

South Australia

Health Care Regulations 2008

under the *Health Care Act 2008*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Regulations relating to specific provisions of Act

- 4 Health service
- 5 4-yearly report
- 6 Establishment of Councils
- 7 Administration
- 8 Accrued rights for employees
- 9 Emergency ambulance services
- 10 Licence to provide non-emergency ambulance services
- 11 Health services entities
- 12 Appointment of RCA teams
- 13 Restrictions on RCA teams
- 14 Reports and protection of information
- 15 Recognised organisations

Part 3—Deductible gift recipient status

- 16 Deductible gift recipient status

Part 4—Private hospitals

- 17 Grant of licence
- 18 Duration of licences
- 19 Prescribed standards of construction, facilities and equipment
- 20 Exemptions
- 21 Prescribed records—licensee to keep register

Part 5—Pregnancy outcome data and statistics

- 22 Provision of pregnancy outcome information
- 23 Notification of diagnosis of congenital abnormality
- 24 Obligation of medical practitioner etc to provide information
- 25 How information to be provided
- 26 Confidentiality

Part 6—Reporting of cancer

- 27 Reporting obligations of hospitals or health services incorporating radiotherapy clinics
- 28 Reporting obligations of pathology laboratories

Schedule 1—Private hospitals

Part 1—Prescribed information for annual return

- 1 Prescribed information for annual return

Part 2—Prescribed standards of construction, facilities and equipment

- 2 Access
- 3 Room sizes
- 4 Ablution facilities
- 5 Electrical, cooking and laundry facilities
- 6 Storage and cleaning facilities
- 7 Ward facilities
- 8 Maternity facilities
- 9 Surgical facilities

Schedule 2—Pregnancy outcome data and statistics

Part 1—Pregnancy outcome information

Part 2—Information relating to congenital abnormalities

Schedule 3—Revocation and transitional provisions

Part 1—Revocation of regulations

- 1 Revocation of regulations

Part 2—Transitional provisions

- 2 Long service leave—staff
- 3 Licences—ambulances
- 4 Substitution of reference to Director-General of Medical Services in *Criminal Law Consolidation Act 1935*

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Health Care Regulations 2008*.

2—Commencement

These regulations will come into operation on 1 July 2008.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Health Care Act 2008*;

authorised person has the same meaning as in section 63 of the Act;

baby means a baby whether born dead or alive, but does not include a baby who does not achieve a gestational age of 20 weeks or a birth weight of 400 grams;

cancer means a malignant growth of human tissue which, if unchecked, is likely to spread to adjacent tissue or beyond its place of origin and which has the propensity to recur, and includes carcinoma, sarcoma, any mixed tumour, leukaemia and any type of lymphoma or melanoma but does not include any type of neoplasm of the skin other than melanoma;

confidential information has the same meaning as in section 63 of the Act;

congenital abnormality means an abnormality of prenatal origin, and includes structural, genetic and chromosomal abnormalities and biochemical defects, but does not include minor malformations that do not require medical treatment;

medical practitioner has the same meaning as in the *Medical Practice Act 2004*;

midwife has the same meaning as in the *Nurses Act 1999*;

nurse has the same meaning as in the *Nurses Act 1999*.

Part 2—Regulations relating to specific provisions of Act

4—Health service

The provision of linen and laundry services to hospitals or other health care providers is brought within the ambit of the definition of ***health service*** in section 3 of the Act.

5—4-yearly report

For the purposes of section 13(5) of the Act, the first report under that section must be completed by 31 December 2010.

6—Establishment of Councils

- (1) For the purposes of section 15(5)(a) of the Act, the following is prescribed (with respect to the relevant HAC or each relevant HAC):
 - (a) the provision of a letter to the members of the HAC from the Minister—
 - (i) setting out the course of action that is under consideration; and
 - (ii) setting out the grounds for that proposed course of action; and
 - (iii) containing a request that the HAC consult broadly with the relevant community (or with groups within the community) for a period of at least 4 weeks specified in the letter (and to the extent specified by the Minister);
 - (b) at the request of the HAC—the setting up of a meeting between members of the HAC and the Chief Executive or a person nominated by the Chief Executive;
 - (c) the provision of a written response to the Minister from the HAC that includes—
 - (i) a fair summary of the consultation under paragraph (a)(iii) (providing details of both the consultation undertaken and the outcomes from that consultation); and

- (ii) any comments or response that the members of the HAC wish to make in relation to the matter.
- (2) For the purposes of section 15(5)(b)(ii) of the Act, the following grounds are prescribed:
 - (a) in the case of an incorporated HAC established in relation to a body in connection with the provision of health services at a particular site—that the undertaking of health services at that site has been transferred to another site;
 - (b) that the purpose for which the HAC was established no longer exists;
 - (c) that services in relation to which the HAC was established are no longer required or sought within the relevant part of the community;
 - (d) that the community has reasonable access to services that are a reasonable alternative to services in relation to which the HAC was established.

