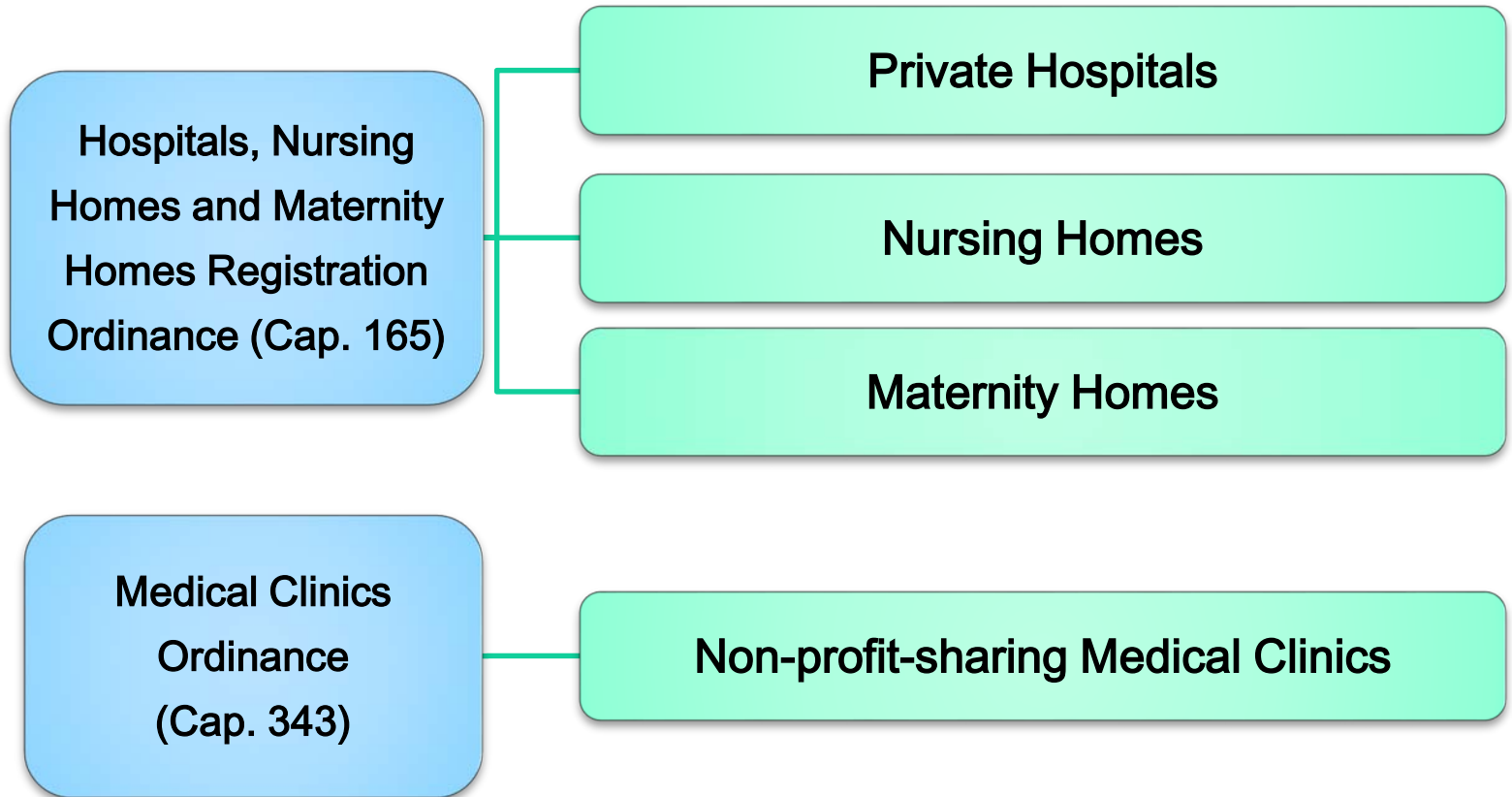




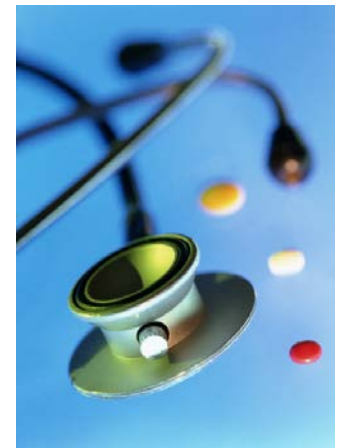
# **Legislative Proposals for Regulation of Private Healthcare Facilities**

