

Provincial Gazette

Free State Province

Published by Authority



Provinsiale Koerant

Provinsie Vrystaat

Uitgegee op Gesag

NO. 67	FRIDAY, 15 October 2021	NR. 67	VRYDAG, 15 Oktober 2021
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No.		Page
	PROVINCIAL NOTICE	
72	<u>For comment:</u> Private Health Establishment Amendment Regulations, 2021	2

PROVINCIAL NOTICE

[No. 72 of 2021]

AMENDMENT OF REGULATIONS GOVERNING PRIVATE HEALTH ESTABLISHMENTS

I, **Montseng Margaret Tsiu**, Member of the Executive Council responsible for Health in the Free State Province, acting in terms of section 16(1) of the Free State Hospitals Act, 1996 (Act No. 13 of 1996), hereby give notice of my intention to amend the Regulations Governing Private Health Establishments as contained in the Schedule hereto.

Interested parties are invited to make written representations on the proposed amendments, if any, within 21 days of the publication of this notice. Such representations may be submitted to the following address:

The Head of Department
4th Floor Executive Suite
Bophelo House
cor. Charlotte Maxeke Street & Harvey Road
Bloemfontein

Attention: Ms CSP Belot

E-mail: BelotCSP@fshealth.gov.za / TabaneNE@fshealth.gov.za

Any comments or representations received after the due date will be disregarded.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

___ Words underlined with a solid line indicate insertions in existing regulations.

Amendment of regulation 1

1. Regulation 1 of the Private Health Establishment Regulations, 2014 (hereinafter referred to as the “Regulations”) is amended by:

- (a) the deletion of the definition of “**acute care**” and the insertion of the definition of “**acute level 1 hospital**”, “**acute level 2 hospital**” and “**acute level 3 hospital**” before the definition of “**administrative control area**”:

“**acute level 1 hospital**” means a health establishment that provide 24-hour in-patient services, ambulatory health services as well as emergency health services and it has a functional operating theatre in which procedures and surgical operations are performed regularly under general or local or block anaesthesia mainly within the scope of general medical practitioners, family physicians and clinical nurse practitioners who are skilled and certified to perform procedures, surgical operations and anaesthesia. Acute level 1 hospital may only provide the following specialist services: paediatrics, obstetrics and gynaecology, internal medicine, general surgery and family medicine;

“**acute level 2 hospital**” means a health establishment that provide 24-hour trauma and emergency services, basic specialist level services in the field of internal medicine, paediatrics, obstetrics and gynaecology, general surgery, orthopaedics, psychiatry, anaesthesia, diagnostic radiology and short term ventilation in a critical care unit under the care of general medical practitioners, family physicians, clinical nurse practitioners and medical specialists. It may provide training for health care providers;

“**acute level 3 hospital**” means a health establishment that provide 24-hour specialist level services provided by acute level 2 hospitals, subspecialties of those specialists, intensive care services under the care of specialists and specialist intensivist. It may provide training for health care service providers;”;

- (b) the insertion of the definition of “**assisted care, treatment and rehabilitation**” after the definition of “**attending side**”:

“**assisted care, treatment and rehabilitation**” means the provision of health interventions to people incapable of making informed decisions due to their mental health status and who do not refuse the health intervention;”;

- (c) the insertion of the definition of “**day hospital/ clinic**” after the definition of “**day beds**”:

“**day hospital/clinic**” means a health establishment that provides mainly outpatient services and minimally invasive procedures and surgical operations are performed under general or local or block anaesthesia by skilled and experienced surgical team;”;

- (d) the insertion of the definition of “**involuntary care, treatment and rehabilitation**” after the definition of “**inspecting officer**”:

“**involuntary care, treatment and rehabilitation**” means the provision of health interventions to people incapable of making informed decisions due to their mental health status and who refuse health interventions and require such services for their own protection or for the protection of others;”;

- (e) the insertion of definition of “**mental health care hospital**” after the definition of “**minor theatre**”:
“ ‘**mental health care hospital**’ means a health establishment that provides voluntary or involuntary or assisted care, treatment and rehabilitation of patients with mental conditions as defined in the Mental Health Act of 2002, (Act No. 17 of 2002);”;
- (f) the insertion of the definition of “**specialized hospital**” after the definition of “**special care facility**”:
“ ‘**specialized hospital**’ means a health establishment that provides specialized health services like psychiatry, ophthalmology, tuberculosis, infectious diseases and rehabilitation services;”;
- (g) the insertion of the definition of “**voluntary care, treatment and rehabilitation**” after the definition of “**visible building activities**”:
“ ‘**voluntary care, treatment and rehabilitation**’ means the provision of health interventions to a person who gives consent to such interventions;”.

