

PRIVATE HOSPITALS AND NURSING HOMES ACT, 1989
(Act No.18 of 1989)
PRIVATE HOSPITALS AND NURSING HOMES REGULATIONS, 1990
(Published on 23rd March, 1990)

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SCHEDULE

IN EXERCISE of the powers conferred by section 18 of the Private Hospitals and Nursing Homes Act, 1989, the Minister of Health hereby makes the following Regulations —

1. These Regulations may be cited as the Private Hospitals and Nursing Homes Regulations, 1990. Citation
2. In these Regulations, "Director" means the Director of Medical Services. Interpretation
3. The superintendent of a private hospital shall possess such professional and other qualifications as are, in the opinion of the Director, necessary having regard to the nature and operation of the hospital, and shall, without limiting the generality of the foregoing — Qualifications of superintendent
 - (a) in the case of a private hospital that is registered as a medical or surgical hospital, or as a medical, surgical and maternity hospital, be not less than those of a medical practitioner;
 - (b) in the case of a maternity hospital or home, be not less than those of a registered midwife;
 - (c) in the case of a convalescent or nursing home, be not less than those of a registered nurse.
4. The staff of a private hospital shall consist of such number of nurses and other employees as are, in the opinion of the Director, necessary, competent and qualified to give adequate care to the number and type of patients provided with treatment at that hospital. Hospital staff
5. Every private hospital shall have and maintain supplies of drugs and equipment sufficient, in the opinion of the Director, to provide adequate treatment for the number and type of patients for which the hospital is licenced. Adequacy of supplies
6. No person shall be admitted as a patient to a private hospital who is likely to constitute a danger to other patients, whether by reason of contagion or any other cause, unless adequate precautions are taken and adequate facilities are provided for the protection of the other patients. Admission of patients

**Treatment
of patients**

7. (1) No patient may be treated at a private hospital without being under the care of a medical practitioner:

Provided that in the case of a maternity patient it shall be sufficient if such patient is under the care of a registered midwife, unless there are complications requiring that the patient be under the care of a medical practitioner.

(2) Every order for the treatment of a patient shall be in writing, either on a treatment sheet or in the Order Book provided for the purpose, and shall be signed by a medical practitioner; in an emergency such treatment may be ordered by a medical practitioner by telephone, but this must be confirmed in writing by a medical practitioner in the Order Book within twenty-four hours thereafter.

**Case records
and returns**

8. (1) As soon as possible after the admission of a patient to a private hospital, the person under whose care he is so admitted shall prepare or cause to be prepared a medical record of the patient, including the results of any examinations or tests, reports of any consultations or special reports, any provisional diagnoses, nursing notes and any other particulars required by the Director and shall maintain such records for the period during which the patient remains in the hospital.

(2) The superintendent shall retain and preserve in a place of safe keeping, all records relating to every patient of the hospital for a period of not less than ten years, and shall furnish the Director with such reports, records or returns as the Director may require.

Operations

9. (1) Before a patient in a private hospital is submitted to any anaesthetic or surgical operation, the operating surgeon, or a medical practitioner authorized by him for the purpose, shall record a history of the patient, the results of a physical examination carried out on the patient and a pre-operative diagnosis.

(2) Where the operating surgeon is of the opinion that the delay that would be occasioned in obtaining the information required by subregulation (1) would be detrimental to the patient, he may, after signing a written pre-operative diagnosis, proceed, but shall record his reasons for doing so as soon as possible.

(3) Every operation performed in a private hospital shall be adequately described in writing by the surgeon or his assistant, and such description shall form part of the patient's record.

(4) The superintendent of a private hospital shall ensure that an operations register is kept showing the name of the patient, the date of the operation, the nature of the operation, the name of the surgeon, the name of the anaesthetist, the name of the anaesthetic given, the time the operation was commenced and the time that it was completed.

(5) The anaesthetist shall be a medical practitioner or a registered nurse with training in anaesthetics recognised by the Director, and shall keep a record showing the type of anaesthetic given, the amount given, the length of the anaesthesia and the condition of the patient following the operation.

(6) The superintendent shall, within twenty four hours after any pregnancy interrupted before a period of twenty eight weeks, make a report in writing to the Director giving the diagnosis, the surgical procedure carried out and the name of the physician or surgeon concerned.