# Existing Regulatory Framework



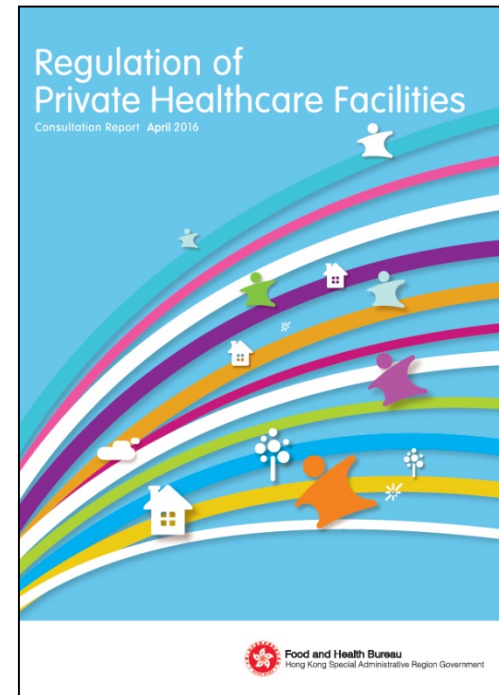
# The Problem

- The existing regulatory frameworks are outdated
- A number of medical incidents involving private healthcare facilities (PHFs) over the past few years
- Steering Committee on Review of Regulation of Private Healthcare Facilities was established in October 2012 to conduct a root-and-branch review