Amendment of regulation 4

2. Regulation 4 of the Regulations is amended by the substitution of sub regulation (1) of the following sub regulation:

“(1) A person who wishes to obtain the registration of a private health establishment [**and the concomitant license**] or the amendment thereof contemplated by regulation 3, must submit to the Head of Department an application on the appropriate form prescribed in Annexure A together with the prescribed supporting documents, the proof of payment of the non-refundable fee and inspection fee.”.

Amendment of regulation 18

3. Regulation 18 of the Regulations is amended by –

- (a) the substitution of sub regulation (1) of the following sub regulation:

“(1) If an application to erect or extend or otherwise alter a private health establishment has been approved, the building plans approved by the relevant Municipality must be submitted to the Head of Department within 24 months of the date on which the applicant was informed that the application has been approved.”;

- (b) the substitution of sub regulation (2) of the following sub regulation:

“(2) If the building plans contemplated by this regulation are not submitted within the relevant 24 months, the approval of the application will lapse, but the Head of Department may, if good grounds exist, grant an extension of the time not exceeding 12 months.”.

Amendment of Regulation 24

4. Regulation 24 is amended by the substitution of sub regulation (1) of the following sub regulation:

“(1) An application for renewal of a license to operate a private health establishment service shall be submitted not earlier than 90 days and not later than 60 days prior to the date of expiry of the license. The application must be accompanied by the prescribed form, prescribed supporting documents and proof of payment of fees as contemplated in Annexure “D”.”.

Short title

5. These Regulations are called the Private Health Establishment Amendment Regulations, 2021.
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<p align="center">CLOSING TIME FOR ACCEPTANCE OF ADVERTS</p> <p>All advertisements must reach the Officer in Charge of the Provincial Gazette not later than 12:00 (Tuesday), three working days prior to the publication of the Gazette. Advertisements received after 12:00 on the Tuesday of the publication week, will be held over for publication in the issue of the following week, or if specifically requested by the advertiser, will be published as a "Special Publication". In such cases, the advertisement must be delivered to the Officer in Charge not later than 12:00 on the Thursday preceding the publication of the Gazette and double rate will be charged for that advertisement. Advertisements received for publication on the same day, will be charged at triple the normal rate.</p> <p>A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.</p>	<p align="center">SLUITINGSTYD VIR DIE AANNAME VAN ADVERTENSIES</p> <p>Alle advertensies moet die Beampte belas met die Provinsiale Koerant bereik nie later nie as 12:00 (Dinsdag), drie werksdae voordat die Koerant uitgegee word. Advertensies wat na 12:00 op die Dinsdag van die publikasie week ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit geplaas word in 'n "Buitengewone Koerant". In sulke gevalle moet die advertensie aan die Beampte oorhandig word nie later nie as 12:00 op die Donderdag voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word. 'n Drievoudige tarief sal gevra word vir advertensies wat ontvang is vir publikasie op die selfde dag.</p> <p>'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.</p>																								
<p align="center">ADVERTISEMENT RATES</p> <p>Notices required by Law to be inserted in the Provincial Gazette: R 66.00 per centimeter or portion thereof.</p> <p>Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.</p>	<p align="center">ADVERTENSIETARIEWE</p> <p>Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R 66.00 per sentimeter of deel daarvan.</p> <p>Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.</p>																								
<p align="center">NUMBERING OF PROVINCIAL GAZETTE</p> <p>You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.</p>	<p align="center">NOMMERING VAN PROVINSIALE KOERANT</p> <p>U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnommers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.</p>																								
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