HOSPITALS AMENDMENT BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title and commencement. The Bill is to come into force on 1 October 1985.

Clause 2 amends section 3 of the principal Act to empower the Minister of Health to advise Hospital Boards of recommendations of the Board of Health. An equivalent provision is contained in section 3 of the Area Health Boards Act 1983.

Clause 3 corrects a typographical error in an amendment to the principal Act effected in the Fourth Schedule to the Health Services Personnel Act 1983.

Clause 4 rectifies a minor drafting error in section 52 of the principal Act.

Clause 5 replaces section 55 of the principal Act with an amended section along the lines of section 45 of the Area Health Boards Act 1983. At present, a Hospital Board may, without the Minister's consent, close for up to 3 months any institution under its control; but any longer closure, and any reduction in the forms of care, treatment, or relief available from institutions under its control, must have the consent of the Minister given on the recommendation of the Hospitals Advisory Council. The amended section allows restrictions on forms of care, etc., and cessation of particular services, without the Minister's consent; and requires regard to be had to the development plans of the Hospital Board concerned before consent to a closure of more than 3 months is given.

Clause 6 inserts a new *section 59A* into the principal Act empowering any Hospital Board to authorise researchers to have access to institutions under its control.

Clause 7 amends section 61 of the principal Act so as to make it compulsory for medical practitioners who wish to treat maternity patients in any institution under the control of a Hospital Board to enter into an appropriate agreement with that Board. At present such agreements are optional.

Clause 8 amends section 62 (4) of the principal Act so as to allow the release of information relating to a hospital patient to Department of Education psychologists and to any solicitor acting for the patient.

Clause 9 amends section 65 (1) of the principal Act so as to simplify the wording of paragraph (ff), which empowers Hospital Boards to make bylaws relating to the control of motor vehicles on their land, and so as to increase the maximum fine for breach of a Hospital Board bylaw from $20 to $500.

Price 80c

Clause 10 adds to section 78A of the principal Act a new *subsection (12)* requiring every Hospital Board to fix, by resolution in open meeting, a scale of fees payable to the Board. At present fees are set by regulation.

Clause 11 amends section 95A of the principal Act so as to extend the payment of annual allowances and remuneration to chairmen of special committees of Boards.

Clause 12 inserts into the principal Act a new *section 121A*, requiring the Minister to have regard to existing and planned services in the locality in which a private hospital will be or is situated, when deciding whether or not to issue a licence for a new private hospital, or vary any term of the licence of any existing hospital.

Clause 13 inserts into the principal Act a new *section 128A* empowering the Minister to cancel the licence of a private hospital and issue a new licence, where the old licence is transferred, or its terms are varied, or it has been damaged, lost, or destroyed.

Clause 14 changes the name of the Waipawa Hospital District to the Central Hawke's Bay Hospital District; and has the consequential effect of changing the name of the Waipawa Hospital Board to the Central Hawke's Bay Hospital Board.

Hon. Dr Michael Bassett

HOSPITALS AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Hospitals Act 1957

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

1. Short Title and commencement—(1) This Act may be cited as the Hospitals Amendment Act 1985, and shall be read together with and deemed part of the Hospitals Act 1957* (hereinafter in this Act referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1985.

2. Functions of Minister—Section 3 of the principal Act is hereby amended by inserting, before paragraph (d), the following paragraph:

"(cd) To advise Boards, as he thinks fit, of recommendations made by the Board of Health:".

*R.S. Vol. 2, p. 757
Amendments: 1980, No. 25; 1981, No. 144; 1982, No. 76; 1982, No. 143, 1983, No. 77

3. Bonds—Section 51B of the principal Act is hereby amended by—

(a) Inserting, after the word "sustenance", the words "or for any other special purpose, may be required as a"; and

(b) Omitting those words where they appear after the words "Commission may require".

4. Remuneration and conditions of service of hospital board employees subject to awards or collective agreements—Section 52 of the principal Act (as substituted by section 65 (1) of the Health Service Personnel Act 1983) is hereby amended by omitting from subsection (1) the words "area health boards", and substituting the word "Boards".

5. Closing of institutions and health services—(1) The principal Act is hereby amended by repealing section 55 (as amended by section 7 of the Hospitals Amendment Act 1968), and substituting the following section:

"55. (1) Any Board may, with the consent of the Minister, given on the recommendation of the Hospitals Advisory Council and after he and it have had regard to that Board's development plans, close any institution under its control.

