

South Australia

Health Care (Private Day Procedure Centres) Variation Regulations 2018

under the *Health Care Act 2008*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Health Care (Private Day Procedure Centres) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 10 of the *Health Care (Miscellaneous) Amendment Act 2016* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Health Care Regulations 2008*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3, definition of *medical practitioner*—delete "*Medical Practice Act 2004*" and substitute:

Health Practitioner Regulation National Law (South Australia)

- (2) Regulation 3, definition of *midwife*—delete "*Nurses Act 1999*" and substitute:

Health Practitioner Regulation National Law (South Australia)

- (3) Regulation 3, definition of *nurse*—delete "*Nurses Act 1999*" and substitute:

Health Practitioner Regulation National Law (South Australia)

5—Variation of regulation 9—Emergency ambulance services

Regulation 9(a)—delete paragraph (a) and substitute:

- (a) Royal Flying Doctor Service of Australia Central Operations;

6—Variation of regulation 10—Licence to provide non-emergency ambulance services

Regulation 10(a)—delete paragraph (a) and substitute:

- (a) Royal Flying Doctor Service of Australia Central Operations;

7—Insertion of Part 4A

After Part 4 insert:

Part 4A—Private day procedure centres

21A—Interpretation

In this Part—

emergency service includes—

- (a) SAMFS; and
(b) SACFS; and
(c) Royal Flying Doctor Service;

health practitioner has the same meaning as in the *Health Practitioner Regulation National Law (South Australia)*;

national board means a national board under the *Health Practitioner Regulation National Law (South Australia)*.

21B—Certain services excluded from definition of health services for purposes of Part 10A of Act

For the purposes of the definition of *health services* in section 3(1) of the Act, the following services will be taken to be excluded from the ambit of that definition for the purposes of Part 10A of the Act:

- (a) paramedical or ambulance services;
- (b) services provided by a member of an emergency service in the course of an emergency (including, to avoid doubt, services provided in the course of a trauma retrieval).

21C—Prescribed health service

(1) For the purposes of paragraph (d) of the definition of *prescribed health service* in section 89(1) of the Act, the following health services are prescribed:

- (a) cardiac catheterisation;
- (b) chemotherapy;
- (c) gastrointestinal endoscopy;
- (d) renal dialysis;
- (e) the following cosmetic surgical procedures:
 - (i) abdominoplasty;
 - (ii) belt lipectomy;
 - (iii) biceps implants;
 - (iv) brachioplasty;
 - (v) breast augmentation or reduction;
 - (vi) buttock augmentation, reduction or lift;
 - (vii) calf implants;
 - (viii) deltoid implants;
 - (ix) facelift (other than a mini-lift that does not involve the superficial musculoaponeurotic system (SMAS));
 - (x) facial implants that involve—
 - (A) inserting an implant on the bone; or
 - (B) surgical exposure to deep tissue;
 - (xi) fat transfer that involves the transfer of more than 500 millilitres of lipoaspirate;
 - (xii) labiaplasty;
 - (xiii) liposuction that involves the removal of more than 2.5 litres of lipoaspirate;
 - (xiv) mastopexy or mastopexy augmentation;

- (xv) monsplasty;
 - (xvi) neck lift;
 - (xvii) pectoral implants;
 - (xviii) penis augmentation;
 - (xix) rhinoplasty;
 - (xx) triceps implants;
 - (xxi) vaginoplasty;
- (f) a health service, or health service of a class, determined by the Minister by notice in the Gazette.
- (2) For the purposes of section 89(2)(c) of the Act, health services of the following kinds are prescribed:
- (a) a health service consisting of the use of topical local anaesthetic;
 - (b) a health service provided by a health practitioner registered with a national board (being a person who is permitted or authorised under a law of the State to administer local anaesthetic of the relevant kind).

21D—Conditions of licence

For the purposes of section 89D(1) of the Act, it is a condition of each private day procedure licence that the private day procedure centre to which the licence relates must be, at all times while the licence is in force, accredited under the Australian Health Service Safety and Quality Accreditation Scheme in accordance with the *National Safety and Quality Health Service Standards* published by the Australian Commission on Safety and Quality in Health Care under the *National Health Reform Act 2011* of the Commonwealth.

21E—Duration of licences

- (1) For the purposes of section 89F(2) of the Act, the prescribed day is 30 April.
- (2) For the purposes of section 89F(2)(b) of the Act, such information as may be determined by the Minister is prescribed.

21F—Prescribed records—licensee to keep register

The holder of a licence under Part 10A of the Act in respect of a private day procedure centre must keep a register in which is recorded, in relation to every person attending at the private day procedure centre for the provision of a prescribed health service, the following details:

- (a) the full name, age, sex and usual place of residence of the person;
- (b) the person's date of attendance at the private day procedure centre;

- (c) the name and address of the person's medical attendant;
- (d) the name and home address of the person's next of kin.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 April 2018

No 52 of 2018

HEAC-2018-00015