7—Administration

For the purposes of section 28 of the Act, the following grounds are prescribed:

- (a) the HAC has contravened, or failed to comply with, a provision of the Act or of its constitution;
- (b) the HAC has, in the opinion of the Minister, been guilty of serious financial mismanagement;
- (c) the HAC has, in the opinion of the Minister, persistently failed properly to perform the functions for which it was established;
- (d) the HAC seeks its own dissolution on the basis that a majority of its members are of the opinion that the HAC is unable to perform properly the functions for which it was established.

8—Accrued rights for employees

For the purposes of section 53(2)(c) of the Act, employment at SAAS as constituted immediately before the commencement of section 49 of the Act is prescribed.

9—Emergency ambulance services

For the purposes of section 57(1)(b) of the Act, the following persons are prescribed:

- (a) Royal Flying Doctor Service of Australia (Central Operations) Incorporated;
- (b) Australian Helicopters Pty Ltd;
- (c) the Department of Defence.

10—Licence to provide non-emergency ambulance services

For the purposes of section 58(1)(c) of the Act, the following persons are prescribed:

- (a) Royal Flying Doctor Service of Australia (Central Operations) Incorporated;
- (b) Australian Helicopters Pty Ltd;
- (c) the Department of Defence.

11—Health services entities

For the purposes of the definition of *health services entity* under section 68 of the Act, the following entities involved in the provision of health services are brought within the ambit of the definition:

- (a) SAAS;
- (b) Royal District Nursing Service of SA Incorporated.

12—Appointment of RCA teams

- (1) For the purposes of section 69(2) of the Act, the following requirements are prescribed:
 - (a) an RCA team is to consist of not less than 3 members;
 - (b) the leader of an RCA team must have completed a formal training course in root cause analysis;
 - (c) at least 1 member of an RCA team must have a formal tertiary qualification in a health related field or significant experience in a health related field relevant to the investigation;
 - (d) each member of an RCA team must have knowledge and understanding of his or her obligations under Parts 7 and 8 of the Act.
- (2) For the purposes of section 69(5) of the Act, the following procedures and processes are adopted in relation to the conduct of an investigation:
 - (a) in the case of an RCA team appointed in relation to a hospital incorporated under the Act or SAAS—the RCA team must commence the investigation within 14 days after its appointment;
 - (b) in the case of an RCA team appointed in relation to a hospital incorporated under the Act or SAAS—the RCA team must provide any part of the report referred to in regulation 14—
 - (i) within 10 weeks after the commencement of the investigation; or
 - (ii) with the written consent of a member of the *Safety and Quality Unit* of the Department, within 20 weeks after the commencement of the investigation or such longer period as may be allowed under the terms of the consent;
 - (c) if an RCA team member becomes aware that he or she has or may have a direct or indirect personal or pecuniary interest in an adverse incident under investigation or to be investigated by the team, the following procedure is adopted:
 - (i) the member must, as soon as reasonably practicable after becoming aware of the interest, disclose in writing to the designated authority full and accurate details of the interest; and
 - (ii) the member is, subject to the designated authority's determination, precluded from taking part or taking further part in the investigation into the incident or the preparation of reports in relation to the incident.

- (3) For the purposes of subregulation (2)(c) but without limitation, an RCA team member will be taken to have an interest in an adverse incident if a relative of the member or of the member's spouse or domestic partner has an interest in the incident.

13—Restrictions on RCA teams

For the purposes of section 70(2) of the Act, the following procedures are prescribed:

- (a) the RCA team must notify the designated authority in writing of the suspected prescribed act and the reasons for the team's suspicion;
- (b) if the RCA team is of the view that a prescribed act of the same kind is or may be imminent, the team must immediately notify the designated authority of that view;
- (c) the RCA team must not, unless authorised to do so in writing by the designated authority, continue its investigation into the adverse incident;
- (d) the designated authority must not authorise the RCA team to continue its investigation unless satisfied that the suspected prescribed act—
 - (i) did not occur; or
 - (ii) is able to be investigated independently of the adverse incident.

14—Reports and protection of information

- (1) For the purposes of section 72(3)(d) of the Act, members of the *Safety and Quality Unit* of the Department who are members of the *Adverse Incident Team* are prescribed as a class of persons who are entitled to receive the following parts of a second report prepared by an RCA team appointed in relation to a hospital incorporated under the Act or SAAS:
- (a) any description of the adverse incident;
 - (b) any *causation* statement;
 - (c) the recommendations of the RCA team;
 - (d) any other material considered relevant by the RCA team.
- (2) For the purposes of section 73(2)(e) of the Act, a person who receives a report under section 72(3)(b) or (d) of the Act may make such records or use or disclose such information as is reasonably necessary in order—
- (a) to analyse the report and assess and discuss any incident, contributing factor, statement, recommendation or other material identified or contained in the report; or
 - (b) to provide information or any report to an authorised quality improvement body.
- (3) For the purposes of subregulation (2), a reference to a report includes a reference to part of a report.

