

**Health Services Act
Cap.44**

**HEALTH SERVICES (PRIVATE HOSPITALS,
NURSING HOMES, SENIOR CITIZENS'
HOMES AND MATERNITY HOMES)
REGULATIONS, 2005**

The Minister in exercise of the powers conferred on her by section 10 (1) (w) and (y) of the *Health Services Act*, makes the following Regulations:

1. These regulations may be cited as the *Health Services (Private Hospitals, Nursing Homes, Senior Citizens' Homes and Maternity Homes) Regulations, 2005*.

Preliminary

2. For the purposes of these Regulations

Citation

“Advisory and Inspection Committee” means the committee referred to under regulation 14;

“health professional” means a nutrition officer, public health nurse or a drug inspector who is a member of the Advisory and Inspection Committee;

Interpre-
tation

“licence” means a licence issued by the Minister under regulation 6;

“licensee” means a person to whom a licence is issued under regulation 6;

“maternity home” means any premises used or intended to be used for the reception, treatment and nursing of any pregnant woman or of any woman within fourteen days after childbirth;

“nursing home” means any premises used or intended to be used for provision of nursing care by qualified nurses and other therapeutic services for patients;

“private hospital” means a hospital that is provided for and maintained by a person other than government;

“senior citizens’ home” means any premises used wholly or partially for the care of elderly persons for payment where these persons have difficulty in caring for themselves but do not need nursing care provided by qualified nurses.

3. These Regulations shall not apply to any hospital, institution or premises established or maintained by the Minister or by a board committee appointed by the Minister.

Non-applicability of Regulations

Application, Issue, Cessation of Licences

4. Subject to regulation 3, no person shall use or operate or cause to be used or operated premises as a private hospital, nursing home, senior citizens’ home or a maternity home unless he has first applied for and obtained a licence.

Application for licence

5. (1) Every application for a licence under regulation 4 or for the renewal of that licence shall be in the form set out in the First Schedule and shall contain the following information:

Form of application for licence First Schedule

- (a) the full name and address of the owner or the person in charge of the premises;
- (b) the full name and address of the operator of the home or private hospital;

- (c) the hospital or type of home in respect of which the application is being made;
- (d) the location and name (if any) of the hospital or home;
- (e) the activities which are expected to be carried on in the or home;
- (f) the types and numbers of patients to be accommodated in a hospital or home:
- (g) the size of the premises and the area of the floor space where the beds for persons will be accommodated; and
- (h) the number of beds for the accommodation of patients therein;

(2) The Minister may approve an application under paragraph 1 upon a certificate of the Chief Environmental Engineer that the requirements set out in regulations 9, 10 and 11 have been satisfied and subject to such conditions as the Minister thinks fit.

6. (1) Where an application for a licence under regulation 4 has been approved and the appropriate fee set out in the Second Schedule has been paid, the Minister shall issue to the applicant a licence in such form as the Minister approves.

Approval
and issue
of licence
Second
Schedule

(2) Every licence shall

- (a) bear on its face the date of issue, the date of expiry, the name of the licensee and the location of the premises to which it relates;
- (b) state the hospital or type of home which will be operated on the premises;
- (c) state the number of persons that may be accommodated on the premises; and
- (d) be kept affixed to some conspicuous place in the premises to which it relates.

(3) The license referred to in paragraph (2) shall not be transferable and shall be valid only in respect of the person, location or type of hospital or home in respect of which it was issued.

(4) A licence shall, unless previously cancelled or suspended under regulation 8 or 15, be valid for one year from the date of issue.

7. (1) The Chief Medical Officer shall keep a register of all premises in respect of which licences have been issued under these Regulations and the corresponding dates on which they have been issued.

Register of
licensed
premises

(2) The register referred to in paragraph 1 shall contain

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- (a) the information included in the application made in accordance with regulation 5 (2); and
 - (b) information relating to the suspension or cancellation of a licence.

