



Private Health Facilities Act 1999

Private Health Facilities Regulation 2000

Reprinted as in force on 20 May 2011

Reprint No. 3H

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 20 May 2011. 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.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised 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 an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Private Health Facilities Regulation 2000

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Private Health Facilities Regulation 2000

[as amended by all amendments that commenced on or before 20 May 2011]

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 4)’ 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—

[s 5]

- (a) cardiac surgery;
- (b) cardiac catheterisation;
- (c) 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.

Editor's note—

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 9 of the Corporations Act.

nurse means a person registered under the Health Practitioner Regulation National Law—

[s 7]

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.

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 Queensland and New South Wales for the funding of admitted and non-admitted patient services provided to residents of New South Wales by Queensland and vice versa, for the period 1 July 2003 to 30 June 2008
- 4 Agreement between Queensland and the Australian Capital Territory for the funding of admitted patient services provided to residents of Queensland by the Australian Capital Territory and vice versa, for the period 1 July 2003 to 30 June 2008
- 5 Agreement between Queensland and the Northern Territory for the funding of admitted patient services provided to residents of Queensland by the Northern Territory and vice versa, for the period 1 July 2003 to 30 June 2008
- 6 Agreement between Queensland and South Australia for the funding of admitted patient services provided to residents of Queensland by South Australia and vice versa, for the period 1 July 2003 to 30 June 2008
- 7 Agreement between Queensland and Tasmania for the funding of admitted patient services provided to residents of Queensland by Tasmania and vice versa, for the period 1 July 2003 to 30 June 2008
- 8 Agreement between Queensland and Victoria for the funding of admitted patient services provided to residents of Queensland by Victoria and vice versa, for the period 1 July 2003 to 30 June 2008

Schedule 2

- 9 Agreement between Queensland and Western Australia for the funding of admitted patient services provided to residents of Queensland by Western Australia and vice versa, for the period 1 July 2003 to 30 June 2008
- 10 The agreement dated 31 August 2003 between the Commonwealth and the State entered into under the *Health Care (Appropriation) Act 1998* (Cwlth)
- 11 National Health Information Agreement between the Health Authorities of the States and Territories of Australia, the Health Insurance Commission, the Australian Institute of Health and Welfare and the Commonwealth of Australia (2004 to 2009)
- 12 Intergovernmental Agreement on Federal Financial Relations, the schedules and any agreements under the schedules, as amended from time to time, between the Commonwealth of Australia and the States and Territories of Australia, commenced 1 January 2009
- 13 Agreement between Queensland and the Australian Capital Territory for the funding of admitted patient services provided to residents of Queensland by the Australian Capital Territory and vice versa, made 1 July 2009
- 14 Agreement between Queensland and the Northern Territory for the funding of admitted patient services provided to residents of Queensland by the Northern Territory and vice versa, made 1 July 2009
- 15 Agreement between Queensland and South Australia for the funding of admitted patient services provided to residents of Queensland by South Australia and vice versa, made 1 July 2009
- 16 Agreement between Queensland and Tasmania for the funding of admitted patient services provided to residents of Queensland by Tasmania and vice versa, made 1 July 2009
- 17 Agreement between Queensland and Victoria for the funding of admitted and non-admitted patient services provided to residents of Queensland by Victoria and vice versa, made 1 July 2009

- 18 Agreement between Queensland and Western Australia for the funding of admitted patient services provided to residents of Queensland by Western Australia and vice versa, made 1 July 2009

Schedule 3 Fees

section 9

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Approvals

- | | | |
|---|--|----------|
| 1 | Application under section 17 of the Act for an approval for— | |
| | (a) a day hospital | 1 212.50 |
| | (b) a private hospital with not more than 25 beds | 1 819.00 |
| | (c) a private hospital with more than 25 beds but not more than 100 beds | 2 425.00 |
| | (d) a private hospital with more than 100 beds but not more than 200 beds | 3 031.00 |
| | (e) a private hospital with more than 200 beds | 3 637.00 |
| 2 | Application under section 25 of the Act for an extension of the term of an approval | 181.50 |
| 3 | Application under section 30 of the Act to change details about a proposed private health facility stated in the approval for the proposed facility— | |
| | (a) for a change to the type of health services proposed to be provided at the proposed facility | 362.50 |
| | (b) for an increase of more than 25 in the number of beds for the proposed facility | 362.50 |
| | (c) for other changes | 181.50 |
| 4 | Issue under section 38(4) of the Act another approval to replace a lost, stolen, destroyed or damaged approval . . . | 181.50 |

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Licences

- | | | |
|---|---|----------|
| 5 | Application under section 42 of the Act for a licence for— | |
| | (a) a day hospital | 1 212.50 |
| | (b) a private hospital with not more than 25 beds | 1 819.00 |

	\$
(c) a private hospital with more than 25 beds but not more than 100 beds	2 425.00
(d) a private hospital with more than 100 beds but not more than 200 beds	3 637.00
(e) a private hospital with more than 200 beds	6 063.00
6 Application under section 51 of the Act for renewal of a licence—	
(a) for a day hospital—	
(i) if the term of the licence is 1 year or less	181.50
(ii) otherwise	545.00
(b) for a private hospital with not more than 25 beds—	
(i) if the term of the licence is 1 year or less	362.50
(ii) otherwise	1 091.00
(c) for a private hospital with more than 25 beds but not more than 100 beds—	
(i) if the term of the licence is 1 year or less	726.50
(ii) otherwise	2 182.00
(d) for a private hospital with more than 100 beds but not more than 200 beds—	
(i) if the term of the licence is 1 year or less	1 454.50
(ii) otherwise	4 365.00
(e) for a private hospital with more than 200 beds—	
(i) if the term of the licence is 1 year or less	2 909.00
(ii) otherwise	8 730.00
7 Application under section 56 of the Act to change details about a private health facility stated in the licence for the facility—	
(a) for a change to the type of health services provided at the facility	726.50
(b) for an increase of more than 25 in the number of beds for the facility	726.50
(c) for an increase of not more than 25 in the number of beds for the facility	362.50
(d) for other changes	181.50

