker to assist in the patient's care; or
 - (ii) if 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 registered health 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 must 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 whenever patients are receiving health services from the hospital or centre.

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 whenever patients are receiving health services from the hospital or centre;

-
- (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 registered health 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 HPP 4 of the Health Privacy Principles in that Act.

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 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 birth information are attached to that infant—

- (a) as soon as practicable after the birth and before leaving the delivery room; and
- (b) while 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 birth information 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 birth 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—

- (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 given 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.

Examples

- 1 Facilities are provided to allow patients to undertake personal activities, including bathing, toileting and dressing in private.
- 2 Facilities are designed to ensure auditory and visual privacy for patients whenever patients are receiving health services from the hospital or centre.
- 3 Where facilities are shared, provision is made to ensure patient privacy.
- 4 Patients are provided with meals in accordance with their religious beliefs and ethnic and cultural practices.

Division 2—Nursing and professional care

26 Nurses must 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 Register of Nurses; 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 services being provided.

Penalty: 50 penalty units.

27 Sufficient nursing staff must 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 nursing staff are on duty to provide care for those patients.

Penalty: 50 penalty units.

- (2) For the purposes of subregulation (1), a sufficient number of nursing staff is—

- (a) in the case of a private hospital—

(i) at least one registered nurse for every 10 patients or fraction of that number during day and evening shifts; and

(ii) at least one registered nurse for every 15 patients or fraction of that number during night shifts; or

- (b) in the case of a day procedure centre, at least one registered nurse for every 10 patients or fraction of that number.

- (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, up to one-third may be enrolled nurses.

28 Needs of patients must 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 staff and other professionally competent registered health practitioners.

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 is responded to as soon as practicable after the complaint has been made.

Penalty: 40 penalty units.

- (2) The proprietor of a private hospital or day procedure centre must ensure that a complaint is dealt with as discreetly as possible in the particular circumstances.

Penalty: 40 penalty units.

- (3) 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 the hospital or centre.

Penalty: 30 penalty units.

- (2) For the purposes of subregulation (1), the written record must contain the following information—
- (a) the nature of the complaint;
 - (b) the date of the complaint;
 - (c) the action taken in respect of that complaint.

- (3) The proprietor of a private hospital or day procedure centre must ensure that the written record 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 must not 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 the complaint has been made.

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 provide appropriate ongoing treatment or care are sent with the patient.

Penalty: 40 penalty units.

34 Discharge of patients

- (1) 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.

- (2) An explanation referred to in subregulation (1) may be given orally or in writing.
-

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, with respect to persons who receive care in the private hospital or day procedure centre—

- (a) the prescribed manner is in writing; and
- (b) the prescribed period is 7 years; and
- (c) the prescribed particulars 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 the patient's admission and discharge;
 - (vii) a description of care received and 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.

Division 2—Staff Register and records

36 Staff Register

For the purposes of section 109(1) of the Act, with respect to staff employed in the private hospital or day procedure centre—

- (a) the prescribed manner is in writing; and
- (b) the prescribed period is 2 years; and
- (c) the prescribed particulars are—
 - (i) the full name of every member of the nursing staff and other registered health practitioners;
 - (ii) the date of birth of every member;
 - (iii) the designation of every member;
 - (iv) the qualifications of every member;
 - (v) if applicable, the registration number or code of every member.

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 out must ensure that an Operation Theatre Register is kept at the hospital or centre.

Penalty: 30 penalty units.

- (2) For the purposes of subregulation (1), 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 registered 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 HPP 4 of the Health Privacy Principles in that Act.

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 out must ensure that a Birth Register is kept at the hospital or centre.
Penalty: 30 penalty units.
- (2) For the purposes of subregulation (1), 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 is provided and kept operational at the hospital or centre.

Penalty: 60 penalty units.

- (2) For the purposes of subregulation (1), 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 every bath, shower and hand basin used by patients is installed with a system or mechanism to avoid the risk of scalding by controlling the outlet temperature of hot water.