Cessation of
operation by
licensee

8. (1) Where the holder of a licence intends to discontinue operating the premises to which it relates as a private hospital, nursing home, senior citizens' home or maternity home, the licensee shall, not later than 30 days before the cessation of the operation, give notice in writing thereof to the Minister.

(2) Whenever

- (a) a licence ceases to operate a private hospital or home in respect of which the licence was issued;
or
- (b) a licence has been cancelled or suspended under regulation 15, the licensee shall immediately deliver up the licence to the Minister.

*Requirements in respect of Private Hospitals
and Nursing Homes*

9. (1) No person shall operate a private hospital or nursing home unless

Restrictions on the operations of a nursing home and a private hospital

- (a) the person in charge of the private hospital is a registered medical practitioner or in the case of a nursing home, is a registered nurse;
- (b) in the case of a private hospital a registered medical practitioner is at all times on the premises, and in the case of a nursing home he is at all times available to respond to a request to provide his services on the premises;
- (c) provision is made to the satisfaction of the Chief Medical Officer to ensure that suitable medical attention is available to every patient therein whenever required;
- (d) the services of a dietician or nutritionist are available for the purpose of determining the amount and composition of meals served to the patients;
- (e) there is at least one registered nurse to provide nursing services for every 8 patients;

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- (f) patients who are over the age of 10 years and who are of different sexes are accommodated in separated wards or rooms;
 - (g) the floor area of any room used for the accommodation of patients in bed is not less than 8.36 square metres, the floor area to each bed is not less than 4.18 square metres and the distance between each bed is not less than 0.76 metres;
 - (h) there is at least one toilet for every 8 patients of each sex;
 - (i) there are suitably placed hand rails of adequate lengths in the hallways, toilets and shower stalls;
 - (j) there are ramps to facilitate the movement of wheel chairs;
 - (k) there are suitably placed bells or buzzers;
 - (l) there are fire extinguishers in proper working condition and clearly marked and serviceable emergency exits;
 - (m) there is an adequate supply of water and provision for the storage of water that is to be used in emergencies;
 - (n) the toilet seats are equipped with appropriate appliances for use by incapacitated persons or commodes where required;

- (o) there are toilets located within 10 metres of the bedroom and sitting room areas; and
- (p) there is a separate room or specific area to be used solely for the purpose of laundering soiled linen or linen that has been used by a person who has an infectious disease.

Requirements in respect of Senior Citizens' Home

10. (1) No person shall operate a senior citizen's home unless

- (a) the person in charge of the home is a registered medical practitioner, a registered nurse or can satisfy the Chief Medical Officer that he is competent in the science of gerontology;
- (b) a registered medical practitioner or a registered nurse is at all times on the premises, or is at all times available to respond to a request to provide his or her services on the premises;
- (c) provision is made to the satisfaction of the Chief Medical Officer to ensure that suitable medical attention is available whenever required for every patient therein;
- (d) the services of a dietician or nutritionist are available to prescribe the amount and composition of meals to be served to the patients;

Require-
ments for
the opera-
tion of a
senior
citizen's
home

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- (e) there is at least one care-giver to every 10 patients;
 - (f) patients of different sexes are accommodated in separate wards or rooms;
 - (g) the floor area of any room used for the accommodation of patients in bed is not less than 8.36 square metres, the floor area to each bed is not less than 4.18 square metres and the distance between each bed is not less than 0.76 metres;
 - (h) there is at least one toilet for every 8 patients of each sex;
 - (i) there are suitably placed hand rails of adequate lengths in the hallways, toilets and shower stalls;
 - (j) there are ramps to facilitate the movement of wheel chairs;
 - (k) there are suitably placed bells or buzzers;
 - (l) there are fire extinguishers in proper working condition and clearly marked and serviceable emergency exits;
 - (m) there is an adequate supply of water and provision for the storage of water that is to be used in emergencies;
 - (n) the toilet seats are equipped with appropriate appliances for use by incapacitated persons or commodes where equipped;

- (o) there are toilets located within 10 metres of the bedrooms and sitting rooms areas; and
- (p) there is a separate room of specific area to be used solely for the purpose of laundering soiled linen or linen that has been used by a person who has an infectious disease.

