

Western Australia

**Hospitals (Licensing and Conduct of Private
Hospitals) Regulations 1987**

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Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987

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Western Australia

Hospitals and Health Services Act 1927

Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987

1. Citation

These regulations may be cited as the *Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987*¹.

2. Commencement

These regulations shall come into operation on the day on which the *Acts Amendment (Hospitals) Act 1985* comes into operation¹.

3. Interpretation

In these regulations —

licence has the meaning given by section 26A of the Act.

4. Application for grant or renewal of licence

- (1) An applicant for a licence shall cause a fee calculated in accordance with Schedule 1 item 1 to be paid to the CEO before the licence is granted to that applicant under section 26D of the Act.
- (2) Subject to the Act, a licence has effect on and from the day on which it is granted and expires on 1 January next following that day.

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- (3) An applicant for the renewal of a licence shall cause a fee calculated in accordance with Schedule 1 item 2 to be paid to the CEO before the CEO renews the licence.
- (4) An application for the renewal of a licence shall be made to the CEO on or before 30 November in the year preceding the year to which that application relates.
- (5) Subject to the Act, a licence renewed by the CEO has effect on and from 1 January next following that renewal and expires at the end of the period of 12 months commencing on that date.
- (6) The CEO must issue an applicant for a replacement licence with a replacement on payment of the fee set out in Schedule 1 item 3, if satisfied that the licence has been lost, damaged or destroyed.

*[Regulation 4 amended in Gazette 15 Dec 2006 p. 5626;
30 Oct 2009 p. 4306.]*

4A. Endorsement of licence to allow admission etc. under *Mental Health Act 1996*

- (1) An application to the CEO for a licence to be endorsed under section 26DA of the Act is to be made in a form approved by the CEO.
- (2) An applicant for a licence to be endorsed under section 26DA of the Act shall cause a fee of \$100 to be paid to the CEO before the endorsement is made.
- (3) The fee to be paid under subregulation (2) is in addition to any other fee payable in respect of a licence.

*[Regulation 4A inserted in Gazette 7 Nov 1997 p. 6133;
amended in Gazette 15 Dec 2006 p. 5626.]*

5. Fee for application for approval of premises

An applicant for the approval of any premises as a private hospital shall cause a fee calculated in accordance with

Schedule 1 item 4 to be paid to the CEO before that approval is granted.

[Regulation 5 amended in Gazette 15 Dec 2006 p. 5626;
30 Oct 2009 p. 4307.]

6. General duties of licence holder

A licence holder shall ensure that —

- (a) the person occupying the post of director of nursing of the private hospital to which the licence relates or, in his or her absence, a responsible person holding qualifications approved by the CEO for the purposes of this paragraph is at all times present at, and in charge of, that private hospital;
- (b) animals (including birds) are not allowed on the premises of the private hospital to which the licence relates, unless that private hospital is a nursing home, in which case the licence holder shall ensure that the relevant animals (including birds) are effectively managed and do not constitute a nuisance or health risk to the patients in the nursing home;
- (c) constant attention is given to the hygienic and proper storage, preservation, preparation and serving of food in the private hospital to which the licence relates and, in particular, that —
 - (i) food is supplied in such variety and quantities that the dietary allowances recommended by the National Health and Medical Research Council as defined by section 2 of the *Medical Research Endowment Act 1937*² of the Commonwealth are provided by that food;
 - (ii) patients receive fresh fruit or fruit juice daily;
 - (iii) patients on therapeutic diets or special diets are provided with food appropriate to those diets;

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- (iv) a particular menu is not repeated at intervals of less than 4 weeks;
 - (v) standard food portion sizes are developed and used as a guide to preparing and ordering food;
 - (vi) components of a puree diet are prepared and served as individual food items; and
 - (vii) meals are served at reasonable hours, with breakfast not being served before 7.00 a.m., the midday meal not being served before 12.00 noon and the evening meal not being served before 5.00 p.m., and that, if the evening meal is served before 5.30 p.m., supper is served between 7.30 p.m. and 9.00 p.m.;
- (d) an adequate number of suitable refuse receptacles is provided in the private hospital to which the licence relates for the holding of general refuse; and
 - (e) pathological and infectious wastes are placed in suitable receptacles and then incinerated within a facility provided for that purpose within the private hospital to which the licence relates.

