



*Private Health Facilities Act 1999*

# **Private Health Facilities Regulation 2016**

**Current as at 13 October 2017**





Queensland

# Private Health Facilities Regulation 2016

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# Private Health Facilities Regulation 2016

## 1 Short title

This regulation may be cited as the *Private Health Facilities Regulation 2016*.

## 2 Commencement

This regulation commences on 1 September 2016.

## 3 Day hospital health services

(1) For section 10(3) of the Act, definition *day hospital health service*, paragraph (b)(iii), the following diagnostic, surgical or other procedures are prescribed—

- (a) cardiac stress testing that is not performed in compliance with the standard called ‘Specialty health services standard (version 5)’ mentioned in the *Private Health Facilities (Standards) Notice 2016*;
- (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.

(2) Also, for section 10(3) of the Act, definition *day hospital health service*, paragraph (b)(iii), the following surgical procedures are prescribed—

- (a) abdominoplasty;
- (b) belt lipectomy;
- (c) biceps implants;
- (d) brachioplasty;

- (e) breast augmentation or reduction;
- (f) buttock augmentation, reduction or lift;
- (g) calf implants;
- (h) deltoid implants;
- (i) facelift, other than a mini-lift that does not involve the superficial musculoaponeurotic system (SMAS);
- (j) facial implants that involve—
  - (i) inserting an implant on the bone; or
  - (ii) surgical exposure to deep tissue;
- (k) fat transfer of more than 500 millilitres of lipoaspirate;
- (l) labiaplasty;
- (m) liposuction that involves removing more than 2.5 litres of lipoaspirate;
- (n) mastopexy or mastopexy augmentation;
- (o) monsplasty;
- (p) neck lift;
- (q) pectoral implants;
- (r) penis augmentation;
- (s) rhinoplasty;
- (t) triceps implants;
- (u) vaginoplasty.

#### **4 Minimum patient throughput standard**

For section 12(2)(g) of the Act, the following health services are prescribed—

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

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## 5 Prescribed change for which notice must be given

- (1) For the Act, section 23(4), definition *prescribed change*, paragraph (b) and section 48(6), definition *prescribed change*, paragraph (b), a change relating to an authority holder of the following kind is prescribed—
- (a) a change in the name of the authority holder or an associate of the authority holder;
  - (b) a change in the authority holder's address;
  - (c) if the authority holder or an associate of the authority holder 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 licensee 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 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—

- (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.

## **6 Time for giving of reports**

- (1) This section applies to reports required to be given by the licensee of a private health facility under section 144(1) of the Act.
- (2) For section 144(3)(b) of the Act, the following times are prescribed for giving the reports—
  - (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.

## **7 Giving or disclosing information**

- (1) The agreements stated in schedule 1 are prescribed for section 147(4)(c) of the Act.
- (2) For section 147(4)(h)(ii) of the Act, Hades and Associates Pty Ltd ACN 079 150 940 is prescribed for the purpose of evaluating, managing, monitoring or planning health services by reviewing patterns of health services delivery and projecting the future demand for, and supply of, health services.



## 8 Quality assurance entity

- (1) For the Act, schedule 3, definition *quality assurance entity*, each of the following entities is prescribed—
  - (a) an entity approved by the Commission as an accrediting agency;
  - (b) an entity accredited by JAS-ANZ as being competent to conduct a quality assurance program prescribed under section 9(1)(c).
- (2) In this section—

***accrediting agency*** means an agency that accredits entities against the National Safety and Quality Health Service (NSQHS) Standards developed by the Commission.

***Commission*** means the Australian Commission on Safety and Quality in Health Care established under the *National Health Reform Act 2011* (Cwlth), section 8.

***JAS-ANZ*** means the Joint Accreditation System of Australia and New Zealand.

## 9 Quality assurance program

- (1) For the Act, schedule 3, definition *quality assurance program*, each of the following programs is prescribed—
  - (a) the Evaluation and Quality Improvement Program conducted by the quality assurance entity that is The Australian Council on Healthcare Standards;
  - (b) a program based on the Quality Improvement Council (QIC) Health and Community Services Standards conducted by the quality assurance entity that is Quality Innovation Performance Limited;
  - (c) a program based on the requirements of AS/NZS ISO 9001 conducted by a quality assurance entity.
- (2) In this section—

***AS/NZS ISO 9001*** means the Australian/New Zealand Standard, jointly published by Standards Australia and Standards New Zealand, as in force from time to time under

that designation (regardless of the edition or year of publication of the standard).

## **10 Fees**

The fees payable under the Act are stated in schedule 2.

## **11 Refund of fees**

- (1) The chief health officer must, as soon as practicable, refund the fee paid on a relevant application if—
  - (a) the chief health officer refuses to grant the application; or
  - (b) the applicant withdraws the application before it is decided.
- (2) In this section—

*relevant application* means an application under the Act other than an application for an approval.

## **12 Transitional provision for Health Legislation Amendment Regulation (No. 2) 2017**

Section 3(2) does not apply in relation to a facility until 1 January 2018.