Requirements in respect of Maternity Homes

11. (1) No person shall use or operate any premises as a maternity home unless

Require-
ments for
the opera-
tion of a
maternity
home

- (a) the person in charge thereof is a registered medical practitioner or a registered midwife;
- (b) a registered medical practitioner or a registered midwife is at all times on the premises, or is at all times available to respond to a request to provide his or her services on the premises;
- (c) there is at least one registered midwife to every 8 patients;
- (d) the services of a dietician or nutritionist are available to prescribe the amount and composition of meals served to the patients;
- (e) the floor area of any room used for the accommodation of patients in bed is not less than 8.36 square metres, the floor area to each bed is not less than 4.18 square metres and the distance between each bed is not less than 0.76 metres;

- (f) there is at least one toilet for every 8 patients; and
- (g) there is a separate room or specific area to be used solely for the purpose of laundering soiled linen or linen that has been used by a person who has an infectious disease.

(2) For the purposes of this regulation and regulations 9 and 10, no part of the floor over which the ceiling is less than 2.4 metres from the floor shall be taken into consideration in calculating the floor area of any room.

*Admission Registers for Private Hospitals,
Nursing Homes, Senior Citizens' Homes
And Maternity Homes*

12. (1) The person in charge of every private hospital, nursing home, senior citizens' home or maternity home shall keep or cause to be kept a register, to be known as the Admissions Register, of all patients admitted in the private hospital or home, and such Admissions Register shall contain the following information in respect of each patient;

Admissions
Register

- (a) the name, sex, age and address;
- (b) the date of admission;
- (c) the next-of-kin;
- (d) the date of discharge or death;
- (e) the condition for which the patient was admitted;
- (f) the condition of the patient at the time of admission;

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- (g) the name of the registered medical practitioner in attendance; and
 - (h) details of all personal effects or other personal property in the patient's possession.

(2) The person in charge of every private hospital, nursing home, senior citizens' home or maternity home shall keep or cause to be kept in respect of each patient admitted in the private hospital or home such records as shall be necessary to indicate the daily progress of the patient.

(3) The person in charge of every maternity home shall in addition to the records referred to in paragraph (2) keep records containing

- (a) particulars of every infant born in or admitted to the home;
- (b) the weight of every infant at birth or on admission to the home;
- (c) any stillbirths which may occur in the home; and
- (d) the name of the midwife conducting the delivery.

(4) The person in charge of every maternity home shall

- (a) take adequate measures to ensure that every infant born in or admitted to the home is correctly identified; and

- (b) ensure that every delivery is conducted by or under the supervision of a registered medical practitioner or a registered midwife.

(5) The person in charge of a private hospital, nursing home, senior citizens' home or maternity home shall retain in such hospital or home every Admissions Register and every record kept in accordance with these regulations for a period of not less than 6 years from the date of discharge or death of any patient to whom such register or record may relate.

13. Notwithstanding regulation 12, the Chief Medical Officer, a Medical Officer of Health or a Public Health Nurse may request the person in charge of any private hospital, nursing home, senior citizens' home or maternity home to produce for inspection, the Admissions Register or any record kept in accordance with these Regulations.

Power of the Chief Medical Officer to request Admissions Register

Advisory and Inspection Committee

14. (1) The Minister shall establish a Committee to be known as the "Advisory and Inspection Committee" which shall comprise one nutrition officer, one public health inspector, one public health nurse, one drug inspector and one senior environmental engineer.

Appointment of Advisory and Inspection Committee

(2) The Advisory and Inspection Committee may co-opt one Fire Officer and any other person who in the opinion of the Chief Medical Officer, is required to assist in the work of the Advisory and Inspection Committee.

(3) Any medical practitioner or health professional may request relevant medical notes pertaining to any patient, resident or person receiving care and any medication concerning any such person.

