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HEALTHCARE SERVICES ACT 2020

HEALTHCARE SERVICES ACT 2020 (AMENDMENT OF SCHEDULES) ORDER 2022

In exercise of the powers conferred by section 56 of the Healthcare Services Act 2020, the Minister for Health makes the following Order:

Citation and commencement

1. This Order is the Healthcare Services Act 2020 (Amendment of Schedules) Order 2022 and comes into operation on 3 January 2022 at 8 a.m.

Deletion and substitution of First and Second Schedules

2. The First and Second Schedules to the Healthcare Services Act 2020 are deleted and the following Schedules substituted therefor:

“FIRST SCHEDULE

Sections 3(1) and 56(4)

LICENSABLE HEALTHCARE SERVICES

1. For the purposes of the definition of “licensable healthcare service” in section 3, “licensable healthcare service” means any of the following:

- (a) Blood banking service;
- (b) Clinical laboratory service;
- (c) Cord blood banking service;
- (d) Emergency ambulance service;
- (e) Medical transport service;
- (f) Nuclear medicine assay service;
- (g) Nuclear medicine imaging service;
- (h) Radiological service.

2. In this Schedule and the Second Schedule —

“blood” means whole human blood;

“blood banking service” means a service relating to blood or blood components for therapeutic transfusion that comprises all or any of the following activities:

- (a) the collection of blood or blood components;
- (b) the testing, processing and distribution of blood or blood components;
- (c) the storage of blood or blood components incidental to any activity mentioned in paragraph (a) or (b),

but does not include any of the following:

- (d) the temporary storage of any blood or blood component by a specified person, where the storage is incidental to the provision of the blood or blood component to the patients of the specified person;
- (e) the temporary storage by a specified person (*A*) of any blood or blood component received from another specified person (*B*), where —
 - (i) the blood or blood component is intended to be provided by *A* to *B*’s patients; and
 - (ii) the storage is incidental to *A*’s provision of the blood or blood component to *B*’s patients;
- (f) the distribution of any blood or blood component to a specified person (*C*) on a named patient basis, where *C* does not further distribute the blood or blood component to another specified person (*D*) for use by any patient of *D* other than on a named patient basis;
- (g) the distribution of any blood or blood component that is approaching its expiry date in the possession of a specified person to another specified person, for the sole purpose of preventing the wastage of the blood or blood component, as the case may be;
- (h) the distribution of any blood or blood component in the possession of a specified person to another specified person in response to a national emergency or any other emergency (such as a fire or an explosion) that causes loss of life or injury to individuals;

(i) a cord blood banking service;

“blood component” includes plasma, red blood cells, white blood cells, platelets and cryoprecipitate;

“clinical laboratory service” means the examination or testing of any matter derived from the body of any individual for the purpose of —

- (a) assessing the health, condition or genetic predisposition of that individual or any other individual;
- (b) predicting or providing a prognosis of the health or medical condition of that individual or any other individual;
- (c) diagnosing a disease, disability or condition or an injury of the body or mind of that individual or any other individual;
- (d) determining the intervention to be taken, or the effect of any intervention taken, of a disease, disability or condition or an injury of the body or mind of an individual;
- (e) ascertaining the result of a medical or surgical treatment given to that individual or any other individual; or
- (f) assessing the health, condition or suitability of any human biological material that is used, or is intended to be used, in relation to any healthcare service,

but does not include any of the following:

- (g) a nuclear medicine assay service;
- (h) the testing of any matter derived from the body of any individual that only involves the use of a simple in vitro diagnostic test —
 - (i) by a person licensed under the Private Hospitals and Medical Clinics Act 1980 to use any premises or conveyance as a healthcare institution within the meaning of that Act and that is incidental to the provision of the services authorised under that Act to be provided in the healthcare institution by that person; or
 - (ii) by a licensee and that is incidental to the provision of the licensable healthcare service that the licensee is licensed to provide;

“cord blood” means the whole blood (including haematopoietic progenitor cells) remaining in the placental and umbilical cord blood vessels after an umbilical cord has been clamped;