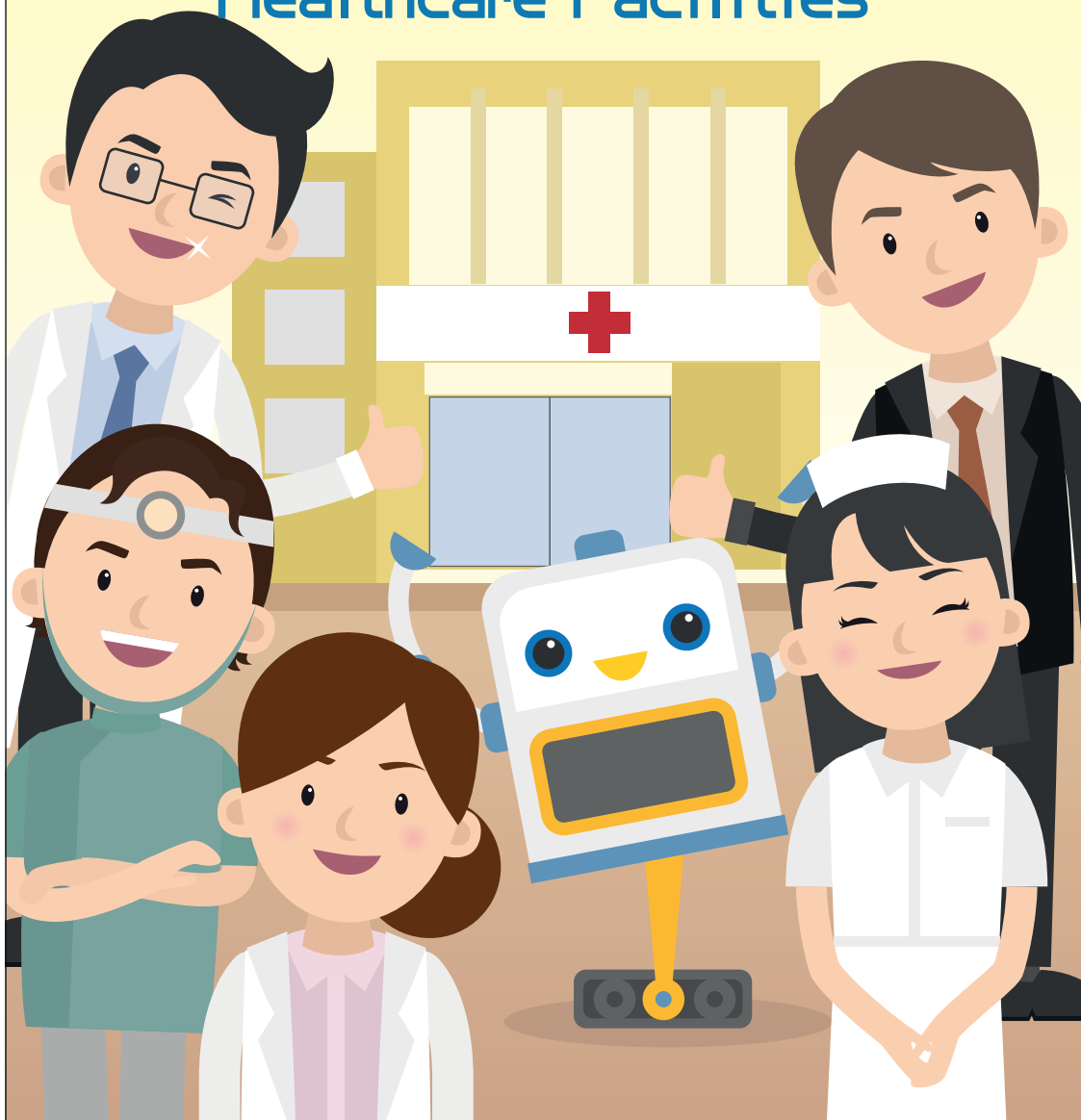




Department of Health

Private Healthcare Facilities Ordinance Requirements for governance and premises of Private Healthcare Facilities



The Responsibilities of the Licensee of a Private Healthcare Facility (PHF)

- The licensee is wholly responsible for the operation of the PHF;
- Ensuring that the PHF complies with the requirements of the Ordinance, licensing conditions and the relevant Code of Practice;
- Appointing a "Chief Medical Executive" (CME) to take charge of the day to day administration of the PHF. Setting up, where necessary, a "Medical Advisory Committee" (MAC) for the PHF;
- Setting up and enforcing rules, policies and procedures relating to the quality of care for, and the safety of, patients in the PHF;
- Making available to the public information about the prices of chargeable items and services provided in the PHF; and
- Putting in place complaints handling procedures for the PHF.

