

Legislative Council.

No. , 1908.

A BILL

To provide for the regulation and inspection of private hospitals.

[DR. MACKELLAR ;—30 July, 1908.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

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Preliminary.

1. This Act may be cited as the "Hospitals Act, 1908."

Short title.

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

Definitions.

"Birth" includes still-birth and miscarriage at any period.

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"Hospital nurse" means a woman who holds a certificate from a recognised medical and surgical hospital showing that she has attended the practice of such hospital for not less than three years, and that she has passed the prescribed examination, and shown proficiency in medical and surgical nursing.

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"Manager"

- “Manager” means the resident manager of a private hospital.
- “Midwifery nurse” means a woman who holds a certificate from a recognised maternity hospital showing that she has attended the practice of such hospital for not less than one year, and that she has passed the prescribed examination and shown 5 proficiency in midwifery, nursing, and obstetrics.
- “Minister” means the Minister of the Crown for the time being charged with the administration of this Act.
- “Patient” means any person received and lodged in a private hospital. 10
- “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 wholly or in part supported by the State) in which medical and surgical or lying-in cases are 15 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.
- “Recognised” means recognised by the Minister for the purposes 20 of this Act.

Registers of trained nurses and midwives.

3. The Board of Health shall cause to be kept a register of hospital nurses and midwifery nurses for the purposes of this Act, and such registers shall contain the prescribed particulars and be kept in the prescribed form. 25

Registered nurse to inform board of change of her address.

4. Each person whose name is on any such register shall, from time to time, inform the Board of Health of any change in her address, and if default is made in complying with this section her name may be removed by the board from such register.

Removal of names from registers.

5. The said board may remove from any such register the 30 name of any person who—

- (a) has died, or has for a continuous period of six months been absent from New South Wales; or
- (b) has been convicted of any felony or misdemeanour, or of any offence which, if committed within New South Wales, would 35 be a felony or misdemeanour; or
- (c) has knowingly acted as nurse in a private hospital carried on otherwise than under this Act.

Licensing of private hospitals.

Private hospital to be licensed.

6. (1) No private hospital shall be carried on, used, or 40 conducted, except under the authority of a license granted by the Minister on the recommendation of the Board of Health.

(2)

(2) Every person who commits a breach of this section shall be liable to a fine of not exceeding *fifty* pounds and not less than *ten* pounds.

(3) Provided that the Minister may, on the recommendation of the Board of Health, exempt any hospital from the operation of this Act.

(4) Provided that institutions licensed under the Lunacy Act of 1898, or the Inebriates Act of 1900, or amendments of these Acts, are exempt from the operation of this Act.

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

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

(a) a statement of the maximum number of patients proposed to be received into the private hospital ;

(b) a plan of any house or building included in such hospital, on a scale not less than eight feet to the inch ;

(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 nurses and other employees, and by the licensee and his family, or by the manager and his family ;

(f) a full description of the sanitary arrangements ; and

(g) a statement as to the class or classes of cases intended to be received, whether lying-in cases or surgical and medical cases.

8. (1) No license shall be granted in respect of a private hospital not previously licensed until the house and the buildings annexed thereto have been approved by the Minister aforesaid, and no addition to any private hospital shall be made until the plan thereof has been approved by the Minister as aforesaid. Granting of the license.

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

(3) The license shall state whether it is in respect of a lying-in private hospital or a medical and surgical 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 for lying-in cases only :

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

9. 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 provided, but may be renewed by the granting of a new license. Period of license.

Management

Management of private hospitals.

Manager of hospital.

10. (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—

- (a) a hospital nurse, in the case of a surgical and medical hospital;
- (b) a midwifery nurse, in the case of a lying-in hospital; or
- (c) a hospital nurse and midwifery nurse, or a hospital nurse having, as resident assistant, a midwifery nurse in the case of a hospital licensed for other purposes.
- (d) a person approved by the Inspector-General of the Insane in the case of patients suffering from mental disease or mental defect or enfeeblement;
- (e) the person named in the order given under section one, paragraph (f), of the Inebriates Act, 1900, as attendant.

(2) The full name and qualification of every person intended to be appointed under paragraphs (b) and (c) aforesaid, shall be submitted by the licensee to the Board of Health for approval.

Notice of infectious diseases.

11. (1) When any patient in a private hospital is found or reasonably suspected to be sick of any infectious disease, the manager shall, within twenty-four hours, give notice thereof to the Board of Health, if within the metropolitan police district, or to the senior police officer if beyond that area, in a form to be prescribed.

(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 section twenty-nine of the Public Health Act of 1902.

(3) For the purposes of this section the term "infectious disease" includes septic peritoneal and uterine conditions, septicæmia, 30 and erysipelas, in addition to any diseases which may be proclaimed under the provisions of the Public Health Act of 1902.

Notice of death or birth.

12. In the case of the death of any patient or the birth of any child in a private hospital, the manager shall, within twenty-four hours, and in case of a death before interment, report the same to the district registrar, giving full particulars of the death or birth according to a form to be prescribed; and any manager who fails to make such immediate report shall be liable to a penalty not exceeding *twenty* pounds.

Register to be kept in hospital.

13. (1) In every private hospital there shall be kept, in a form to be prescribed, 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)

- (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.

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

(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
10 hundred pounds.

14. Every private hospital, and every part thereof, together with the register of patients mentioned in the last preceding clause, shall at all times be open to inspection by the president of the Board of Health, or by any person duly authorised by the Board of Health
15 on that behalf. Inspection of hospital.

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

16. (1) The Minister may at any time cause an inquiry to be made as to the management of any private hospital by some person
20 to be appointed by him for that purpose. Inquiry as to management of private hospitals.

(2) The person so appointed shall, for the purpose of such inquiry, have all the powers of a Commission under the Royal Commissioners' Evidence Act, 1901, and shall report the result of the inquiry to the Minister.

25 (3) The Minister may, if he thinks fit, after such inquiry, revoke the license granted in respect of the private hospital, and, in such cases, no new license shall be granted to the person whose license is so revoked for a period of four years from the date of such revocation: Provided that no license shall be revoked unless the
30 licensee has been afforded opportunity of giving and producing evidence at the inquiry.

17. The fact that two or more persons, not members of the occupier's family, are received and lodged in any house, building, tent, or place in any one month, or six persons within one year, as lying-in
35 cases, or for other medical or surgical treatment, attendance, or care, shall be prima facie evidence that the house, building, tent, or place is a private hospital within the meaning of this Act, whether or not it is proved that a charge is made for lying-in or for such treatment, attendance, or care. Evidence that house, &c., is a private hospital.

40 18. The Governor may, on the recommendation of the Board of Health, make regulations prescribing the examination, registration, and certification of hospital nurses and midwifery nurses for the licensing, management, and inspection of private hospitals, and generally for carrying this Act into effect, and may by such regulations
45 impose a fine not exceeding *fifty* pounds for any breach thereof. Regulations under this Act shall be published in the Gazette. Regulations.