15—Recognised organisations

For the purposes of section 90 of the Act, the following organisations are declared to be recognised organisations:

- (a) Ambulance Employees Association of South Australia;

- (b) Association of Professional Engineers, Scientists & Managers, Australia (APESMA), South Australian Branch;
- (c) Australian Nursing Federation, South Australian Branch;
- (d) Liquor, Hospitality and Miscellaneous Union (LHMU), South Australian Branch;
- (e) Public Service Association of South Australia Incorporated;
- (f) South Australian Salaried Medical Officers Association (SASMOA).

Part 3—Deductible gift recipient status

16—Deductible gift recipient status

- (1) This regulation applies to a hospital incorporated under the Act that is endorsed as a deductible gift recipient under the *Income Tax Assessment Act 1997* (Commonwealth).
- (2) At the first occurrence of—
 - (a) an incorporated hospital ceasing to be a deductible gift recipient; or
 - (b) the winding up of a gift fund maintained by an incorporated hospital; or
 - (c) the dissolution of an incorporated hospital,
the surplus assets of any gift fund or, if the hospital has not maintained a gift fund, the surplus—
 - (d) gifts of money or property for the principal purpose of the hospital;
 - (e) deductible contributions received in relation to fund-raising events held for the principal purpose of the hospital; or
 - (f) money received by the hospital because of such gifts or contributions,
must be transferred to a fund, authority or institution gifts to which can be deducted under the *Income Tax Assessment Act 1997* (Commonwealth).

Part 4—Private hospitals

17—Grant of licence

For the purposes of section 81 of the Act, 5 169 is prescribed as the limit on the number of hospital beds that may be provided by incorporated hospitals or private hospitals in the region specified by regulation 5A of the *South Australian Health Commission (Private Hospitals) Regulations 1985* as in force on 15 December 1994.

18—Duration of licences

For the purposes of section 84(2) of the Act—

- (a) the prescribed day is 30 April; and
- (b) the prescribed information is that set out in Schedule 1 Part 1.

19—Prescribed standards of construction, facilities and equipment

The prescribed standards of construction, facilities and equipment set out in Schedule 1 Part 2 apply in relation to the premises of a private hospital.

20—Exemptions

The Minister may, by notice in writing, exempt conditionally or unconditionally any premises or proposed premises from a prescribed standard referred to in regulation 19.

21—Prescribed records—licensee to keep register

The holder of a licence under Part 10 of the Act in respect of a private hospital must keep a register in which is recorded, in relation to every patient admitted to the hospital, the following details:

- (a) the full name, age, sex and usual place of residence of the patient;
- (b) the patient's date of admission;
- (c) the name and address of the patient's medical attendant;
- (d) the name and home address of the patient's next of kin;
- (e) the date of discharge, or in the event of death, the date of the patient's death;
- (f) in the case of a maternity patient, the patient's date and time of confinement and the sex and weight of any infant.

Part 5—Pregnancy outcome data and statistics

22—Provision of pregnancy outcome information

- (1) The following persons must provide the Minister with so much of the information required by Schedule 2 Part 1 as is applicable in the particular circumstances:
 - (a) if a baby is born at a place other than a hospital—the person in charge of the birth;
 - (b) if a baby is born in a hospital—the person responsible for the management of the hospital;
 - (c) if, within 28 days after its birth, a baby or its mother or both a baby and its mother are admitted to a hospital—the person responsible for the management of the hospital.
- (2) For the purposes of subregulation (1), the applicable information must be forwarded to the Minister—
 - (a) in the case of a baby that has not been discharged from hospital within 28 days after its birth—within 7 days after the baby's discharge; or
 - (b) in any other case—within 30 days after the birth of the baby.
- (3) If, within 28 days after the birth of a baby at a place other than a hospital, the baby or its mother or both the baby and its mother are admitted to a hospital—
 - (a) the person in charge of the birth must, within 2 days after the admission, forward to the person responsible for the management of the hospital so much of the information required by Schedule 2 Part 1 as is applicable up to the time of the admission; and
 - (b) subregulation (1) applies to both the person in charge of the birth and the person responsible for the management of the hospital.

- (4) If, within 28 days after the birth of a baby, the baby or its mother or both the baby and its mother are transferred from 1 hospital (the *transferor hospital*) to another (the *transferee hospital*)—
- (a) the person responsible for the management of the transferor hospital must, within 2 days after the transfer, forward to the person responsible for the management of the transferee hospital so much of the information required by Schedule 2 Part 1 as is applicable up to the time of the transfer; and
 - (b) subregulation (1) applies to both the person responsible for the management of the transferor hospital and the person responsible for the management of the transferee hospital.
- (5) For the purposes of this regulation, if a baby is born at a place other than a hospital, the *person in charge of the birth* is—
- (a) if a medical practitioner supervises, attends or assists the birth or attends the baby or its mother immediately following the birth—the medical practitioner;
 - (b) if there is more than 1 such medical practitioner—the medical practitioner primarily responsible;
 - (c) if no medical practitioner supervises, attends or assists the birth or attends the baby or its mother immediately following the birth but a midwife does so—the midwife;
 - (d) if there is more than 1 such midwife—the midwife primarily responsible.

