

Queensland



Private Health Facilities Act 1999

PRIVATE HEALTH FACILITIES REGULATION 2000

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 SL No. 130)**

Reprint No. 2

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 1 July 2003. 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. Also see list of legislation for any uncommenced amendments.

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

Also see endnotes for information about—

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

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

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	10
	FEEES	
	ENDNOTES	
1	Index to endnotes	11
2	Date to which amendments incorporated	11
3	Key	11
4	Table of reprints	12

5	List of legislation	12
6	List of annotations	13

PRIVATE HEALTH FACILITIES REGULATION 2000

[as amended by all amendments that commenced on or before 1 July 2003]

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 Organisations (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 Now see the *Acts Interpretation Act 1954*, section 14H and the *Corporations Act 2001* (Cwlth).

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).
3. Agreement between Victoria and Queensland for the funding of admitted patient services provided to residents of Victoria by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.
4. Agreement between Queensland and Western Australia for the funding of admitted patient services provided to residents of Western Australia by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.
5. Agreement between Queensland and the Australian Capital Territory for the funding of admitted patient services provided to residents of the Australian Capital Territory by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.
6. Agreement between Queensland and South Australia for the funding of admitted patient services provided to residents of South Australia by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.
7. Agreement between Queensland and Northern Territory for the funding of admitted patient services provided to residents of Northern Territory by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.
8. Agreement between Queensland and Tasmania for the funding of admitted patient services provided to residents of Tasmania by Queensland and vice versa, for the period 1 July 1998 to 30 June 2003.

SCHEDULE 2 (continued)

9. Agreement between Queensland and New South Wales for the funding of admitted patient services and non-admitted patient services provided to residents of New South Wales by Queensland and vice versa, for the period 1 July 1999 to 30 June 2003.

SCHEDULE 3

FEES

section 9

Division 1—Approvals

	\$
1. Application fee for an approval	263.50
2. Application for an extension of the term of an approval . .	103.00
3. Application for a change in details about a proposed private health facility stated in an approval	103.00
4. Issue of another approval to replace a lost, stolen, destroyed or damaged approval	10.30

Division 2—Licences

5. Application fee for a licence	263.50
6. Licence—	
(a) 1 year or less	67.00
(b) more than 1 year but not more than 2 years	134.00
(c) more than 2 years but not more than 3 years	201.50
7. Application for a change in details about a private health facility stated in a licence for the facility	103.00
8. Issue of another licence to replace a lost, stolen, destroyed or damaged licence	10.30
9. Application for the transfer of a licence	263.50
10. Application for approval of a prescribed alteration to a private health facility	103.00

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	11
3	Key	11
4	Table of reprints	12
5	List of legislation	12
6	List of annotations	13

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 1 July 2003. 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)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	30 November 2000	1 December 2000
1A	to 2001 SL No. 213	23 November 2001	29 November 2001 (Column discontinued) Notes
1B	to 2003 SL No. 5	31 January 2003	
1C	to 2003 SL No. 130	1 July 2003	R1C withdrawn, see R2
2	to 2003 SL No. 130	1 July 2003	

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— (1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

amending legislation—

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

notfd gaz 23 November 2001 pp 1088–91

commenced on date of notification

Private Health Facilities Amendment Regulation (No. 1) 2003 SL No. 5

notfd gaz 31 January 2003 pp 318–19

commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 2003 SL No. 130 pts 1, 6

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

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)

SCHEDULE 2—AGREEMENTS

sub 2003 SL No. 5 s 3

SCHEDULE 3—FEES

sub 2003 SL No. 130 s 14