

## **Issuing an Approval in Principle and the Licence for a Private Health Facility (s7 & s9 *Private Health Facilities Act 2007*)**

Applications are assessed against the *Private Health Facilities Act 2007* and *Private Health Facilities Regulation 2010*, with particular reference to the *Australasian Health Facilities Guidelines*.

### ***Approval in Principle***

On the Ministry's receipt of an application for a licence, the applicant is sent an acknowledgement letter advising them that their application is being processed and routine checks have commenced to ensure that the Directors/Secretary are fit and proper persons to hold a licence to operate a private health facility.

The Ministry will review the 1:100 architectural plans supplied, and recommend modifications as required. This process can delay plan approval if modifications required are extensive, or if the applicant suggests alternative solutions which require further review.

Following the consideration of all available information, a letter will be sent to the proposed licensee advising whether Approval in Principle is given. If Approval in Principle is refused, written advice stating the reason for refusal and giving details on how to seek a review of the decision will be provided. If an Approval in Principle is issued, a contact officer to assist with the process prior to licensing will be nominated in the Approval in Principle letter.

An Approval in Principle will only issue under section 7 of the *Private Health Facilities Act 2007* after:

- satisfactory assessment that the applicant is fit and proper to operate a private health facility (including National Criminal Record Check);
- consultation with the relevant Local Health District, and relevant Branches in the NSW Ministry of Health such as Health Service Planning and Investment, Mental Health and Drug and Alcohol, Integrated Care, and Government Relations, has taken place; and
- proper consideration of any submissions received from third parties following public advertisement of the proposed private health facility.

The letter of Approval in Principle will contain conditions which will need to be complied with before the licence is issued. Common conditions of an Approval in Principle will include:

- compliance with relevant building codes/Australian Health Facility Guidelines
- compliance with licensing standards
- establishment of Medical Advisory Committee/Credentialing Committee
- appointment of suitably qualified Director of Nursing
- establishment of a quality improvement program.

An Approval in Principle of an application for a licence is valid for a period of twelve months and is not transferable. The applicant may apply for an extension of the Approval in Principle, but the application for extension must be in writing, made before the twelve month period has expired, and be accompanied by the prescribed fee.

### ***Issue of Licence***

Before the licence is issued, a final inspection is carried out to ensure that the private health facility has been built in accordance with the approved plans and complies with the conditions of the Approval in Principle and all relevant Legislation. The following information, as relevant to the classes of health services to be provided, is required before a licence is issued:

- Copy of the certificate of classification from an authorised certifier under the Local Government Act, for the use of the premises as a BCA Class 9(a) health care building.
- Certification from the relevant manufacturer or registered professional
  - new equipment (equipment in the CSSD, dirty utility rooms, operating theatres, monitors etc.)
  - fire retardancy for new furnishings, curtains and floorings
  - warm water system (thermostatic mixing valves)
  - nurse and emergency call bells
  - medical gases
  - air-conditioning
  - backup power supply
  - Infant cots
  - Laminar flow cabinets installed at chemotherapy clinics
  - EPA certification of lead lining in operating theatres.

(Certified that it has been installed and meets the relevant Australian Standard)

- Letter of notification from the applicant concerning the appointment of the Director of Nursing of the facility, indicating that the person nominated meets legislative requirements & include a copy of current Authority to Practise
- Letter of notification from the applicant of the Medical Advisory Committee (MAC) Membership details.
- Letter of confirmation from the applicant that the nursing staff have the relevant qualifications and experience for all specialties.
- For a mental health class facility, an environmental risk assessment with action plan and timeframes from a recognised mental health professional.
- Letter of confirmation from the applicant that the MAC have approved the admission criteria for each class(es).
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- Letter of confirmation from the applicant that there is resuscitation equipment for use in advanced life support that complies with the Standards for Resuscitation: Clinical Practice and Education published by the Australian Resuscitation Council and the Australian College of Critical Care Nurses in March 2008.

- Letter from an accredited cardiologist stating that the Guidelines on Support Facilities for Coronary Angiography and Percutaneous Coronary Intervention (PCI) published by the Cardiac Society of Australia and New Zealand are adhered to, where applicable.
- Letter from a recognised sterilizing/reprocessing consultant confirming that the reprocessing complies with the Australian and New Zealand Standard AS/NZS 4187, where applicable.
- Copy of the current formal agreement with a nearby hospital or Local Health District capable of providing a higher level of patient care in the event of an emergency transfer –relevant to new facilities and class(es). In the case of cardiac catheterisation class access to a hospital with cardiac surgery or intensive care class private health facility or a public hospital to which the patient may be transferred for cardiac surgery in less than 1 hour.
- Letter from an anaesthetist or sedationist credentialed to the facility confirming that the facility complies with the Australian and New Zealand College of Anaesthetists publications, where applicable.
- Letter signed by a registered anaesthetist or sedationist stating the level and type of anaesthetic to be used for the procedures or treatment specified.
- Copy of the notification letters from the applicant to the ambulance and fire Ministry re opening of the new facility.
- Letter from a paediatric physician agreeing to be available for consultation whenever paediatric patients are accommodated at the facility, where applicable.

At the onsite commissioning inspection, all building, fire and other relevant certification will be required. Following the successful commissioning, a licence will be issued, endorsed for the specific classes and services as specified in the application.

The new licensee is responsible for the conduct of the establishment as from the date of the licence.