The Responsibilities and Requirements of the CME of a PHF

- The CME is responsible for the day to day administration of the PHF.
- The responsibilities of the CME include adoption and implementation of rules, policies and procedures concerning healthcare services provided in the facility.
- The CME of a hospital must be a registered medical practitioner who has been registered for not less than 15 years in Hong Kong and must not serve at the same time as a CME of another PHF. The CME of DPCs or clinics must be a registered medical practitioner or registered dentist. For details, please refer to the information materials on "Day Procedure Centres" and "Clinics".

Setting up of a MAC

- The licensee of the following PHFs must set up and maintain a MAC:
 - hospitals; or
 - a licensee operates a group of 4 or more clinics at the same time and appoints a single CME to take charge of the day to day administration of that group of clinics.

The Requirements of the Chairperson and Members of the MAC

- Chairperson of the MAC:
 - If the PHF is a medical practice or a combined medical and dental practice, the chairperson of the MAC must be a registered medical practitioner.
 - If the PHF is a dental practice only, the chairperson of the MAC must be a registered dentist.
- Members of the MAC:
 - The number of other members is to be decided by the licensee; but at least half of the members must be registered medical practitioners or registered dentists, including at least 1 registered medical practitioner who is not employed by, or practising in, the concerned facility.

The Functions of a MAC

- The functions of a MAC is to advise the licensee on matters concerning the PHF, including:
 - the qualifications of healthcare professionals providing services in the facility and delineation of their clinical responsibilities;
 - all matters concerning medical diagnosis, treatment and care given in the facility; and
 - all matters concerning the quality of care for, and the safety of, patients in the facility.

The Relationship between the Licensee, the CME and the Chairperson of the MAC

- The Ordinance does not provide for the relationship between the licensee, the CME and the chairperson of the MAC. However, the Ordinance stipulates that both the licensee and the CME of a PHF are responsible for ensuring that the advice given by the MAC of the facility is properly implemented.

The Code of Practice for PHFs

- The Code of Practice for PHFs are the standards and specifications issued by the Department of Health (DH) under the Ordinance. It covers matters including equipment, fittings and furnishings, management and staffing arrangement, quality of care for and the safety of patients, and protecting the health and interests of individuals receiving healthcare services in PHFs.
- The DH has published the Code of Practice applicable to hospitals and DPCs. The Code of Practice for clinics will be published in due course. For details, please visit www.orphf.gov.hk.

The Interpretation of Premises in relation to PHF under the Ordinance

- Under the Ordinance, premises in relation to a PHF are interpreted as places that are:
 - physically connected by internal access among themselves; or
 - physically attached or in close proximity to, or adjoining one another; and
 - forming a distinct whole for the facility to function as a single entity.
- In gist, if a PHF has several units in the same building, and these units have internal access among themselves, or adjoining to each other, such that they operate as a single entity, these units will be considered as part of the premises of the PHF.
- Followings are some scenarios for a DPC or clinic premises to be covered by one licence:
 - a DPC / clinic occupying 2 or more units connected with internal access
 - a DPC / clinic occupying 2 or more adjoining units
 - a DPC / clinic occupying 2 or more units within the same building

The Requirements of Entrance of a PHF (including both licensed facility or small practice clinic with letter of exemption) under the Ordinance

- The operator of a PHF must ensure that the facility:
 - is a distinct and exclusive unit able to perform its functions independently;
 - has a direct and separate entrance separate from other premises (Note); and
 - physically separated from any premises that serve a purpose not reasonably incidental to the purposes of the medical / dental practice. Followings are some examples:

"Reasonably incidental to the purposes of the medical / dental practice"	"Not Reasonably incidental to the purposes of the medical / dental practice"
Services provided by Dietitian, Physiotherapist, Occupational Therapist, etc.	Beauty services e.g. haircut, manicure, etc.

- (Note: This requirement is not applicable to clinics with a valid provisional licence. Other PHFs, including DPCs with a provisional licence, must comply with this requirement.)

How to differentiate between medical procedures from beauty services?

- The Steering Committee on Review of Regulation of Private Healthcare Facilities published the "Report of the Working Group on Differentiation between Medical Procedures and Beauty Services" in 2013. The report has made recommendations that the following four categories of procedures should be performed by registered medical practitioners or registered dentists:
 - cosmetic procedures that involve injections,
 - procedures that involve the mechanical / chemical exfoliation of the skin below the epidermis,
 - hyperbaric oxygen therapy, and
 - dental bleaching.
- Please refer to the "Report of the Working Group on Differentiation between Medical Procedures and Beauty Services" for details.

Other information

- Materials on the following subjects under the Ordinance are available:
 - Introduction of the Private Healthcare Facilities Ordinance
 - Day Procedure Centres
 - Clinics
 - Small Practice Clinics
- Further details are available at www.orphf.gov.hk (accessible by scanning this QR code).

