


Symposium on Healthcare Facilities Management 2019

Private Healthcare Facilities Ordinance

Food and Health Bureau
Department of Health
January 2019

Content

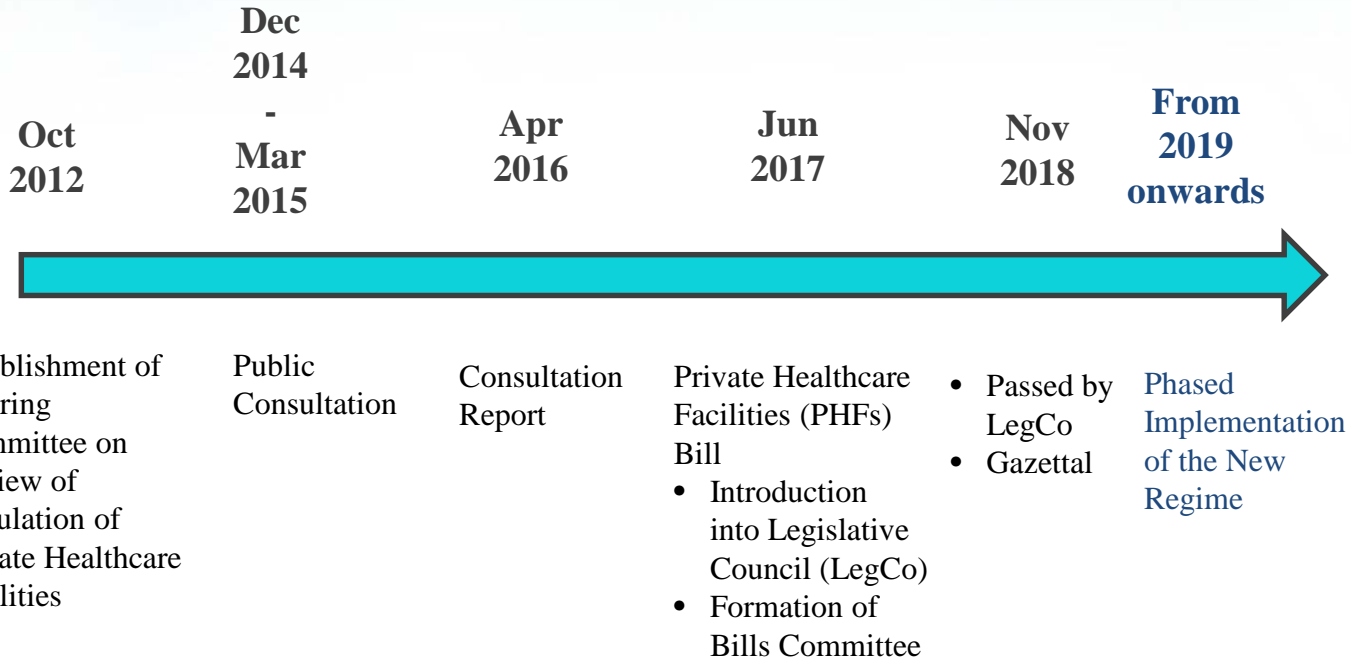
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- 01 What's happened so far?
 - 02 How will I be affected?
 - 03 What should I do?





What's happened so far?