23—Notification of diagnosis of congenital abnormality

If a congenital abnormality is diagnosed in a child before the child's fifth birthday and there are reasonable grounds to believe that it has not previously been diagnosed, the following persons must, within 30 days of the diagnosis, notify the Minister of the diagnosis and forward to the Minister the information required by Schedule 2 Part 2:

- (a) in the case of a diagnosis made in a hospital—the person responsible for the management of the hospital;
- (b) in any other case—the medical practitioner who made the diagnosis.

24—Obligation of medical practitioner etc to provide information

A medical practitioner, midwife or nurse who—

- (a) supervised, attended or assisted with the birth of a baby; or
- (b) attended a baby or its mother within 28 days after the birth of the baby,

must, when requested by a person who is required by these regulations to provide the Minister or a hospital with information, supply to that person such of the information required to be provided as is known to the medical practitioner, midwife or nurse.

25—How information to be provided

Information required to be provided by this Part must be provided—

- (a) in writing (either personally or by post); or
- (b) in an electronic form acceptable to the Department, so long as a printed copy of the information can be produced if required.

26—Confidentiality

- (1) Subject to this regulation, a person must not in any circumstances (including proceedings before any court, tribunal or board) divulge confidential information obtained directly or indirectly as a result of a disclosure made under this Part.
Maximum penalty: \$1 000.
- (2) Subregulation (1) does not prevent a person disclosing confidential information to—
 - (a) an authorised person; or
 - (b) a person providing technical, administrative or secretarial assistance to an authorised person.
- (3) A person must not, when appearing as a witness in any proceedings before a court, tribunal or board, be asked, and, if asked, is not required to answer, any question directed at obtaining confidential information obtained by that person directly or indirectly as a result of a disclosure made under this Part and any such information volunteered by such a person is not admissible in any proceedings.

Part 6—Reporting of cancer

27—Reporting obligations of hospitals or health services incorporating radiotherapy clinics

- (1) The person responsible for the management of a hospital or health service that incorporates a radiotherapy clinic must provide the Minister with a report within 3 months after—
 - (a) a patient presenting at the hospital or health service first discloses a history of a cancer of a particular type or is first diagnosed with, or treated for, a cancer of a particular type at the hospital or health service;
 - (b) a patient of a kind referred to in paragraph (a) dies (whether as a result of the cancer or any other cause) at the hospital or health service.
- (2) The report must contain the following:
 - (a) the name and address of the hospital or health service;
 - (b) a unique identifier for the patient;
 - (c) the name of the medical practitioner responsible for the patient;
 - (d) the date on which the patient was admitted to or presented at the hospital or health service;
 - (e) the following details relating to the patient to the extent known or reasonably ascertainable:
 - (i) full name and usual residential or postal address;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) country of birth;
 - (v) indigenous Australian status, race and ethnicity;

- (vi) occupation;
- (f) the following details of the cancer and its diagnosis:
 - (i) a statement of the body part or system where the cancer arose, or if not known, a statement of that fact;
 - (ii) the date of diagnosis of the cancer if known (being the date that the diagnosis was confirmed by pathology, radiology or clinical assessment);
 - (iii) the type of diagnostic procedures and investigations undertaken (such as clinical assessment, cytology, haematology, histopathology, immunology or radiology);
 - (iv) if the diagnosis was confirmed by pathology—
 - (A) the name of, or a code identifying, the laboratory that performed the test to determine the presence in the patient of the cancer; and
 - (B) the type of tumour; and
 - (C) the slide or specimen number assigned to the specimen taken from the patient to test for the presence of the cancer;
 - (g) if the patient has departed or been discharged from the hospital or health service—the date of and reason for the departure or discharge;
 - (h) if the patient has died at the hospital or health service—the date of death.
- (3) The report must be made in a form and manner acceptable to the Minister.

28—Reporting obligations of pathology laboratories

The person in charge of a pathology laboratory must, within 3 months after the completion by the laboratory of a cancer pathology report relating to a person, provide the Minister with a copy of the report.