(7) No surgical procedure shall be performed in any private hospital which does not provide adequate sterile equipment or facilities for sterilizing instruments and other operating equipment.

(8) No major surgical operation shall be carried out in a private hospital without there being on hand all equipment necessary for performing that particular operation, and a sufficient number of qualified assistants in attendance thereat.

(9) The Director may require that any tissues or sections removed during the course of an operation or curettage shall be immediately set aside and properly preserved and labelled by the surgeon operating, and shall be forwarded by the superintendent with a short history of the case and a statement of any findings by the surgeon, to a laboratory approved by the Director, for examination:

Provided that this subregulation shall not apply to any tonsil, appendix, tooth, finger, toe, hand, foot, arm, leg or haemorrhoid removed or amputated, unless the operating surgeon desires a special examination.

(10) The pathological report received from the laboratory shall become part of the case record of the patient.

10. (1) Every private hospital shall be equipped as follows —

Accom-
modation

- (a) each room used for the accommodation of patients shall have direct natural light by means of a window or windows of an area not less than fifteen per cent of the floor area of the room;
- (b) all windows in bedrooms shall be equipped with blinds or curtains maintained in a condition to ensure privacy;
- (c) each patient shall be provided with a sufficient number of clean towels daily;
- (d) each bed shall be provided with clean pillows in clean pillow-slips, and clean sheets, blankets and bed covers;
- (e) each incoming patient shall be provided with freshly laundered bed linen;
- (f) all bedsteads, springs, mattresses, pillows, pillow-slips, blankets and bed covers shall be maintained in good repair, in a clean condition and free from insects.

(2) Every private hospital shall have and provide a supply of water of sanitary quality under sufficient pressure to all parts of the hospital.

(3) Every private hospital shall be equipped with —

- (a) at least one water closet and one wash basin for every ten patients, and where accommodation for both sexes is provided on the same floor the toilet facilities for each sex shall be at opposite ends of the floor, or where such an arrangement is not possible, they shall be effectively separated by a wall or partition extending from the floor to the ceiling, and in each case the facilities for each sex shall be distinctly marked;
- (b) at least one bath and one shower on each floor of the hospital;
- (c) an adequate supply of toilet requisites; and
- (d) kitchen facilities adequate for the needs of all the patients and staff at the hospital.

(4) All plumbing fixtures shall be kept in good repair, and the rooms and conveniences maintained in a clean and satisfactory condition.

(5) Every private hospital shall —

- (a) provide adequate lighting at all times, in all halls, stairways, passages and closet compartments;
- (b) provide a system of stand-by power for use in the theatre and delivery room;
- (c) maintain all floors, walls and ceiling surfaces in a clean condition and a state of good repair at all times;
- (d) keep the cellars and basements clear of waste and combustible materials;
- (e) maintain the premises free from rodents, insects and other pests;
- (f) maintain a sufficient number of refuse and garbage bins with suitable covers;

(g) make adequate arrangements for the disposal of surgical waste, where necessary, and septic dressings and other materials; and

(h) maintain all yards, areas, forecourts, or other open spaces within the curtilage of the premises at all times in good order, clean and in a sanitary condition.

(6) Every private hospital licensed as a surgical hospital shall have and maintain at all times an operating suite equipped, to the satisfaction of the Director, to carry on the work of the hospital.

(7) Every private hospital licensed as a maternity hospital shall have and maintain at all times, and to the satisfaction of the Director —

(a) a delivery room;

(b) a nursery, with an incubator, suitable for the care of premature and other newly-born infants, with refrigeration and bottle sterilisation facilities;

(c) accommodation for the isolation of patients having puerperal infection;

(d) an adequate supply of oxygen and suction apparatus; and

(e) adequate facilities for the management of any complicated cases if such cases are to be dealt with at the hospital.

Fire hazards

11. The superintendent shall ensure that adequate escape and other facilities are provided for use in the event of fire and that any fire regulations or any directions given by the local fire authority are complied with.