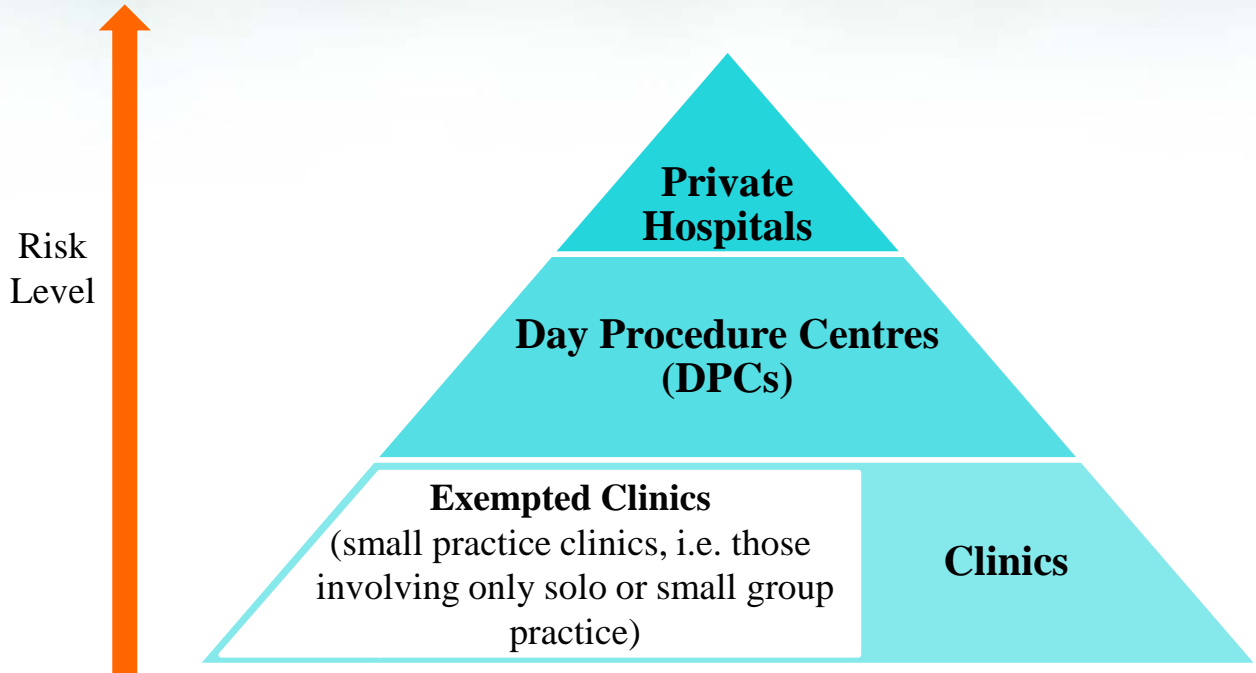
The Journey





How will I be affected?

Types of PHFs to be Regulated



- Health services establishments: Schedule 9 to the Ordinance

Types of PHFs to be Regulated

Type	Definition	Licences / Letters of Exemption
Private Hospital	<ul style="list-style-type: none"> • Premises where medical practitioners and/or dentists practise • With lodging 	<p><u>Licences</u></p> <ul style="list-style-type: none"> • Application commences in mid-2019 • Anticipated to take effect in early 2021
Day Procedure Centre	<ul style="list-style-type: none"> • Premises where medical practitioners and/or dentists practise • Without lodging • Providing “scheduled medical procedures” 	<p><u>Licences</u></p> <ul style="list-style-type: none"> • Application anticipated to commence in 2020 • First batch anticipated to take effect in early 2021
Clinic	<ul style="list-style-type: none"> • Premises where medical practitioners and/or dentists practise • Without lodging • Not providing “scheduled medical procedures” • Exemption arrangement available for eligible small practice clinics 	<p><u>Licences and Letters of Exemption</u></p> <ul style="list-style-type: none"> • Application anticipated to commence in 2021 at the earliest • Taking effect: will be announced in due course

Small Practice Clinic - Letter of Exemption



- 1 Sole Proprietor
or
≤ 5 Partner(s) / Director(s)
- No medical practitioners are under limited registration
- The sole proprietor / partner(s) / company / director(s) have **exclusive right** to use the premises
- Only the sole proprietor / partners / directors can practise in the clinic, except for locum:
 - ≤ 60 days for each sole proprietor / partner / director in a calendar year
 - ≤ 180 days per clinic in a calendar year

Small Practice Clinic - Letter of Exemption











‘YES’ to all of the above:

Ask the Director of Health for a letter of exemption



Exemption applies to 3 clinics of every registered medical practitioner (not under limited registration) / registered dentist, of his / her choice