Schedule 1—Private hospitals

Part 1—Prescribed information for annual return

1—Prescribed information for annual return

For the purposes of section 84(2)(b) of the Act, the following information is prescribed:

- (a) the period to which the return relates (the *relevant period*);
- (b) the name and address of the private hospital;
- (c) if the licensee is a private person—the name and address of the licensee;
- (d) if the licensee is a body corporate—its name and the address of its registered office;
- (e) if the licensee is an incorporated association—its name and address;
- (f) a statement as to whether or not there has been any change during the relevant period in the identity of—

- (i) in the case of a body corporate, the secretary or directors; or
 - (ii) in the case of an incorporated association, the public officer or members,
- and if any such change has occurred the name, address and occupation of any new person appointed;
- (g) a statement as to whether or not there has been any change in the membership of the board of management of the private hospital during the relevant period and, if so, details of any such change;
- (h) a statement as to whether or not there has been any change in the identity of the manager or administrator of the private hospital during the relevant period and, if so, details of any such change;
- (i) a statement as to whether or not there has been any change, during the relevant period, in the identity of a person who—
 - (i) has any pecuniary interest, whether direct or indirect, in or from the running of the private hospital; or
 - (ii) is involved either directly or indirectly in the management and control of the private hospital,
- and, if so, details of any such change;
- (j) a statement as to whether or not, during the relevant period, there has been any change in the purpose for which the private hospital is used and, if so, details of any such change;
- (k) a statement as to whether or not, during the relevant period, there has been any change in the number of approved beds provided at the private hospital and, if so, details of any such change;
- (l) a statement as to whether or not, during the relevant period, there has been any change in the number of beds designated for a particular type of service and, if so, details of any such change;
- (m) a statement as to whether or not, during the relevant period, there has been any change in the clinical services provided as part of or ancillary to the principal services provided at the private hospital and, if so, details of any such change;
- (n) a statement as to whether or not, during the relevant period, there has been any change in the facilities provided at the private hospital and, if so, details of any such change;
- (o) a statement as to whether or not, during the relevant period, there has been any change in the specialist diagnostic equipment provided at the private hospital and, if so, details of any such change.

Part 2—Prescribed standards of construction, facilities and equipment

2—Access

- (1) A private hospital in which patients are accommodated above ground floor level must have—
 - (a) an internal staircase fitted with suitable hand rails; and
 - (b) a lift of sufficient size to take a bed and 2 attendants.
- (2) In every private hospital all corridors used for bed, trolley or barouche traffic must be not less than 1 800 mm in width clear of handrails and any other permanent intrusions.
- (3) In every private hospital—
 - (a) doorways to water closets, bathrooms and shower cubicles intended for access of wheelchairs must have a clear opening of not less than 900 mm; and
 - (b) if corridors are 1 800 mm in width, the doorway opening to wards must not be less than 1 200 mm in width.
- (4) In every private hospital all rooms occupied by patients must be clearly identified by a number or the names of the patients occupying the room at the time.

3—Room sizes

- (1) Every room in a private hospital occupied or intended to be occupied by 1 patient must have a floor area of at least 9.3 square metres.
- (2) Every room in a private hospital occupied or intended to be occupied by more than 1 patient must have—
 - (a) at least 8.4 square metres of floor space for each adult patient;
 - (b) at least 7.5 square metres of floor space for each child up to 14 years of age;
 - (c) at least 3.9 square metres of floor space for each child nursed in a cot.

4—Ablution facilities

Every private hospital must have at least the following sanitary facilities:

- (a) on each floor 1 water closet for each 10 or portion of 10 patients, at least 1 of which must be suitable for use by a person using a wheelchair;
- (b) on each floor 1 shower cubicle for each 10 or portion of 10 patients, at least 1 of which must be suitable for use by a person using a wheelchair;
- (c) on each floor a bathroom, containing an island or peninsula plunge bath, with minimum floor dimensions of—
 - (i) 3 000 mm x 2 400 mm; or
 - (ii) in the case of a bathroom also containing a pedestal pan and hand basin, 3 000 mm x 3 000 mm;
- (d) on each floor 1 hand basin for each 10 or portion of 10 patients;
- (e) grab rails fitted in shower cubicles, water closets and bathrooms;

- (f) separate change room facilities for staff that include water closets, shower cubicles and hand basins.

5—Electrical, cooking and laundry facilities

Every private hospital must have the following electrical, cooking and laundry facilities:

- (a) artificial lighting that is adequate for the needs of the hospital, and facilities for emergency lighting and power where required for patient safety;
- (b) facilities for heating and cooling, which are so constructed, operated and permanently positioned that they are not hazardous to patients because of moving parts or accessible heated elements;
- (c) a kitchen equipped with facilities for—
 - (i) food preparation; and
 - (ii) cooking, including an exhaust canopy fitted with an exhaust fan and grease filters; and
 - (iii) handling and serving food; and
 - (iv) the washing of dishes and utensils, including a sink and drainer large enough to contain cooking and food preparation utensils; and
 - (v) hand washing; and
 - (vi) separate storage for perishable food, frozen foods, dry foods, crockery, utensils and cutlery; and
 - (vii) refuse holding and disposal; and
 - (viii) ventilation;
- (d) a laundry that—
 - (i) at all times, has a water supply that can deliver both hot and cold water; and
 - (ii) contains industrial type appliances to launder and disinfect bed linen, blankets, clothing, napery and other similar articles.