Records and custody of drugs

12. (1) Every private hospital shall keep a record of —

(a) all purchases of drugs for use at the hospital, indicating the name, quantity and strength of each drug, and the date of purchase thereof;

(b) the quantity and type of drug prescribed for the use of every patient by the medical practitioner attending him, and the quantity of drugs administered to every such patient pursuant to such prescription; and

(c) the use made at the hospital of any dangerous drug within the meaning of any legislation dealing with dangerous or habit forming drugs.

(2) Any drug coming within the scope of paragraph (c) of subregulation (1) shall be labelled clearly and properly and shall be stored in a locked cupboard reserved for such drugs.

General

13. (1) A private hospital shall not engage in, or permit its name to be used in connexion with, any undertaking, occupation, scheme or business other than that for which it is licensed:

Provided that this shall not prevent a private hospital from permitting the use of part of its premises by any medical, para-medical or pharmaceutical personnel.

(2) The superintendent of a private hospital shall submit any publication, writing, advertising or other material, including any letter-head or card, that is intended or likely to attract the attention of the public, to the Director for his approval, and the Director may refuse to approve any material which, in his opinion, is not in the interest of the public.

Offences

14. Where any private hospital contravenes or fails to comply with any provision of these Regulations, the licensee and the superintendent shall be guilty of an offence and liable to a fine of P2000.

Forms

15. (1) An application for a licence for a private hospital, or a renewal thereof, shall be in Form 1 in the Schedule to these Regulations, and the licence, or the renewal thereof, shall be in Form 2 in the said Schedule.

(2) An application for the transfer of a licence for a private hospital shall be in Form 3 in the Schedule.

SCHEDULE

FORM 1 (Regulation 15 (1))

PRIVATE HOSPITALS AND NURSING HOMES REGULATIONS, 1990

APPLICATION FOR A LICENCE TO OPERATE A PRIVATE HOSPITAL OR A RENEWAL THEREOF

To the Minister of Health

1. [Full name of applicant in BLOCK CAPITALS] of [postal address] hereby applies for a
* licence/the renewal of a licence to use as a private hospital the building situated at [full
real property description of the land].
2. The hospital is to be known as [proposed name of hospital].
3. The hospital is to be used as —
 - * a medical hospital
 - * a surgical hospital
 - * a medical, surgical and maternity hospital
 - * a home for the care and accommodation of —
 - * convalescent persons
 - * chronically-ill persons
 - * a hospital for the care of [class(es) of patients] suffering from [disease(s), disorder(s) and
illness(es)]
 - * a rejuvenation centre
4. The respective numbers of the beds that are to be provided for the various classes of
patients proposed to be admitted to the hospital are as follows:-
5. Arrangements for the isolation of infectious patients and their attendants are to be as
follows: —

Signature of applicant:

Date:

- * Delete whichever is not applicable.
- * Specify any other proposed use.

FORM 2 (Regulation 15 (1))

PRIVATE HOSPITALS AND NURSING HOMES REGULATIONS, 1990 LICENCE TO OPERATE A PRIVATE HOSPITAL

Licence No.

[Full name of licensee]
to operate a private hospital to be known as

of [address] is hereby licensed

[name of hospital]
[address] on the land described as
property description].

situated at

[full real

This licence is granted subject to the following conditions:

(1) The premises shall be used only as a [class of private hospital].

(2) The maximum numbers of the various classes of patients that the licensee is authorised to accommodate in the hospital are as follows:—

*(3) The following further conditions:—

This licence shall, unless sooner cancelled, suspended or surrendered, expire at the expiration of the period of five years commencing on { date}

* Delete if no other conditions imposed

FORM 3
(Regulation 15 (2))

PRIVATE HOSPITALS AND NURSING HOMES REGULATIONS, 1990

APPLICATION FOR TRANSFER OF A LICENCE TO OPERATE A PRIVATE
HOSPITAL

To the Minister of Health

1. [Full name] of [address]
the holder of

Licence No. , dated , issued in respect of the private hospital known as

and situated at hereby applies to have that licence transferred to [full
name and address of proposed transferee].

Dated at this day of ,19

Signature of proposed transfer or:

And the abovenamed [name of proposed transferee]
hereby applies for the said transfer.

Dated at this day of , 19

Signature of proposed transferee:

MADE this 8th day of March, 1990.

K.P. MORAKE,
Minister of Health.