Small Practice Clinic - Letter of Exemption

	Licence	Letter of Exemption
Requirement on chief medical executive		
Regular inspection		
Renewal		
Distinct and separate premises requirement (section 66)		
Separate entrance requirement (section 67)		
Prohibited use of “operating room” or similar expressions (section 70)		
Prohibited use of certain titles or descriptions (section 92)		

Key Licensing Requirements for PHFs

- Licensee and Chief Medical Executive
- Medical Advisory Committee
- Price Transparency
- Complaints Management System
- Regulatory Standards



Licensee and Chief Medical Executive

- Applicable to licensed PHFs (i.e. not for small practice clinics being exempted)



- ✓ Wholly responsible for the PHF's operation
- ✓ Appointing the chief medical executive (CME)



- ✓ Taking charge of the PHF's day-to-day administration
- ✓ Different requirements on CME for different types of PHFs

Requirements on CME

	Private Hospital	DPC	Clinic	Clinic (For clinics operated <u>by the same licensee</u>)
General	<ul style="list-style-type: none"> • Must possess the necessary qualifications and experience • Must be physically and mentally fit to administer a PHF • Must be of integrity and good character 			
Qualifications	Registered medical practitioner	<ul style="list-style-type: none"> • Medical practice: Registered medical practitioner • Dental practice: Registered dentist • Both medical and dental practices: Registered medical practitioner (with a registered dentist appointed to assist CME) 		
Experience	≥ 15 years (Registered in HK)	≥ 6 years (Registered in HK)	≥ 4 years (Registered in HK)	≥ 8 years (Registered in HK)
Others	Must not serve as CME of another PHF concurrently	<p>A person must <u>not</u> serve as CME of –</p> <ul style="list-style-type: none"> ➤ More than two DPCs; ➤ More than three clinics; or ➤ More than one DPC and one clinic, <p>except for the case at the column on the right</p>		<p>A person may serve as CME of <u>more than three</u> clinics of the same licensee concurrently, provided that –</p> <ul style="list-style-type: none"> ➤ A Medical Advisory Committee is established for the clinics; ➤ For each clinic, a registered medical practitioner/registered dentist serving the clinic is appointed to assist CME; and ➤ The person does not serve as CME of another PHF concurrently

Medical Advisory Committee



To be established by the licensee of –

- private hospitals or
- ≥ 4 clinics managed by the same licensee

To advise the licensee on –

- Qualifications and clinical responsibilities of healthcare professionals
- All matters concerning medical diagnosis, treatment and care
- All matters concerning quality of care for, and safety of, patients



Both licensee and CME are responsible for ensuring that MAC's advice is properly implemented

Price Transparency

	Private Hospital	DPC	Clinic
Provision of Fee Schedules / Price Information	✓	✓	✓
Provision of Budget Estimates	✓	-	-
Disclosure of Historical Bill Sizes Statistics	✓	-	-

Complaints Management System

- A two-tier complaints handling system is proposed

First Tier

- PHF to manage complaints at source
- Licensee to put in place a complaints handling procedure

Second Tier

- Unresolved complaints to be handled according to a centralized mechanism
(*Committee on Complaints against Private Healthcare Facilities*)

Regulatory Measures and Sanctions

Regulatory Measures

Tackle with breaches of the law and licensing requirements (e.g. Code of Practice)

Examples

Example 1:
Cancellation of licence

Example 2:
Suspension of facility service

Regulatory Measures and Sanctions

Offences

- To deter serious and intentional non-compliance
- Licensees could be subject to sanctions for certain contraventions

Examples

Example 1:

Operating a PHF that is not licensed or exempted
(Maximum penalty - a fine of \$5 million and imprisonment for five years)

Example 2:

Failing to comply with a suspension order to suspend a facility service
(Maximum penalty - a fine of \$1 million and imprisonment for two years)



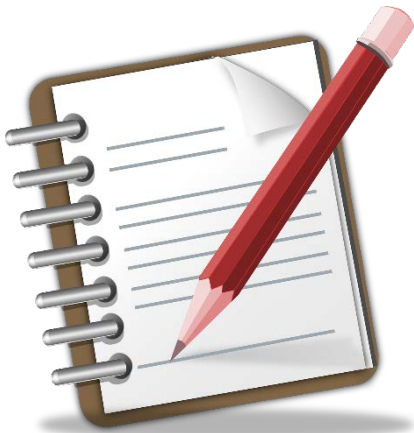
What should I do now?