6—Storage and cleaning facilities

Every private hospital must have the following facilities for storage and cleaning:

- (a) storage space specifically allocated for storage of ward linen, extra bedding, patients' baggage, appliances and equipment, including a general store for reserve furniture and equipment;
- (b) waste receptacles for temporary storage of used dressings, human tissue and other waste;
- (c) on each floor a pan room that must contain—
 - (i) storage racks of impervious material; and
 - (ii) a slop hopper or combination drainer and flushing bowl; and
 - (iii) facilities for disinfecting equipment; and

- (iv) hand washing facilities;
- (d) on each floor a cleaner's room that must contain—
 - (i) a cleaner's sink; and
 - (ii) facilities for storage of cleaning appliances and compounds;
- (e) on each floor a clean utility room that must contain—
 - (i) a sink and drainer with hand washing facilities; and
 - (ii) a work bench,and unless supplied elsewhere—
 - (iii) facilities for the storage of equipment and supplies kept in that room; and
 - (iv) facilities for disinfecting or sterilising ward equipment;
- (f) on each floor a soiled utility room that must contain—
 - (i) storage facilities for equipment stored or kept in that room; and
 - (ii) a sink and drainer and hand washing facilities; and
 - (iii) waste and soiled linen receptacles; and
 - (iv) a work bench.

7—Ward facilities

Every private hospital must have the following facilities:

- (a) hand washing facilities in or adjacent to wards and rooms occupied by patients, with taps operated by wrist, elbow or foot action;
- (b) on each floor a ward food preparation room that must contain—
 - (i) a storage cupboard; and
 - (ii) a sink and drainer; and
 - (iii) a refrigerator; and
 - (iv) facilities for heating food and drinks;
- (c) a patient to nurse communication system at each bed, in bathrooms, water closets and shower cubicles, with—
 - (i) the indicator panel clearly visible from the nurses' station; and
 - (ii) the cancellation of calls only able to be made from the point of origin;
- (d) on each floor a nurses' station that must contain—
 - (i) a desk and chair; and
 - (ii) a work bench and cupboards; and
 - (iii) a record storage area; and
 - (iv) a master panel for the communication system.

8—Maternity facilities

A private hospital that receives or proposes to receive patients for maternity care must have at least the following facilities (in addition to the general requirements set out in this Schedule):

- (a) delivery rooms that are adequate for the needs of the midwifery beds provided by the hospital, with each delivery room—
 - (i) to have minimum floor dimensions of 4 800 mm x 3 900 mm and a minimum ceiling height of 2 700 mm, or equivalent effective area; and
 - (ii) to be designed and constructed so that no person can enter the room from any other part of the hospital except through 1 door or point of entrance; and
 - (iii) to have a delivery bed;
- (b) surgical hand washing facilities with a high quality water supply adjacent to each delivery room;
- (c) a soiled utility room situated adjacent to each delivery room, containing—
 - (i) a work bench with an impervious top; and
 - (ii) a sink and drainboard; and
 - (iii) waste and soiled linen receptacles; and
 - (iv) a slop hopper, or combination drainer and flushing bowl;
- (d) a clean utility room situated adjacent to each delivery room, containing—
 - (i) a work bench with an impervious top; and
 - (ii) a sink and drainboard; and
 - (iii) facilities for hand washing; and
 - (iv) emergency sterilising equipment; and
 - (v) unless suitably provided elsewhere, general sterilising equipment;
- (e) 1 shower, water closet and hand basin adjacent to or conveniently accessible to the delivery room;
- (f) general nurseries containing bassinets with at least 1.8 square metres of floor space for each bassinet;
- (g) an isolation nursery or nurseries containing bassinets with at least 2.7 square metres of floor space for each bassinet;
- (h) in each nursery a hand basin, a babies' bath and bench, storage for linen and other supplies, facilities for temporary storage or disposal of soiled and waste materials;
- (i) on each floor, facilities for preparation and refrigerated storage of babies' foods and cleansing of equipment used for preparation and feeding of babies;
- (j) if delivery rooms, labour wards or nurseries are air-conditioned, the conditioned air is to be either directly supplied to these areas or when recycled, the air is to be filtered;

- (k) separate change room facilities for staff that include water closets, shower cubicles and hand basins.

