

Private Hospitals and Medical Clinics (Amendment) Bill

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Bill No: 13/1999

Read the first time: 17th March 1999

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Expenditure of Public Money

Private Hospitals and Medical Clinics (Amendment) Bill

Bill No. 13/1999

Read the first time on 17th March 1999.

An Act to amend the Private Hospitals and Medical Clinics Act (Chapter 248 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Private Hospitals and Medical Clinics (Amendment) Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 of the Private Hospitals and Medical Clinics Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately above the definition of “clinical laboratory”, the following definition:

“ “authorised officer” means —

(a) any public officer appointed by the Director under section 2A(2) to perform the duties and exercise the powers of the Director under this Act or any regulations made thereunder; and

(b) any person authorised by the Director under

section 2A(3) to assist in the administration of this Act;”;

- (b) by inserting, immediately after the definition of “Director”, the following definition:

““healthcare establishment” means any premises or conveyance (not being a private hospital, medical clinic or clinical laboratory or part thereof, and not being an establishment or conveyance maintained by the Government or the National University of Singapore) —

(a) which is used or intended to be used for the provision of any service, or for carrying out any practice or procedure, that is related to the diagnosis, treatment or care of persons suffering from any disease, injury or disability; and

(b) which is declared by the Minister, by order published in the *Gazette*, to be a healthcare establishment for the purposes of this Act;”;

- (c) by deleting the words “or clinical laboratory” in the definition of “licence” and substituting the words “, clinical laboratory or healthcare establishment”.

New section 2A

3. The principal Act is amended by inserting, immediately after section 2, the following section:

“Administration of Act and appointment of officers, etc.

2A.—(1) The Director shall, subject to the general or special directions of the Minister, be responsible for the administration of this Act.

(2) The Director may, in writing, appoint any public officer to perform all duties imposed and exercise all powers conferred on the Director by this Act or any regulations made thereunder, subject to such conditions and limitations as the Director may specify.

(3) The Director may, in writing, authorise any other person to assist in the administration of this Act.

(4) The Director and every authorised officer shall be deemed to be public servants within the meaning of the Penal Code (Cap. 224).

(5) The Minister may establish one or more advisory committees consisting of such persons as he may appoint for the purpose of advising on such matters arising out of the administration of this Act as are referred to them by the Minister or the Director.”.

Amendment of section 3

4. Section 3(2) of the principal Act is amended —

- (a) by deleting “\$5,000” and substituting “\$20,000”; and
- (b) by deleting the words “one year” and substituting the words “2 years”.

Repeal and re-enactment of sections 4 and 5

5. Sections 4 and 5 of the principal Act are repealed and the following sections substituted therefor:

“Licences for private hospitals, medical clinics, clinical laboratories and healthcare establishments

4.—(1) No premises shall be used as a private hospital, medical clinic, clinical laboratory or healthcare establishment except under the authority and in accordance with the terms and conditions of a licence issued by the Director.

(2) If a private hospital, medical clinic, clinical laboratory or healthcare establishment is not licensed or is used otherwise than in accordance with the terms and conditions of its licence, every person having the management or control thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) The Director may order the person having the management or control of any unlicensed private hospital, medical clinic, clinical laboratory or healthcare establishment to close that private hospital, medical clinic, clinical laboratory or healthcare establishment either forthwith or within such time as the Director may specify.

(4) If the person to whom an order is given under subsection (3) fails to comply with the order —

- (a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing

offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction; and

- (b) the Director may take such measures as he thinks necessary to secure the closure of the unlicensed private hospital, medical clinic, clinical laboratory or healthcare establishment.

Application for issue and renewal of licences

5.—(1) An application for a licence shall be made to the Director in the prescribed form and shall be accompanied by —

- (a) the prescribed fee;
- (b) such particulars, information and documents as may be specified by the Director; and
- (c) if required by the Director, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) On receipt of an application under subsection (1), the Director may —

- (a) issue the licence applied for subject to such terms and conditions as he thinks fit to impose; or
- (b) refuse to issue the licence applied for.

(3) In determining whether to issue or refuse to issue a licence, the Director shall have regard to —

- (a) the character and fitness of the applicant to be issued with a licence or, where the applicant is a body corporate, the character and fitness of the members of the board of directors or committee or board of trustees or other governing body of the body corporate;
- (b) the ability of the applicant to operate and maintain a private hospital, medical clinic, clinical laboratory or healthcare establishment, as the case may be, in accordance with the prescribed standards;
- (c) the suitability of the premises (including the facilities and equipment therein) to be licensed for use as a private hospital, medical clinic, clinical laboratory or healthcare establishment, as the case may be; and
- (d) the adequacy of the nursing and other staff that is to be employed at the premises to be licensed.