



New South Wales

Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2022

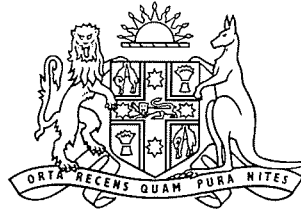
Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Public Health Act 2010 No 127	2

This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments.



New South Wales

Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2022

Act No , 2022

A Bill for

An Act to amend the *Public Health Act 2010* to bring the definition of a nursing home into line with relevant Commonwealth legislation so as to ensure that the requirement for a registered nurse to be on duty at all times at a nursing home is continued.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Public Health Amendment (Registered Nurses in Nursing Homes) Act 2022</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Public Health Act 2010 No 127	7
(1) Section 5 Definitions	8
Omit the definition of <i>nursing home</i> from section 5(1). Insert instead—	9
<i>nursing home</i> means a facility at which residential care within the meaning of the <i>Aged Care Act 1997</i> of the Commonwealth is provided, being—	10 11 12
(a) a facility at which a high level of residential care (however described under or in accordance with that Act) is provided, or	13 14
(b) a facility of a class prescribed by the regulations.	15
Note. The definition of “residential care” in the <i>Aged Care Act 1997</i> of the Commonwealth is as follows—	16 17
(1) Residential care is personal care or nursing care, or both personal care and nursing care, that:	18 19
(a) is provided to a person in a residential facility in which the person is also provided with accommodation that includes:	20 21
(i) appropriate staffing to meet the nursing and personal care needs of the person; and	22 23
(ii) meals and cleaning services; and	24
(iii) furnishings, furniture and equipment for the provision of that care and accommodation; and	25 26
(b) meets any other requirements specified in the Subsidy Principles.	27 28
(2) However, residential care does not include any of the following:	29
(a) care provided to a person in the person’s private home;	30
(b) care provided in a hospital or in a psychiatric facility;	31
(c) care provided in a facility that primarily provides care to people who are not frail and aged;	32 33
(d) care that is specified in the Subsidy Principles not to be residential care.	34 35
(2) Section 104 Nursing homes to be staffed by registered nurses	36
Omit section 104(1)(a). Insert instead—	37
(a) at least the prescribed number of registered nurses are on duty in the nursing home at all times, and	38 39
(3) Section 104(3)	40
Omit the subsection. Insert instead—	41
(3) In this section—	42
<i>director of nursing</i> of a nursing home means the person responsible for the overall care of the residents of the nursing home.	43 44
<i>prescribed number</i> means the number prescribed by the regulations for the purposes of subsection (1)(a), being a number not less than 1,	45 46

determined by reference to the number of residents or patients at the nursing home concerned.

1
2