Schedule 3

		\$
8	Application under section 63 of the Act for approval of a prescribed alteration to a private health facility—	
	(a) for a day hospital	181.50
	(b) for a private hospital	362.50
9	Application under section 68 of the Act to transfer a licence for—	
	(a) a day hospital	1 212.50
	(b) a private hospital with not more than 25 beds	1 819.00
	(c) a private hospital with more than 25 beds but not more than 100 beds	2 425.00
	(d) a private hospital with more than 100 beds but not more than 200 beds	3 637.00
	(e) a private hospital with more than 200 beds	6 063.00
10	Issue under section 79(4) of the Act another licence to replace a lost, stolen, destroyed or damaged licence	181.50

Endnotes

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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 20 May 2011. 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
num	= numbered	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 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

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.

Reprint No.	Amendments to	Effective	Reprint date
1	none	30 November 2000	1 December 2000
1A	2001 SL No. 213	23 November 2001	29 November 2001

Reprint No.	Amendments included	Effective	Notes
1B	2003 SL No. 5	31 January 2003	
1C	2003 SL No. 130	1 July 2003	R1C withdrawn, see R2
2	—	1 July 2003	
2A	2004 SL No. 135	23 July 2004	
2B	2004 SL No. 292	17 December 2004	
2C	2005 SL No. 46	1 April 2005	
2D	2005 SL No. 222	9 September 2005	
2E	2005 SL No. 170	1 October 2005	R2E withdrawn, see R3
3	—	1 October 2005	

Reprint No.	Amendments included	Effective	Notes
3A	2006 SL No. 190	1 October 2006	
3B	2007 SL No. 129	1 October 2007	
3C	2008 SL No. 185	1 October 2008	
3D	2009 SL No. 154	1 October 2009	
3E	2010 SL No. 108	1 July 2010	
3F	2010 SL No. 193 2010 SL No. 260	1 October 2010	
3G	2010 SL No. 370	10 December 2010	
3H	2011 SL No. 60	20 May 2011	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	3

6 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)

Notes—(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)

Private Health Facilities Amendment Regulation (No. 1) 2004 SL No. 135

notfd gaz 23 July 2004 pp 929–30

commenced on date of notification

Endnotes

Health Legislation Amendment Regulation (No. 4) 2004 SL No. 292 pts 1, 3

notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 2005 SL No. 46 pts 1, 6

notfd gaz 1 April 2005 pp 1066–9
commenced on date of notification

Health Legislation Amendment Regulation (No. 4) 2005 SL No. 170 ss 1, 2(2), pt 7

notfd gaz 29 July 2005 pp 1146–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2005 (see s 2(2))

Health Legislation Amendment Regulation (No. 5) 2005 SL No. 222 pts 1, 5

notfd gaz 9 September 2005 pp 147–8
commenced on date of notification

Health Legislation Amendment Regulation (No. 6) 2006 SL No. 190 ss 1, 2(3), pt 8

notfd gaz 28 July 2006 pp 1480–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2006 (see s 2(3))

Health Legislation Amendment Regulation (No. 3) 2007 SL No. 129 ss 1, 2(4), pt 6

notfd gaz 22 June 2007 pp 1018–20
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2007 (see s 2(4))

Health Legislation Amendment Regulation (No. 3) 2008 SL No. 185 ss 1, 2(4), pt 8

notfd gaz 27 June 2008 pp 1268–78
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2008 (see s 2(4))

Health Legislation Amendment Regulation (No. 2) 2009 SL No. 154 ss 1–2(1), pt 6

notfd gaz 24 July 2009 pp 1169–70
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2009 (see s 2(1))

Health and Other Legislation Amendment Regulation (No. 1) 2010 SL No. 108 pts 1, 12

notfd gaz 11 June 2010 pp 459–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Health Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 193 ss 1, 2(3), pt 5

notfd gaz 30 July 2010 p 1253–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2010 (see s 2(3))

Private Health Facilities Amendment Regulation (No. 1) 2010 SL No. 260

notfd gaz 1 October 2010 pp 294–7
commenced on date of notification

Health Legislation Amendment Regulation (No. 4) 2010 SL No. 370 s 1, 3

notfd gaz 10 December 2010 pp 1082–6
commenced on date of notification

Health Legislation Amendment Regulation (No. 2) 2011 SL No. 60 pts 1, 3

notfd gaz 20 May 2011 pp 142–3
commenced on date of notification

Note—An explanatory note was prepared.

7 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); 2004 SL No. 292 s 5

Minimum patient throughput standard—Act, s 12(2)(g)

s 4 amd 2010 SL No. 260 s 3

Notification of change of circumstances—Act, ss 23(4), 48(6), 154(5), 155(4) and 156(7)

s 6 amd 2004 SL No. 292 s 6; 2010 SL No. 108 s 56

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

amd 2004 SL No. 292 s 7; 2005 SL No. 46 s 12; 2005 SL No. 222 s 9; 2010 SL No. 370 s 7; 2011 SL No. 60 s 6

SCHEDULE 3—FEES

sub 2003 SL No. 130 s 14; 2004 SL No. 135 s 3; 2005 SL No. 170 s 15; 2006 SL No. 190 s 17; 2007 SL No. 129 s 13; 2008 SL No. 185 s 17; 2009 SL No. 154 s 13; 2010 SL No. 193 s 11