

PRIVATE HEALTH INSTITUTIONS ACT

Act 11 of 1989 – 1 July 1990

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PRIVATE HEALTH INSTITUTIONS ACT

1. Short title

This Act may be cited as the Private Health Institutions Act.

2. Interpretation

In this Act—

“apparatus” includes any plant, equipment or instrument;

“authorised officer” means a public officer of the Ministry who is authorised as such for the purposes of this Act;

“clinical laboratory” —

- (a) means any premises used or intended to be used for any type of medical investigation; and
- (b) includes any premises used or intended to be used for the manufacture, repair or modification of prostheses; but
- (c) does not include a hospital, a nursing home or a health care unit;

“health care unit” —

- (a) means any premises used or intended to be used for—
 - (i) the examination and treatment of any person suffering from or believed to be suffering from any disease, injury or disability of mind or body; or
 - (ii) the cure or alleviation of any abnormal condition of the human body by the application of any technique or by the use of any apparatus; but
- (b) does not include premises which provide board or lodging to any person;

“health institution” includes a clinical laboratory, a health care unit, a hospital and a nursing home;

“hospital”—

- (a) means any premises used or intended to be used for the reception, lodging, examination and care or treatment of any disabled, injured or sick person;
- (b) includes a maternity hospital;

“licensee” means the holder of a licence issued under section 3;

“maternity hospital” means any premises used or intended to be used for the reception, lodging and care or treatment of any—

- (a) woman during the ante-natal, delivery or post-natal period;
- (b) newborn child; or
- (c) woman suffering from a gynaecological problem;

“medical investigation” means an investigation which is designed to provide information in relation to—

- (a) the diagnosis, prevention, or treatment of a disease or allergic condition;
- (b) the assessment of the health of a person;
- (c) the ascertainment of the cause of death of a person, other than an autopsy performed for non-medical reasons; or
- (d) the response of a patient to medical or surgical treatment given to him;

“Minister” means the Minister to whom responsibility for the subject of health is assigned;

“nursing home” means any premises used or intended to be used for the reception, lodging and care or treatment of any person suffering from any infirmity or convalescing from any sickness or injury, other than a hospital;

“Permanent Secretary” means the Permanent Secretary of the Ministry.

3. Application for licence

(1) A person who wishes to operate a private health institution shall make an application to the Permanent Secretary in such form as he may determine.

(2) The Permanent Secretary may, on receipt of an application under subsection (1)—

- (a) request the applicant to furnish such additional information as he may require for the purpose of determining whether the application ought to be granted;

- (b) inspect the premises to assess their suitability for use as a private health institution; and
- (c) grant, on payment of such fee as may be prescribed, the application on such terms and conditions as he thinks fit and issue the licence.

(3) Where the Minister is satisfied that a private nursing home is used or intended to be used exclusively for a charitable purpose, he may exempt it from payment of the licence fee.

4. Licensing of private hospitals

(1) No licence shall be issued in respect of any private hospital unless it is one of a class specified in the Schedule.

(2) No private hospital shall be used for a purpose other than that for which it has been duly licensed.

5. Issue of licence

Every licence issued under this Act shall be—

- (a) in such form as the Permanent Secretary may determine;
- (b) renewable annually upon payment of the appropriate fee; and
- (c) affixed in a conspicuous part of the health institution in respect of which it has been issued.

6. Register

(1) The Permanent Secretary shall keep and maintain a register of every health institution licensed under this Act.

(2) A licensee shall keep and maintain such register as the Permanent Secretary may direct and every such register shall contain such particulars as the Permanent Secretary may determine.

7. Powers of authorised officer

An authorised officer may, at all reasonable hours, inspect any—

- (a) health institution and any stock of drugs or any apparatus found in that institution;
- (b) premises on reasonable suspicion that they are being used as a health institution without licence; or
- (c) records required to be kept under this Act.

8. Power to give directions

(1) Where an authorised officer is of the opinion that the use of any drug or apparatus in a health institution is, by reason of any inherent defect or otherwise—

- (a) dangerous or detrimental to any person in that institution; or
- (b) otherwise unsuitable for the purpose for which it is used,

he shall report the matter to the Permanent Secretary who shall direct the licensee by notice in writing to forthwith discontinue the use of the drug or apparatus.

(2) Upon receipt of a direction under subsection (1), the licensee shall immediately comply with it, notwithstanding that he may make representations on the subject matter of the direction.

(3) Upon hearing the licensee, the Permanent Secretary may vary his direction if he thinks it is necessary to do so.

(4) Where the Permanent Secretary has reason to believe that any direction issued by him under this section is not being complied with, he may direct the licensee to surrender the drug or apparatus to the Ministry forthwith.

9. Power to call for information

The Permanent Secretary may, by notice in writing, direct the licensee to furnish such documents or information as he may require in respect of the—

- (a) personnel employed in the institution;
- (b) medical or nursing people engaged in the treatment of any patient;
- (c) drugs or apparatus used in the institution;
- (d) infectious or communicable diseases treated in the institution;
- (e) recurrence of certain types of diseases treated in the institution;
- (f) number and different categories of patients who have had access to the facilities of the institution;
- (g) various fees charged by the institution in respect of services provided;
- (h) techniques and procedures applied in the treatment and care of patients in the institution.

10. Offences

Any person who—

- (a) manages a private health institution which is not licensed under this Act; or
- (b) being a licensee or a person in charge of a private health institution—
 - (i) uses or allows the institution to be used in contravention of any term or condition of its licence or for any purpose other than that for which it has been licensed;
 - (ii) contravenes this Act or any regulations made under it;
 - (iii) fails, without lawful authority or reasonable excuse, to comply with any direction given by the Permanent Secretary;

- (iv) fails or refuses, without lawful authority or reasonable excuse, to furnish any document or information required by the Permanent Secretary; or
- (v) furnishes any information to the Permanent Secretary which he knows to be false or misleading in a material particular,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

11. Regulations

The Minister may—

- (a) make such regulations as he thinks fit for the purposes of this Act;
- (b) by regulations, fix the registration fees payable by private health institutions and the fee which a licensee may charge from any person in respect of any service provided by his health institution; and
- (c) by regulations, amend the Schedule.

12. – 14. —

SCHEDULE

[Section 4 (1)]

CLASSES OF HOSPITAL

1. A medical hospital
 2. A surgical hospital
 3. A maternity hospital
 4. A children's hospital
 5. A hospital which is a combination of any 2 or more of the classes specified in paragraphs 1 to 4.
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