

---

**CHAPTER 235****HOSPITALS AND HEALTH CARE FACILITIES  
ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Interpretation.
3. Hospitals and Health Care facilities to be operated only under a licence granted by Board.
4. Establishment of Board.
5. Functions of Board.
6. Licence for existing facilities.
7. Board may grant a licence to use a building as a hospital or health care facility.
8. Contents of licence.
9. Duration of licence.
10. Board's refusal to renew.
11. Temporary licence.
12. Register.
13. Board to be notified and approve of change of control.
14. Notice of failure to comply with Act.
15. Revocation of licence.
16. Power of Minister to suspend operations.
17. Transfer of a licence.
18. Variation of a licence.
19. Transfer or variation to be endorsed on licence.
20. Appeal to Minister.
21. Administrator.
22. Administrator deemed to be occupier for certain purposes.
23. Patient to be under care of medical practitioner.
24. Register of patients and particulars in case of transfer or death.
25. The Board to appoint inspectors.
26. Funds and resources of the Board.
27. Accounts and audit.
28. Annual report.
29. Offences not otherwise provided for.
30. Regulations.
31. Secrecy.

SCHEDULE — A Body Corporate.



---

**CHAPTER 235****HOSPITALS AND HEALTH CARE FACILITIES****An Act to provide for the licensing of hospitals and health care facilities and for matters incidental thereto.** *34 of 1998*  
*41 of 1999*

*[Assent 25th August, 1998]*  
*[Commencement 1st May, 2000]*

**1.** This Act may be cited as the Hospitals and Health Care Facilities Act, 1998. Short title.

**2.** (1) In this Act — Interpretation.

“Administrator” means the person who is responsible for the operations and management of a hospital or health care facility;

“Board” means the Hospitals and Health Care Facilities Licensing Board established under section 4;

“building” means a structure, whether permanent or temporary, intended for human habitation; and where two or more buildings are situate on adjacent pieces of land and are occupied by the same person, they shall constitute a single building for the purposes of this Act;

“clinic” means a facility where persons suffering from any sickness, injury or infirmity may be retained for less than twenty-four hours for the purpose of diagnosing and treating the sickness, injury or infirmity, but does not include a licensed hospital;

“diagnostic facility” means any facility used for the purpose of providing information for the diagnosing of sickness or disease, or the extent of injuries suffered by persons and includes any Blood Bank, laboratory or radiology facility including diagnostic imaging;

“health care facility” includes a clinic, a walk-in clinic, a surgical centre, a birth centre, a dialysis centre, a maternity hospital, a diagnostic facility, a therapeutic facility, a health practitioner’s office, a medical practitioner’s

office or any other facility which offers medical or surgical care to any person;

Ch. 224.

Ch. 225.

Ch. 226.

Ch. 227.

Ch. 233.

“health practitioner” means a person who is registered to practice under the Medical Act, the Nurses and Midwives Act, the Dental Act, the Pharmacy Act and the Health Professions Act;

“health practitioner’s office” means a centre for physical examination, diagnosis and treatment of patients by a health practitioner;

“hospital” means a building where beds are available for the admission of persons requiring treatment for any sickness, injury or infirmity, who are given medical or surgical treatment or nursing care;

“licence” means a licence issued by the Board under section 7;

Ch. 224.

“medical practitioner” means a person who is registered to practice under the Medical Act;

“medical practitioner’s office” means a facility where persons suffering from sickness, injury or infirmity may be examined and treated by a licensed medical practitioner;

“Minister” means the Minister responsible for Health;

“therapeutic facility” includes a building or place used for the treatment by means of therapy, of persons suffering from any sickness, disease or injury.

(2) Where under this Act, an Administrator or a member of the staff of a hospital or health care facility is required to be resident, it is not necessary that such person actually reside within the hospital provided that the person is on call and available.

Hospitals and Health Care facilities to be operated only under a licence granted by Board.

**3.** (1) After the commencement of this Act, no person shall —

(a) use any building as a hospital or a health care facility except under and in accordance with the terms of a licence granted by the Board under section 7; and

- (b) use the term “health care facility”, “hospital”, “clinic”, “walk-in clinic”, “surgical centre”, “birthing centre”, “dialysis centre”, “maternity hospital”, “diagnostic facility”, “therapeutic facility”, “health practitioner’s office”, “laboratory”, “ambulance services” or any other term in connection with the use of a building as a place for the care and treatment of persons in need of health care services, unless the building or facility is licensed under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of fifty thousand dollars or to imprisonment for three years or to both that fine and imprisonment.

4. (1) There is established a body to be called the Hospitals and Health Care Facilities Licensing Board.

Establishment of Board.

(2) The Schedule shall have effect with respect to the Board, its members and staff.

Schedule

5. The functions of the Board are —

Functions of Board.

- (a) to issue licences for the use of buildings as hospitals, or health care facilities;
- (b) to regulate and inspect hospitals and health care facilities;
- (c) to initiate investigations into any matter affecting the management, diagnosis or treatment of a person within a hospital or health care facility licensed under this Act;
- (d) to appoint qualified persons (not being a person engaged in the management of a hospital or a health care facility or employed by a hospital or health care facility) to be inspectors for the purposes of this Act; and
- (e) to do such other things as may be prescribed by this Act or any other written law.

6. (1) The occupier of any building which at the commencement of this Act is being used as a hospital or health care facility shall, if the occupier proposes to continue using that building as a hospital or health care facility, make application to the Board within thirty days after the commencement of this Act for the grant of a

Licence for existing facilities.