"(2) Notwithstanding **subsection (1)** of this section, a Board may, without the consent of the Minister,—

"(a) Close any institution under its control for a period not exceeding 3 months at any one time:

"(b) Restrict the forms of care, treatment, or relief granted in or from any institution or service under its control:

"(c) Close a health centre or a family health counselling centre under its control:

"(d) Cease to provide any particular service."

(2) Section 7 of the Hospitals Amendment Act 1968 is hereby consequentially repealed.

6. Access for persons conducting research—The principal Act is hereby amended by inserting, after section 59, the following section:

"59A. A Board may from time to time enter into an agreement with any person providing for access to any institution or service under the control of that Board of any person engaged in research into any matter related to any service provided by the Board."

7. Access to maternity hospitals and wards by medical practitioners—Section 61 of the principal Act is hereby amended by omitting the word "may", and substituting the word "shall".

5 **8. Non-disclosure of medical information**—(1) Section 62 (4) of the principal Act (as substituted by section 3 of the Hospitals Amendment Act 1980) is hereby amended by adding to paragraph (d) the words ", or by any psychologist employed by the Department of Education".

10 (2) The said section 62 (4) is hereby further amended by inserting, after paragraph (g), the following paragraph:

"(ga) Information disclosed to a solicitor who is acting for the patient and who requests it for any purpose that is in the interests of the patient:".

15 **9. Bylaws**—(1) Section 65 (1) of the principal Act is hereby amended by repealing paragraph (ff) (as inserted by section 9 of the Hospitals Amendment Act 1970, and amended by section 12 of the Hospitals Amendment Act 1973), and substituting the following paragraph:

20 "(ff) Regulating the entry, use, and parking of vehicles on land owned by or vested in the Board, or on roads under the Board's control:".

(2) Section 65 (1) (j) of the principal Act is hereby amended by omitting the expression "$20" (as substituted by section 7 25 of the Decimal Currency Act 1964), and substituting the expression "$500".

(3) The following provisions are hereby consequentially repealed:

(a) Section 9 of the Hospitals Amendment Act 1970:

30 (b) Section 12 of the Hospitals Amendment Act 1973.

10. Liability for cost of treatment—(1) Section 78A of the principal Act (as inserted by section 10 (1) of the Hospitals Amendment Act 1968 and amended by section 14 of the Hospitals Amendment Act 1973) is hereby amended by adding 35 the following subsection:

"(12) Every Board shall from time to time, by resolution in open meeting, prescribe a scale of the fees payable under subsection (2) of this section."

(2) Section 65 (1) (i) of the principal Act is hereby 40 consequentially repealed.

11. Annual allowances and remuneration to Chairmen, Deputy Chairmen, chairmen of standing and special committees, and members—Section 95A of the principal Act (as substituted by section 39 (2) of the Local Government Amendment Act 1985) is hereby amended by inserting, after the word "standing", in both places where it appears, the words "or special".

12. Minister to have regard to existing services—(1) The principal Act is hereby amended by inserting, after section 121, the following section:

"121A. (1) In determining whether or not to issue a licence, or to vary the terms of a licence under section 124 of this Act, the Minister shall have regard to the services (being services of the kind intended to be provided in the hospital to which the application concerned relates) provided, and planned to be provided, within the locality in which that hospital will be or is situated.

"(2) **Subsection (1)** of this section shall not affect the generality of section 122 (2) or section 124 (3) of this Act."

(2) Sections 121 and 122 of the principal Act are hereby amended—

(a) By omitting the word "granted", in both places where it appears, and substituting, in each case, the word "issued"; and

(b) Omitting the word "grant", and substituting the word "issue".

13. Substituted licences—The principal Act is hereby amended by inserting, after section 128, the following section:

"128A. Notwithstanding anything in this Part of this Act, the Minister may, if he thinks fit, cancel an existing licence and issue a new licence in substitution for it,—

"(a) To a person to whom the existing licence is being or has been transferred under section 127 or section 128 of this Act:

"(b) To the existing licensee, where the terms of the existing licence are to be or have been varied under section 124 (3) of this Act:

"(c) To the existing licensee, where the existing licence has become disfigured or dilapidated, or contains a mistake, or where the Minister is satisfied that the existing licence has been lost or destroyed."

14. Change of name of hospital district—The First Schedule to the principal Act is hereby amended by omitting, from the first column of item 25, the word "Waipawa", and substituting the words "Central Hawke's Bay".

WELLINGTON, NEW ZEALAND: Printed under the authority of the New Zealand Government by V. R. WARD, Government Printer—1985

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