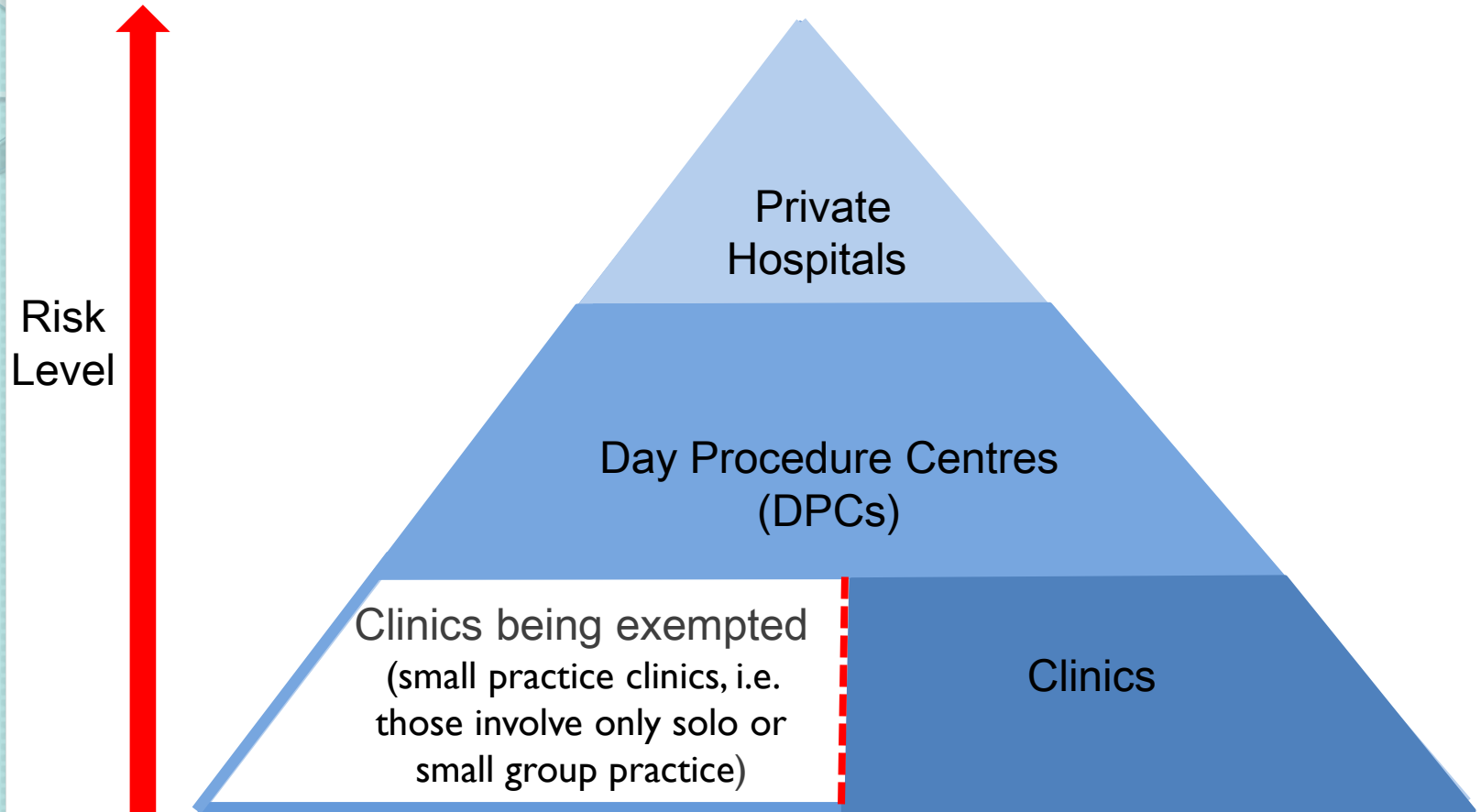


# The Public Consultation

- A three-month public consultation was held in December 2014
  - Three categories of PHFs to be regulated
  - 19 regulatory aspects
  - Regulatory authority be vested with certain types of powers
- Consultation Report released in April 2016
  - Broad support from the community received



# Types of PHFs to be Regulated



- In addition to the above types, the Secretary for Food and Health will be empowered to declare new categories of health services establishments in the future, so as to cater for possible regulatory needs in response to the evolving medical technology and changing needs of our society

# Types of PHFs to be Regulated

	Private Hospital	DPC	Clinic
Medical Care	✓	✓	✓
“High-risk” Medical Procedures	✓	✓	-
Lodging	✓	-	-
Validity of Licence	≤ 2 years	≤ 3 years	≤ 5 years
Remarks	Includes the receipt of – <ul style="list-style-type: none"> <li>• A pregnant woman for childbirth</li> <li>• A woman immediately after giving birth to a child</li> </ul>	-	<ul style="list-style-type: none"> <li>• Does not include premises providing outreach medical service</li> <li>• Exemption applies to a <u>small practice clinic</u></li> </ul>

# Small Practice Clinic

	Sole Proprietor (For Sole Proprietorship)	Partner(s) (For Partnership)	Director(s) (For Company)
Number	1	≤ 3-5	≤ 3-5
Must all be registered medical practitioner(s) / dentist(s)?	Yes, all being the <u>only</u> registered medical practitioners / dentists serving the clinic		
Exclusive right to use the premises	The sole proprietor	The partner(s)	The company or director(s)
Remarks	<ul style="list-style-type: none"> <li>Any person operating a small practice clinic may give the Director of Health a notification of his/her intention to apply for the exemption</li> <li>Exemption applies to <u>2-3 clinics</u> of every sole proprietor / partner / director, of his / her choice</li> <li>Exemption does not apply to a registered medical practitioner under limited registration</li> </ul>		

# Licensee and Chief Medical Executive

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

## Licensee

- Assuming the full authority and responsibility for the operation of the facility
- Ensuring the facility's compliance with licence conditions, codes of practice, etc.
- Setting up and enforcing rules, policies and procedures relating to the quality of care for, and the safety of, patients in the facility as well as for the operation of the facility
- Appointing the chief medical executive

## Chief Medical Executive (CME)

- Taking charge of the day-to-day administration of the facility
- At all times when the facility is in operation, being responsible for the adoption and implementation of rules, policies and procedures concerning the healthcare services provided in the facility
- Depending on the risk, scope and modus operandi of different settings, there will be different requirements on CME (see next page)