(4) Where the Advisory and Inspection Committee inspects the premises of any of the homes or private hospitals specified in subsection (2) and finds that the condition of a home or private hospital does not meet the standard required under these regulations, the Advisory and Inspection Committee shall inform the Chief Medical Officer of this fact and may recommend that a written notice be served on the licensee in accordance with section 11(1) of the Act.

Suspension and Cancellation of Licences

15. (1) The Minister may cancel or suspend a licence granted in accordance with these Regulations where

Suspension
or cancella-
tion of
licences

- (a) there is overcrowding of the private hospital, nursing home, senior citizens' home or maternity home;
- (b) the Chief Medical Officer and the Advisory and Inspection Committee have so advised;
- (c) a notice has been served under section 11 of the Act and there has been no appeal therefrom or the appeal has been dismissed, and the owner or occupier of the private hospital, nursing home, senior citizens' home or maternity home has not within the time specified by the Judge on the dismissal of the appeal carried out the work required by the notice; or

- (d) the person in charge of the private hospital, nursing home, senior citizens' home or maternity home fails to comply with regulation 9, 10, 11 or 13.

(2) The Minister shall cancel the licence if he is satisfied that the holder thereof has ceased to operate the premises to which it relates as a private hospital, nursing home, senior citizens' home or maternity home.

(3) A person who is aggrieved by the decision of the Minister to cancel or suspend a licence under sub-paragraph (a), (b), or (d) of subsection (1) or under subsection (2) may, within 3 months after receipt of a notice of the decision, by notice in writing appeal to a Judge in Chambers.

Miscellaneous

16. The persons other than the Medical Practitioners, Nurses, Nutritionists and Dieticians who have responsibility for providing services directly to patients, residents, or persons receiving care in a senior citizens' home shall hold qualifications of an Enrolled Nursing Assistant or shall hold such other qualifications as the Chief Medical Officer approves.

Qualifications of care-givers

17. A person who operates a private hospital, nursing home, senior citizens' home or maternity home shall be deemed, in relation to the service of food or drink to persons for consumption on the premises, to operating a restaurant for the purposes of the *Health Services (Restaurants) Regulations 1969* at those premises, and regulation 34 of those Regulations shall apply *mutatis mutandis* in relation to that person accordingly.

Application of 1969/234

18. A person who contravenes regulation 4, 8, 9, 10, 11 or 12 is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or to imprisonment for a term of 12 months, or both, and in the case of a continuing offence, to a further fine of \$200 for each day or part thereof during which the offence continues after a conviction is first obtained.

Offences

19. The Health Services (Private Hospitals and Nursing Homes) Regulation 1969 and Health Services (Private Hospitals, Nursing Homes, Senior Citizens' Homes and Maternity Homes) Regulations 1999 are revoked.

Revocation of
1969/235 and
1999/56

APPLICATION FOR A LICENCE TO OPERATE A PRIVATE
HOSPITAL, NURSING HOME, SENIOR CITIZENS'
HOME OR MATERNITY HOME

(Regulation 5)

State the type of hospital or home for which the premises will be used

Full name and address of owner and operator of the premises

Full name and address of the person in charge of the premises

Name and address of the premises

Types and numbers of patients to be accommodated in a hospital or home

Size of premises and the size of the floor space where the beds will be accommodated

Number of bed

The recreational activities which are expected to be carried on in the hospital or home

Telephone number

Date

Signature

11/11/11

SECOND SCHEDULE

(Regulation 6)

- | | | |
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| 1. | Fee payable in respect of the grant of a licence for | |
| | | \$ |
| | (a) a private hospital | 300 |
| | (b) nursing home | 300 |
| | (c) senior citizens' home | 300 |
| | (d) maternity home | 300 |
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 | | |
| 2. | Fee payable in respect of the renewal of a license for | |
| | | \$ |
| | (a) a private hospital | 150 |
| | (b) nursing home | 150 |
| | (c) senior citizens' home | 150 |
| | (d) maternity home | 150 |

Made by the Minister this 4th day of May, 2005

JEROME WALCOTT
Minister responsible for Health

