

Queensland



Private Health Facilities Act 1999

PRIVATE HEALTH FACILITIES REGULATION 2000

**Reprinted as in force on 29 November 2001
(includes amendments up to SL No. 213 of 2001)**

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 29 November 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Queensland



PRIVATE HEALTH FACILITIES REGULATION 2000

TABLE OF PROVISIONS

Section		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)	5
7	Giving of reports—Act, s 144	6
8	Giving of information—Act, s 147(4)(c)(ii)	6
9	Fees	6
10	Refund of fees	6
	SCHEDULE 1	7
	QUALITY ASSURANCE ENTITIES AND PROGRAMS	
	SCHEDULE 2	8
	AGREEMENTS	
	SCHEDULE 3	9
	FEEES	
	ENDNOTES	
1	Index to endnotes	10
2	Date to which amendments incorporated	10
3	Key	10
4	Table of earlier reprints	11

5	List of legislation	11
6	List of annotations	11

PRIVATE HEALTH FACILITIES REGULATION 2000

[as amended by all amendments that commenced on or before 29 November 2001]

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 2)’ 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) intensive care;
- (d) 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.¹

¹ 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 Organizations (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 9² of the Corporations Law.

“nurse” means a person who is registered under the *Nursing Act 1992* as a registered nurse.

2 Corporations Law, section 9 (Dictionary)

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)(c)(ii)

The agreements stated in schedule 2 are agreements for section 147(4)(c)(ii) of the Act.

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).

SCHEDULE 3

FEES

section 9

Division 1—Approvals

	\$
1. Application fee for an approval	255.00
2. Application for an extension of the term of an approval . .	100.00
3. Application for a change in details about a proposed private health facility stated in an approval	100.00
4. Issue of another approval to replace a lost, stolen, destroyed or damaged approval	10.00

Division 2—Licences

5. Application fee for a licence	255.00
6. Licence—	
(a) 1 year or less	65.00
(b) more than 1 year but not more than 2 year	130.00
(c) more than 2 years but not more than 3 years	195.00
7. Application for a change in details about a private health facility stated in a licence for the facility	100.00
8. Issue of another licence to replace a lost, stolen, destroyed or damaged licence	10.00
9. Application for the transfer of a licence	255.00
10. Application for approval of a prescribed alteration to a private health facility	100.00

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	10
3	Key	10
4	Table of earlier reprints	11
5	List of legislation	11
6	List of annotations	11

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 29 November 2001. Future amendments of the Private Health Facilities Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
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 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 December 2000

5 List of legislation

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 1 September 2011 (see SIA s 54)

Note— A regulatory impact statement and explanatory note were prepared

as amended by—

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

notfd gaz 23 November 2001 pp 1088–91

commenced on date of notification

6 List of annotations

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

prov hdg amd 2001 SL No. 213 s 3(1)

s 3 amd 2001 SL No. 213 s 3(2)–(3)

Giving of reports—Act, s 144

s 7 amd 2001 SL No. 213 s 4

Amendment of Health Regulation 1996

s 11 om R1 (see RA s 40)

Amendment of Integrated Planning Regulation 1998

s 12 om R1 (see RA s 40)