# Requirements on CME

	Private Hospital	DPC	Clinic	Clinic (an alternative regulatory rule for clinics <u>managed centrally by the same licensee</u> )
General	<ul style="list-style-type: none"> <li>• Must possess the necessary experience and qualifications</li> <li>• Must be of integrity and good character</li> <li>• Must be physically and mentally fit to operate a PHF</li> </ul>			
Qualifications	Registered medical practitioner	<ul style="list-style-type: none"> <li>• Medical practice: Registered medical practitioner</li> <li>• Dental practice: Registered dentist</li> <li>• Both medical and dental practices: Registered medical practitioner</li> </ul>		
Experience	≥ 15 years (Registered in HK)	≥ 6 years (Registered in HK)	≥ 4 years (Registered in HK)	≥ 10 years (Registered in HK)
Others	<ul style="list-style-type: none"> <li>• Must be appointed full-time</li> <li>• Must not serve as CME of another PHF concurrently</li> </ul>	<ul style="list-style-type: none"> <li>• A person must <u>not</u> serve as CME of <u>more than two</u> DPCs or clinics concurrently, except for the case at the column on the right</li> <li>• In the case of DPCs/clinics with both medical and dental practices, a registered dentist must be appointed to assist the CME</li> </ul>		<ul style="list-style-type: none"> <li>• A person may serve as CME of <u>more than two</u> clinics of the same licensee concurrently, provided that –               <ul style="list-style-type: none"> <li>➤ A Medical Advisory Committee is established for the clinics; and</li> <li>➤ For each clinic, a registered medical practitioner/registered dentist serving the clinic is appointed to assist CME</li> </ul> </li> </ul>

# Price Transparency

	Private Hospital	DPC	Clinic
Provision of Fee Schedules	✓	✓	✓
Provision of Budget Estimates	✓	-	-
Provision of Recognised Service Packages	Voluntary	Voluntary	Voluntary
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