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 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, furnishings and fittings

- (1) The proprietor of a private hospital or day procedure centre must ensure that facilities, equipment, furnishings and fittings at the hospital or centre are suitable for the kind or kinds of health services being provided by the hospital or centre.
- (2) The proprietor of a private hospital or day procedure centre must ensure that facilities, equipment, furnishings and fittings at the hospital or centre are—

Health Services (Private Hospitals and Day Procedure Centres) Regulations
2013
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Part 10—Premises and Equipment

- (a) kept in a proper state of repair and maintained in good working order; and
- (b) kept in a clean and hygienic condition.

Penalty: 80 penalty units.

PART 11—INFECTION CONTROL

44 Infection Control Management Plan

- (1) The proprietor of a private hospital or day procedure centre must implement and maintain an Infection Control Management Plan.

Penalty: 80 penalty units.

- (2) For the purposes of subregulation (1), an Infection Control Management Plan must provide for the surveillance, prevention and control of infection at the hospital or centre.
- (3) Without limiting subregulation (2), an Infection Control Management Plan must—
- (a) state its objectives;
 - (b) identify and assess all the infection risks specific to the hospital or centre which the proprietor knows, or can reasonably be expected to know, exists or may exist, and state how these risks are to be minimised;
 - (c) provide for an ongoing infection control education program for the staff of the hospital or centre;
 - (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

45 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 the following information—

- (a) the certificate of registration of the premises as a private hospital or day procedure centre or a full size copy of the certificate;
- (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;
- (c) the name and contact telephone number of the person nominated under regulation 29 to receive and deal with complaints.

Penalty: 20 penalty units.

PART 13—STATISTICAL RETURNS

46 Returns to be made to the Secretary

- (1) The proprietor of a private hospital or day procedure centre must prepare a return for each month containing the following information relating to each patient—
- (a) unit record number;
 - (b) campus code;
 - (c) admission date, time and type of admission;
 - (d) admission source;
 - (e) date of birth and country of birth;
 - (f) indigenous status;
 - (g) postcode and locality;
 - (h) marital status and sex;
 - (i) type of care received and procedures carried out;
 - (j) health fund and level of insurance;
 - (k) Medicare number;
 - (l) account classification;
 - (m) separation date, time and type;
 - (n) transfer source;
 - (o) date of discharge or death;
 - (p) discharge destination;
 - (q) final diagnoses on discharge.

Penalty: 40 penalty units.

- (2) The proprietor of a private hospital or day procedure centre must prepare a return for each month containing the following information relating to occupancy rates—

- (a) the number of separations;
- (b) the number of same day separations;
- (c) the number of bed days;
- (d) the average number of available beds.

Penalty: 40 penalty units.

- (3) A proprietor must ensure that a return prepared under this regulation does not include the name or address of a patient.

Penalty: 40 penalty units.

- (4) A proprietor must ensure that a return prepared under this regulation is forwarded to the Secretary—

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

Penalty: 40 penalty units.

PART 14—ENFORCEMENT

47 Form of notice of seizure

For the purposes of section 147(2)(a) of the Act,
the prescribed form is the form in Schedule 7.

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SCHEDULES

SCHEDULE 1

Regulation 4

REVOCATIONS

<i>S.R. No.</i>	<i>Name</i>
79/2002	Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002
113/2005	Health Services (Private Hospitals and Day Procedure Centres) (Fees) Regulations 2005
176/2009	Health Services (Private Hospitals and Day Procedure Centres) Amendment Regulations 2009
88/2010	Health Services (Private Hospitals and Day Procedure Centres) Amendment Regulations 2010

SCHEDULE 2

Regulation 8(1)

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 private hospital or day procedure 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 prescribed health services that may be carried on on the premises;

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*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 3

Regulation 9(a)

APPLICATION FOR TRANSFER OR VARIATION 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 private hospital or day procedure 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;
 - *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:

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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 4

Regulation 10(1)

**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 private hospital or day procedure 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

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*Mental Health Services

*Neonatal Services

*Obstetrics

*Oncology (Chemotherapy)

*Oncology (Radiation Therapy)

*Renal Dialysis

*Specialist Rehabilitation Services

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)

SCHEDULE 5

Regulation 12(1)

**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 private hospital or day procedure 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 6

Regulation 13(1)

**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.

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SECTION C

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 7

Regulation 47

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**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

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2013 is \$12.84. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2013 is \$144.36.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.