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## Schedule 1      Agreements

## section 7(1)

- 1 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
- 2 Agreement between the Health Authorities of the States and Territories of Australia, the Australian Institute of Health and Welfare, the Australian Commission on Safety and Quality in Health Care and the Commonwealth of Australia concerning the establishment of structures and processes through which the Commonwealth, State and Territory health and statistical authorities will develop agreed programs to improve, maintain and share national health information, commenced December 2011
- 3 Agreement between Queensland and the Australian Capital Territory for the funding of patient services provided to residents of the Australian Capital Territory by Queensland and vice versa, for the period 1 July 2014 to 30 June 2016
- 4 Agreement between Queensland and New South Wales for the funding of patient services provided to residents of Queensland by New South Wales and vice versa, for the period 1 July 2012 to 30 June 2014
- 5 Agreement between Queensland and the Northern Territory for the funding of patient services provided to residents of the Northern Territory by Queensland and vice versa, for the period 1 July 2014 to 30 June 2017
- 6 Agreement between Queensland and South Australia for the funding of patient services provided to residents of Queensland by South Australia and vice versa, for the period 1 July 2014 to 30 June 2017

Schedule 1

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- 7 Agreement between Queensland and Tasmania for the funding of patient services provided to residents of Queensland by Tasmania and vice versa, for the period 1 July 2014 to 30 June 2017
- 8 Agreement between Queensland and Victoria for the funding of patient services provided to residents of Queensland by Victoria and vice versa, for the period 1 July 2014 to 30 June 2017
- 9 Agreement between Queensland and Western Australia for the funding of patient services provided to residents of Western Australia by Queensland and vice versa, for the period 1 July 2014 to 30 June 2017

## Schedule 2 Fees

### section 10

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#### Approvals

- |   |   |          |
|---|---|----------|
| 1 | Application for an approval (Act, s 17(c))—   |          |
|   | (a) for a day hospital  | 1,543.50 |
|   | (b) for a private hospital with not more than 25 beds   | 2,316.50 |
|   | (c) for a private hospital with more than 25 beds but not more than 100 beds                                    | 3,088.50 |
|   | (d) for a private hospital with more than 100 beds but not more than 200 beds                                   | 3,859.50 |
|   | (e) for a private hospital with more than 200 beds  | 4,632.00 |
| 2 | Application for an extension of the term of an approval (Act, s 25(3)(c))                                       | 231.50   |
| 3 | Application to change an approval (Act, s 30(2)(b))—  |          |
|   | (a) for a change to the type of health services proposed to be provided at the proposed private health facility | 461.00   |
|   | (b) for an increase of more than 25 in the number of beds for the proposed private health facility              | 461.00   |
|   | (c) for 1 or more other changes   | 231.50   |
| 4 | Issue of another approval to replace a lost, stolen, destroyed or damaged approval (Act, s 38(4))               | 51.50    |

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#### Licences

- |   |   |  |
|---|---|--|
| 5 | Application for a licence (Act, s 42(c))— |  |
|---|---|--|

## Schedule 2

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(a) for a day hospital	1,543.50
(b) for a private hospital with not more than 25 beds	2,316.50
(c) for a private hospital with more than 25 beds but not more than 100 beds	3,088.50
(d) for a private hospital with more than 100 beds but not more than 200 beds	4,632.00
(e) for a private hospital with more than 200 beds	7,722.00
6 Application for renewal of a licence (Act, s 51(2)(c))—	
(a) for a day hospital—	
(i) if the term of the licence is 1 year or less	231.50
(ii) otherwise	694.00
(b) for a private hospital with not more than 25 beds—	
(i) if the term of the licence is 1 year or less	461.00
(ii) otherwise	1,390.00
(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	925.00
(ii) otherwise	2,779.00
(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	1,852.00
(ii) otherwise	5,559.00
(e) for a private hospital with more than 200 beds—	
(i) if the term of the licence is 1 year or less	3,704.50
(ii) otherwise	11,117.50

	\$
7 Application to change a licence (Act, s 56(2)(b))—	
(a) for a change to the type of health services provided at the private health facility	925.00
(b) for an increase of not more than 25 in the number of beds for the private health facility	461.00
(c) for an increase of more than 25 in the number of beds for the private health facility	925.00
(d) for 1 or more other changes	231.50
8 Application for approval of a prescribed alteration to a private health facility (Act, section 63(c))—	
(a) for a day hospital	231.50
(b) for a private hospital	461.00
9 Application to transfer a licence (Act, s 68(2)(c)(ii))—	
(a) for a day hospital	1,543.50
(b) for a private hospital with not more than 25 beds	2,316.50
(c) for a private hospital with more than 25 beds but not more than 100 beds	3,088.50
(d) for a private hospital with more than 100 beds but not more than 200 beds	4,632.00
(e) for a private hospital with more than 200 beds	7,722.00
10 Issue of another licence to replace a lost, stolen, destroyed or damaged licence (Act, s 79(4))	51.50

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
		)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section



<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 September 2016	none	
1 October 2016	2016 SL No. 175	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
1 October 2017	2017 SL No. 81	RA s 35
13 October 2017	2017 SL No. 213	

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

#### **Private Health Facilities Regulation 2016 SL No. 140**

made by the Governor in Council on 18 August 2016

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 19 August 2016

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2016 (see s 2)

exp 1 September 2026 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.  
amending legislation—

#### **Health Legislation (Fees) Amendment Regulation (No. 2) 2016 SL No. 175 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 30 September 2016

ss 1–2 commenced on date of notification

pt 3 commenced 1 October 2016 (see s 2)

#### **Health Legislation (Fees) Amendment Regulation (No. 1) 2017 SL No. 81**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 9 June 2017

ss 1–2 commenced on date of notification

pt 7 commenced 1 October 2017 (see s 2(2))

#### **Health Legislation Amendment Regulation (No. 2) 2017 SL No. 213**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 13 October 2017

commenced on date of notification

## 5 List of annotations

### **Day hospital health services**

s 3 amd 2017 SL No. 213 s 5

**Transitional provision for Health Legislation Amendment Regulation (No. 2) 2017**  
s 12 ins 2017 SL No. 213 s 6

**SCHEDULE 2—FEES**

sch 2 sub 2016 SL No. 175 s 6; 2017 SL No. 81 s 14

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