If your DPC / clinic requires a licence and was in operation on 30 Nov 2018...

- In application for a full licence, you will be issued a provisional licence if meeting certain conditions
 - The applicant is fit and proper person
 - CME to be appointed is fit and proper person
 - Operation would not be contrary to public interest
- The provisional licence allows the DPC / clinic to continue to operate during the transitional period under the new regulatory regime before being qualified for a full licence

If your DPC / clinic requires a licence and was in operation on 30 Nov 2018...

*Examples of documentary proof
(not for small practice clinics):*



- 01 Copy of Business Registration Certificate showing medical services were carried out
- 02 Records of procurement or maintenance of drugs and medical equipment
- 03 Other licence(s) relating to the provision of medical services concerned
- 04 Records of employment / appointment of healthcare staff

If your DPC / clinic requires a licence, and was not in operation on 30 Nov 2018 ...

- You should aim at fulfilling the requirements under the new regulatory regime at the time of application for licence



Thank you

Private Healthcare Facilities Ordinance

Department of Health

Implementation of Licensing Scheme

- ✓ Transitional Arrangement and Licence Application
- ✓ Upcoming Publicity Activities

Phased Implementation

Types of PHFs	Commencement of Licence Application	First batch of Licences Taking Effect	All Facilities Operating with Licence	All Facilities Operating with <u>Full</u> Licence
Hospital	Mid-2019	2021 (Full only)	2021	2021
Day Procedure Centres (DPC)	2020	2021 (Full/provisional)	To be determined	To be determined
Clinics	2021 (at the earliest) #	To be determined	To be determined	To be determined

Transitional Arrangement - Provisional Licence

Eligible PHFs

- ✓ **Day procedure centres (section 135) and clinics (section 136)**
 - ✓ in operation on a specified date (30 November 2018)
 - ✓ application for licence made within specified period (to be announced)
[subject to conditions specified in s135/136)

Application

- ✓ Made in accordance with s13 by operators
- ✓ PHFs eligible for provisional licence - documentary proof of operation of the relevant services at the relevant premises on the specified date. E.g. business registration, records of procurement/maintenance, licences, and other relevant proof

DPCs or Clinics not in operation until after 30 Nov 2018

- ✓ Apply for **full** license after commencement of licensing scheme (2020 for DPCs; 2021 tentatively for clinics)
- ✓ May continue operation without license until section 10 takes effect (i.e. prohibition of operation without license/exemption)
- ✓ Licensees must fully comply with licensing standards

Code of Practice

- ✓ Issued by the Director of Health in accordance with s102
- ✓ Compliance with Code of Practice is a licensing condition
- ✓ Sets out standards to be complied by relevant type of licensed PHFs
- ✓ CoP for DPCs and clinics – based on standards developed by or in consultation with the Project Steering Committee on Standards for Ambulatory Facilities

Code of Practice (cont'd)

Standards for DPCs

- ✓ Core Standards
- ✓ Procedure-specific Standards
 - Surgery
 - Endoscopy
 - Dental Procedures
 - Haemodialysis
 - *To be promulgated:*
 - Chemotherapy
 - Anaesthesia & Sedation
 - Interventional Radiology and Lithotripsy

Standards for Clinics

- ✓ [Draft] Standards for Medical Clinics

Announcement of Licensing Arrangements

➤ Briefings for operators

- Hospital and nursing homes → first half 2019
- Licensing and transitional arrangements for DPCs/clinics → second half of 2019

➤ Latest news and documents publicized on the website of the Office for Regulation of Private Healthcare Facilities, DH

- Promulgation of Standards
- Announcements on related subsidiary legislation for specifying the critical dates (https://www.legco.gov.hk/yr18-19/english/hc/sub_leg/sc55/general/sc55.htm)

➤ Letters to doctors/dentists and other relevant stakeholders

THANK YOU