[Regulation 6 amended in Gazette 15 Dec 2006 p. 5626.]

7. Qualified staff to be provided

- (1) Subject to subregulation (2), the holder of a licence granted in respect of a general private hospital shall ensure that the general private hospital is staffed by registered general nurses, registered psychiatric nurses and enrolled nurses only.
- (2) If a nursing assistant has been continuously employed at a general private hospital for a period of not less than 5 years ending immediately before the coming into operation of these regulations, the nursing assistant may continue to be employed at the general private hospital.
- (3) In this regulation —

general private hospital means private hospital that is not a nursing home.

8. Staff accommodation

A licence holder shall cause —

- (a) adequate self-contained accommodation to be provided for staff living on the premises of the private hospital to which the licence relates; and
- (b) to be provided for staff not living on the premises of the private hospital to which the licence relates —
 - (i) suitable change rooms and toilet and ablution facilities;
 - (ii) lockers or other suitable places fitted with locks and keys for the safekeeping of clothes and personal effects; and
 - (iii) a suitable dining room.

9. Information to be recorded

A licence holder shall ensure that —

- (a) a register of the patients in the private hospital to which the licence relates is kept and that there is recorded in that register in respect of each such patient —
 - (i) the date of his or her admission to that private hospital;
 - (ii) his or her full names, date of birth, sex, home address and marital status;
 - (iii) the name and address of the doctor or nurse under whose professional care that patient was immediately prior to his or her admission to that private hospital; and
 - (iv) the date of his or her discharge from that private hospital or, in the event of his or her death at that private hospital, the date of that death;

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and

- (b) a record is maintained of the medical history of each patient in the private hospital to which the licence relates, in which record there is recorded —
 - (i) his or her condition on admission to that hospital;
 - (ii) the diagnosis of his or her condition; and
 - (iii) daily or at more frequent intervals, an account of the nursing care and medical treatment given to that patient.

10. Offences and penalties

A licence holder who contravenes regulation 6, 7, 8 or 9 commits an offence and is liable to a penalty not exceeding \$500.

Schedule 1 — Fees*[Heading inserted in Gazette 30 Oct 2009 p. 4307.]*

Item	Description		Fee (\$)
1.	Grant of licence (r. 4(1))		1 100
2.	Renewal of licence (r. 4(3))	Number of persons licensed to be accommodated — Fewer than 25 200 25-100 500 101-200 1 000 more than 201 1 500	
3.	Replacement licence (r. 4(6))		300
4.	Approval of premises as a private hospital (r. 5)	Number of persons licensed to be accommodated — Fewer than 25 1 500 25-100 2 000 101-200 3 000 more than 201 5 000	

[Schedule 1 inserted in Gazette 30 Oct 2009 p. 4307; amended in Gazette 27 Apr 2010 p. 1581.]

Notes

- ¹ This is a compilation of the *Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987</i>	23 Jan 1987 p. 185-6	23 Jan 1987 (see r. 2 and <i>Gazette</i> 23 Jan 1987 p. 179)
<i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 1997</i>	7 Nov 1997 p. 6132-3	13 Nov 1997 (see r. 2)
Reprint 1: The Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987 as at 13 Feb 2004 (includes amendments listed above)		
<i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2006</i>	15 Dec 2006 p. 5625-6	15 Dec 2006
<i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009</i>	30 Oct 2009 p. 4306-7	r. 1 and 2: 30 Oct 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Oct 2009 (see r. 2(b))
<i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2010</i>	27 Apr 2010 p. 1581	r. 1 and 2: 27 Apr 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Apr 2010 (see r. 2(b))

- ^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2014</i> r. 3 and 4 ³	6 Jun 2014 p. 1789-90	1 Jul 2014 (see r. 2(b))

- ² Repealed by the *National Health and Medical Research Council Act 1992* s. 54 (No. 225 of 1992) of the Commonwealth.

³ On the date as at which this compilation was prepared, the *Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2014* r. 3 and 4 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987*.

4. Schedule 1 amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 1 it. 1	1 100	1 103
Sch. 1 it. 2	200 500 1 000 1 500	220 550 1 100 1 650
Sch. 1 it. 3	300	320
Sch. 1 it. 4	1 500 2 000 3 000 5 000	1 650 2 200 3 300 5 500