

New Zealand.



ANALYSIS.

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1906, No. 18.

Title. AN ACT to provide for the Regulation and Inspection of Private Hospitals. [23rd October, 1906.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is “The Private Hospitals Act, 1906”; and it shall come into operation on the first day of January, one thousand nine hundred and seven.

Interpretation. 2. In this Act, if not inconsistent with the context,—

“Minister” means the Minister of the Crown for the time being administering “The Hospital and Charitable Institutions Act, 1885”:

“Patient” means any person received and lodged in a private hospital:

“Prescribed” means prescribed by this Act or by regulations made under this Act:

“Private hospital” means any house, building, tent, or place (other than an institution under “The Hospitals and Charitable Institutions Act, 1885,” or an institution mainly supported by the State) in which medical, surgical, or lying-in cases are received and lodged, or in which it is intended that they shall be received and lodged, for treatment, attendance, or care, and a charge is made for such treatment, attendance, or care.

Private hospitals to be licensed.

3. (1.) No private hospital shall be carried on, used, or conducted except under the authority of a license granted by the Minister.

(2.) Every person who commits a breach of this section is liable to a fine not exceeding fifty pounds.

4. (1.) Every application for a license shall be addressed to the Minister, and shall state the full name, place of abode, and occupation of the applicant. Application for license.

(2.) Such application shall be accompanied by the prescribed fee, and, except in the case of renewals, by—

- (a.) A statement of the number of patients proposed to be received into the house ;
- (b.) A plan of the house on a scale of not less than the eighth of an inch to the foot ;
- (c.) A description of the situation thereof ;
- (d.) A statement of the length, breadth, and height of, and a reference by a figure or letter to, every room and apartment therein ;
- (e.) A statement of the rooms to be used exclusively by the patients and those to be used exclusively by the licensee and his family or by the manager and his family ;
- (f.) A full statement of the sanitary arrangements ; and
- (g.) A statement as to the class of cases intended to be received, whether lying-in cases or surgical and medical cases, or both.

(3.) No license shall be granted in respect of a house not previously licensed until the house and the buildings annexed thereto have been approved by the Inspector-General of Hospitals ; and no alteration or addition to any private hospital shall be made until the plan thereof has been approved by him.

(4.) Before granting any such license the Minister shall satisfy himself as to the character and fitness of the applicant.

(5.) The license shall state whether it is in respect of a lying-in private hospital or a surgical and medical private hospital ; and no lying-in patient shall be received in a private hospital unless it is licensed for such cases, and no patient other than a lying-in patient shall be received in a private hospital licensed for lying-in cases only :

Provided that where the Minister is satisfied that the accommodation is suitable he may specially license a private hospital for both purposes.

5. The fee payable for a license and for every renewal thereof shall be ten shillings. License fee.

6. The license shall continue in force until the thirty-first day of December next after the date thereof, unless it is previously revoked as hereinafter mentioned. Duration of license.

7. (1.) For every private hospital there shall be a resident manager, who may be either the licensee himself or some person appointed by the licensee ; and in every case the manager shall be either a legally qualified medical practitioner, or Manager of hospital to be appointed.

- (a.) A registered nurse in the case of a surgical and medical hospital ; or
- (b.) A registered midwife in the case of a lying-in hospital ; or
- (c.) A registered nurse and midwife, or a registered nurse having as resident assistant a registered midwife, in the case of a hospital licensed for both purposes.

(2.) The full name and qualification of every person intended to be appointed from time to time under the last preceding subsection shall be submitted by the licensee to the Minister for approval.

Manager to give certain statutory notices.

8. (1.) The manager of a private hospital shall be deemed to be the occupier of the house for the purposes of—

(a.) Giving notice under section twenty-six of “The Public Health Act, 1900,” of any patient found or suspected to be sick of any infectious disease :

(b.) Giving information under “The Registration of Births and Deaths Act, 1875,” of the death of any patient or of the birth of any child in the hospital.

(2.) If the manager of any private hospital fails to give any such notice or information he shall be liable to a fine not exceeding fifty pounds in lieu of that imposed by the said section twenty-six.

Register of Patients.

9. (1.) In every private hospital there shall be kept in the prescribed form a Register of Patients, in which shall from time to time be entered—

(a.) The name, age, and usual place of abode of every patient, and the date of his reception into the hospital ;

(b.) The name of the medical practitioner (if any) attending him ;

(c.) The date when he left the hospital, or, in the event of his death, the date thereof ; and

(d.) Such other particulars as may be prescribed.

(2.) Such particulars shall be entered on the register by the persons, and at the times, and in the manner prescribed by regulations.

(3.) Every person required by regulations to make any such entry who knowingly suppresses any material fact or enters any particulars that are untrue is liable to a fine not exceeding one hundred pounds.

Hospitals to be open to inspection.

10. Every private hospital, and every part thereof, together with the Register of Patients hereinbefore mentioned, shall at all times be open to inspection in the same manner and by the same persons as in the case of institutions under “The Hospitals and Charitable Institutions Act, 1885.”

Private hospital to be used only as such.

11. A private hospital shall not during the currency of its license be used for any other purpose than that for which it is licensed.

Regulations.

12. The Governor may from time to time, by Order in Council gazetted, make regulations for the licensing, management, and inspection of private hospitals, and generally for carrying this Act into effect ; and may by such regulations impose a fine not exceeding fifty pounds for any breach thereof.

Inquiry as to management of private hospital.

13. (1.) The Minister may at any time cause an inquiry to be made, by some person to be appointed by him for the purpose, as to the management and conduct of any private hospital.

(2.) The person so appointed shall for the purposes of such inquiry have all the powers of a Commission under “The Commissioners Act, 1903,” and shall report the result of the inquiry to the Minister.

(3.) The Minister may, if he thinks fit, after any such inquiry revoke the license granted in respect of the private hospital, and in such case no new license shall be granted to the person whose license is so revoked for a period not exceeding five years from the date of such revocation :

Provided that no license shall be revoked unless the licensee has been afforded opportunity of giving and producing evidence at the inquiry.

14. The fact that two or more persons, not members of the occupier's family, are received into any house in any one month as lying-in cases, or who there receive medical or surgical treatment, attendance, or care, shall, unless the contrary is proved, be sufficient evidence that the house is a private hospital within the meaning of this Act, whether or not it is proved that any charge is made for such treatment, attendance, or care. Presumption of house being a private hospital.

15. (1.) Section eighteen of "The Public Health Amendment Act, 1903," is hereby repealed. Repeal.

(2.) Every license issued under that section and in force at the coming into operation of this Act shall, unless lawfully revoked, continue in force until the thirty-first day of December, one thousand nine hundred and seven.