9—Surgical facilities

- (1) A private hospital that receives or proposes to receive patients for surgical procedures must have an operating theatre suite that complies with the requirements set out in this clause (in addition to the general requirements set out in this Part).
- (2) Each operating theatre suite must have the following:
- (a) an operating room with minimum floor dimensions of 6 000 mm x 5 400 mm and a minimum ceiling height of 2 700 mm or equivalent effective working space;
 - (b) provision for the safe storage and use of all anaesthetic agents in operating theatres and all other areas of the hospital;
 - (c) surgical hand washing facilities with a high quality water supply provided adjacent to the operating room;
 - (d) provision for the supply of filtered and conditioned air;
 - (e) a soiled utility room, containing—
 - (i) a work bench with an impervious top; and
 - (ii) a sink and drainingboard; and
 - (iii) waste and soiled linen receptacles; and
 - (iv) a slop hopper, or combination drainer and flushing bowl;
 - (f) a clean utility room that must contain—
 - (i) a work bench with an impervious top; and
 - (ii) facilities for handwashing; and
 - (iii) emergency sterilising equipment; and
 - (iv) unless suitably provided elsewhere, general sterilising equipment;
 - (g) separate change room facilities for staff that include water closets, shower cubicles and hand basins;
 - (h) a recovery room situated within the theatre suite.
- (3) Each operating suite must be designed and constructed so that no person can enter the suite from any other part of the hospital except through a single door or point of entrance.

Schedule 2—Pregnancy outcome data and statistics

Part 1—Pregnancy outcome information

The information required for the purposes of regulation 22 is as follows:

Subject	Details required
1 The baby's birth	Family name (if different from the birth mother's family name) Name of baby (if known)

Subject	Details required
	Place of birth
	(a) if the baby was born in a hospital—the name and address of the hospital
	(b) if the baby was born in some other place—the name, or a description of, that place (eg birthing unit/centre, at home etc)
	Case record number of the baby
	Date and time of birth
	Sex of the baby
	If the baby's birth was a multiple birth—
	(a) the number of babies born
	(b) the baby's birth order
	Birth weight
	Gestation at birth
	Apgar scores (1 minute and 5 minutes)
	The time taken to establish regular breathing
	If resuscitation was required at delivery, the type of resuscitation used
	Details of any condition occurring during the birth (eg a dislocation, fracture, nerve injury etc)
	Details of any congenital abnormality apparent in the baby [<i>Note—diagnosis of a congenital abnormality must be notified to the Minister in accordance with regulation 23</i>]
	Details of medical treatments provided to the baby after birth (eg treatments such as oxygen therapy for a period greater than 4 hours, phototherapy for jaundice, intravenous therapy etc)
	Details of nursery care required and, if the baby was transferred to intensive care, whether this was for a congenital abnormality
	Details of the outcome of the baby (eg fetal death, baby discharged alive, baby still in hospital 28 days after birth, neonatal death etc)
	If the baby was transferred from 1 hospital to another, details of the date this occurred and the baby's destination
	Date of final discharge (or death) of the baby
2 The baby's birth mother	Name
	Address
	Case record number
	Date of birth
	Indigenous Australian status, race and ethnicity
	Country of birth
	Type of patient (ie hospital/public patient or private patient)
	Marital status

Subject	Details required
3 The pregnancy resulting in the baby's birth	<p>Occupation</p> <p>Details of the outcomes of any previous pregnancies (eg number of livebirths, stillbirths, neonatal deaths, miscarriages, ectopic pregnancies or terminations)</p> <p>Details of the pregnancy previous to the pregnancy resulting in the baby's birth, including—</p> <ul style="list-style-type: none">(a) the outcome(b) the date of delivery or termination (whether by miscarriage or otherwise) <p>Details of the method of delivery of the baby born (if any) immediately previous to this baby's birth</p> <p>Number of caesarean sections (if any) the mother has undergone</p> <p>Date of last menstrual period</p> <p>Intended place of birth</p> <p>Details of any antenatal care received including—</p> <ul style="list-style-type: none">(a) type of care(b) number of visits(c) gestation, height and weight at first antenatal visit <p>Details of the mother's tobacco smoking during pregnancy and, if relevant, details of any cessation advice given</p> <p>Details of any medical conditions of the mother present in this pregnancy (eg anaemia, epilepsy, diabetes etc)</p> <p>Details of any obstetric complications of the mother (eg threatened miscarriage, antepartum haemorrhage etc)</p> <p>Details of medical and surgical procedures performed during the pregnancy (eg medical procedures such as ultrasound examinations and surgical procedures such as amniocentesis, cordocentesis etc)</p> <p>Date of admission to hospital prior to delivery</p> <p>Date of—</p> <ul style="list-style-type: none">(a) discharge(b) transfer to another hospital(c) death
4 The labour, delivery of the baby and puerperium	<p>Details of the onset of labour (eg spontaneous, no labour, induced labour etc)</p> <p>Details of any induction or augmentation of labour (including the reason for the induction)</p> <p>Details of the presentation of the baby prior to delivery (eg breech, vertex, brow etc)</p> <p>Details of the method of delivery of the baby (eg normal spontaneous, forceps, caesarean etc)</p>