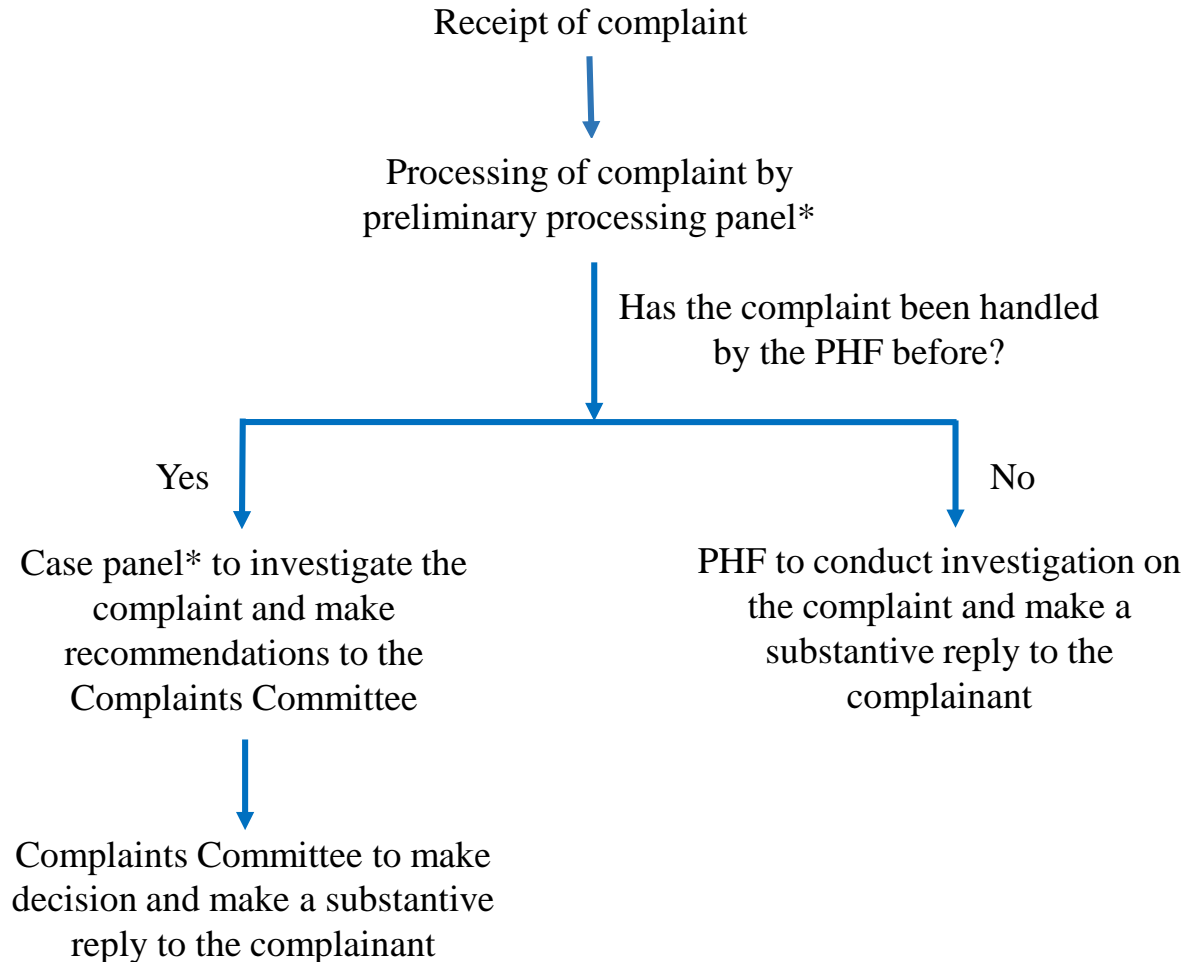
## Second Tier

- Unresolved complaints to be handled according to a centralised mechanism

# Committee on Complaints against Private Healthcare Facilities

<b>Formation</b>	<ul style="list-style-type: none"><li>• The Secretary of Food and Health will appoint a chairperson, as well as not less than 24 and not more than 48 other members</li><li>• At least half of the members will be lay persons</li><li>• A secretary (being a public officer) and a legal adviser will serve the Complaints Committee</li></ul>
<b>Functions</b>	<ul style="list-style-type: none"><li>• To advise the Director of Health on the policies on complaints management</li><li>• To receive and consider a complaint</li><li>• To make recommendations to the Director of Health on matters relating to a complaint (including whether to take any regulatory action against the PHF)</li><li>• To refer, in appropriate cases, complaints to regulatory authorities for any follow up actions</li><li>• To make recommendations to a PHF on any improvement measures</li><li>• To publish on a regular basis summary reports on the complaints handled and the recommendations made</li><li>• To inform the public of complaint channels</li></ul>

# Complaints Management System - Flowchart



\* Comprising members of the Complaints Committee

# Regulatory Measures and Sanctions

- Regulatory measures will be stipulated to tackle with breaches of the law and licensing requirements including the codes of practice
  - Suspension of service
  - Cancellation of licence
- We will stipulate offences to deter serious and intentional non-compliance under the new regime
  - To protect public interests on one hand
  - To avoid placing unduly onerous responsibilities on relevant personnel in PHFs on the other hand
- Licensees and CMEs could be subject to sanctions for certain contraventions
- 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 an order from the Director of Health to suspend the operation or provision of services in a PHF
  - Maximum penalty - a fine of \$1 million and imprisonment for two years

# Regulatory Standards for PHFs

- The Director of Health will be empowered to issue, revise or revoke various forms of codes of practice
- Different types of PHFs will each be subject to a set of regulatory standards commensurate with the risk of the services they provide
- Progress:

Private Hospital	<ul style="list-style-type: none"><li>• Subject to the most stringent regulatory standards</li><li>• Will be formulated based on the Code of Practice for Private Hospitals, Nursing Homes and Maternity Homes currently in force</li></ul>
DPC	<ul style="list-style-type: none"><li>• A Project Steering Committee on Standards for Ambulatory Facilities was set up to draw up standards for DPCs</li><li>• Core Standards have been promulgated by the Hong Kong Academy of Medicine in late 2016</li><li>• Procedure-specific Standards are under preparation</li></ul>
Clinic	<ul style="list-style-type: none"><li>• Have been drafted with reference to the existing Code of Practice for Clinics Registered under the Medical Clinics Ordinance (Cap. 343)</li><li>• We are consulting stakeholders on the Standards for Medical Clinics</li></ul>

# Legislative Timetable

- We are finalising details of the new regulatory regime for PHFs, taking into account the views received from stakeholders
- We aim to introduce the Private Healthcare Facilities Bill to the Legislative Council in the first half of 2017





**Thank you**