Subject	Details required
	If the baby was delivered by caesarean section, the reason for so doing
	Details of any complications of the labour, delivery and puerperium (eg fetal distress, retained placenta, cord prolapse etc)
	Details of any cardiotocograph (CTG) or fetal scalp pH taken during labour
	Details of the perineal status after delivery (eg intact, tear, episiotomy etc)
	Details of any analgesia given for the labour (eg nitrous oxide and oxygen, narcotic, epidural etc)
	Details of any anaesthesia given for the delivery (eg pudendal, epidural, spinal, general etc)
5 The baby's birth father	Occupation

Part 2—Information relating to congenital abnormalities

The information required for the purposes of regulation 23 is as follows:

Matter	Details required
1 The child	Name and address Place of birth (a) if the child was born in a hospital—the name of the hospital and (if available) the child's case record number (b) if the child was born in some other place—the name, or a description of, that place (eg birthing unit/centre, at home etc) Date of birth If the child is receiving treatment in a hospital—the case record number from the hospital If the child was not born in South Australia, the place where the child was born Sex of the child If the child's birth was a multiple birth— (a) the number of babies born (b) the child's birth order The name, address and contact telephone number of any medical practitioner caring for the child If the child is deceased, the date of death and details of any autopsy performed
2 The child's mother	Name (including any previous names) Date of birth Indigenous Australian status, race and ethnicity
3 The diagnosis	Each congenital abnormality diagnosed Family history of any congenital abnormalities present in the baby's parents, siblings or other specified relatives Address of the mother during the first 16 weeks of pregnancy Exposure of the baby's parents to possible teratogens Whether any prenatal or postnatal diagnostic tests were carried out and (if so) the results of those tests Name and address of the obstetrician and midwife
4 If the diagnosis was not made in a hospital—the medical practitioner who made the diagnosis	Name Address of medical practice Date of diagnosis Signature Date

Matter	Details required
5 If the diagnosis was made in a hospital—the person responsible for the management of the hospital	Name Designation Address of hospital Signature Date

Schedule 3—Revocation and transitional provisions

Part 1—Revocation of regulations

1—Revocation of regulations

The following regulations are revoked:

- (a) *Ambulance Services Regulations 1993*;
- (b) *Ambulance Services (Fees) Variation Regulations 2008*;
- (c) *Ambulance Services (Elections) Regulations 2006*;
- (d) *Ambulance Services (SA Ambulance Service Inc Rules) Regulations 2006*;
- (e) *South Australian Health Commission (Audit of Prescribed Incorporated Hospitals and Health Centres) Regulations 1999*;
- (f) *South Australian Health Commission (Cancer Reporting) Regulations 2006*;
- (g) *South Australian Health Commission (Compensable and Non-Medicare Patients Fees) Regulations 2004*;
- (h) *South Australian Health Commission (Compensable and Non-Medicare Patients Fees) (New Fees) Variation Regulations 2008*;
- (i) *South Australian Health Commission (Pregnancy Outcome Statistics) Regulations 1999*;
- (j) *South Australian Health Commission (Prescribed Health Service) Regulations 2002*;
- (k) *South Australian Health Commission (Private Hospitals) Regulations 2000*;
- (l) *South Australian Health Commission (Private Hospitals) (Fees) Variation Regulations 2008*
- (m) *South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Regulations 2002*;
- (n) *South Australian Health Commission (Recognised Hospital—Medicare Patients Fees) Variation Regulations 2008*.

Part 2—Transitional provisions

2—Long service leave—staff

- (1) A proclamation in force under section 59 of the repealed Act immediately before the commencement of these regulations will continue to have effect in relation to persons employed under the *Health Care Act 2008* as members of the staff of an incorporated hospital within the ambit of that proclamation (without altering the scope of application of that proclamation to any class of employees by operation of this regulation).
- (2) A proclamation under subclause (1) may be varied or revoked by a proclamation under section 89 of the Act.
- (3) Clause 13 of the *SA Ambulance Service Enterprise Agreement 2007* continues to apply in relation to any person employed as a member of the staff of SAAS (without derogating from the effect or status of that agreement in any other respect).
- (4) Subclause (3) does not limit the ability to vary or revoke the relevant enterprise agreement after the commencement of these regulations.

3—Licences—ambulances

For the purposes of clause 40(2)(a) of Schedule 4 of the Act, the following provisions of the Act apply as if a licence referred to in clause 40(1) of Schedule 4 of the Act were a restricted ambulance service licence under section 58 of the Act:

- (a) section 58(10);
- (b) section 58(13);
- (c) section 58(15) to (17);
- (d) section 59.

4—Substitution of reference to Director-General of Medical Services in *Criminal Law Consolidation Act 1935*

Pursuant to clause 42 of Schedule 4 of the Act, a reference to the Director-General of Medical Services in section 82A of the *Criminal Law Consolidation Act 1935* will be taken to be a reference to the Chief Executive of the administrative unit of the Public Service that is, under the relevant Minister, responsible for administration of the *Health Care Act 2008*.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2008	190	<i>Gazette</i> 26.6.2008 p2690	1.7.2008: r 2