

CAP. 255.

CYPRUS

PRIVATE HOSPITALS

CHAPTER 255 OF THE LAWS

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1959

CHAPTER 255.

PRIVATE HOSPITALS.

ARRANGEMENT OF SECTIONS.

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A LAW TO MAKE BETTER PROVISION FOR THE REGISTRATION,
CONTROL AND REGULATION OF PRIVATE HOSPITALS.

27 of 1952.
25 of 1954.

[7th November, 1952.]

Short title.

1. This Law may be cited as the Private Hospitals (Control) Law.

Interpre-
tation.

2. In this Law, unless the context otherwise requires—

“ Director ” means the Director of Medical Services and includes any person authorized by him to act for all or any of the purposes of this Law;

“ medical practitioner ” means a medical practitioner registered under the Medical Registration Law;

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“ private hospital ” means any hospital, convalescent home, nursing home, sanatorium or any premises used or intended to be used for the reception of persons suffering from any sickness, injury or bodily or mental infirmity and the reception of women in childbirth or immediately after childbirth for the purpose of providing such persons with nursing, medical or surgical attention whether or not any payment or reward is made or provided by or on behalf of any person so received but does not include any such hospital, convalescent home, nursing home, sanatorium or premises maintained or controlled by Government or by any local body or committee who obtain a grant-in-aid from public funds;

“ sanatorium ” means a private hospital or a section thereof where persons, suffering from tuberculosis of any form, are ordinarily received, or intended to be ordinarily received, for the purpose of providing such persons with nursing, medical or surgical attention or where special arrangements are made for the reception of such persons for any of the aforesaid purposes.

3. No person shall establish or conduct in the Colony a private hospital, unless such hospital has been duly registered by the Director under the provisions of this Law. Registration of private hospitals.

4. (1) Subject to the provisions of this Law, every private hospital shall be under the management, control and supervision of a medical practitioner (hereinafter referred to as “ the medical practitioner in charge ”) who shall be responsible for the carrying into effect of the provisions of this Law in the private hospital concerned: Person in charge.

Provided that, in respect of a private hospital which is a sanatorium, the medical practitioner in charge shall be a chest specialist, having acquired a qualification in that branch either in the United Kingdom or elsewhere or satisfying the Director as having obtained adequate knowledge and experience in that branch.

(2) Where more than one medical practitioner is connected with a private hospital, one of such medical practitioners shall be nominated as the medical practitioner in charge.

5. (1) Application for the registration of a private hospital shall be made to the Director in the prescribed form and manner. Registration.

(2) No private hospital shall be registered unless the Director is satisfied—

- (a) that the medical practitioner in charge and every other medical practitioner connected with the private hospital is in all respects a fit and proper person to conduct the work of the hospital;
- (b) that the nursing staff is adequate and in conformity with the provisions of any Regulations made under this Law;
- (c) that the matron or other person in charge of the nursing staff is a qualified nurse registered under the Nursing and Midwifery Law;

- (d) that the site, buildings and general amenities are in all respects satisfactory;
- (e) that, having regard to the situation of the private hospital or the particular type of such hospital and its proximity to inhabited places or to places frequented by the public, its establishment and conduct are not contrary to the public interest;
- (f) that the equipment is suitable and sufficient to meet the requirements of such private hospitals;
- (g) that the private hospital contains not less than the minimum or more than the maximum number of beds in conformity with any regulations made under this Law;
- (h) that the private hospital in all other respects complies with the provisions of any regulations made under this Law:

Provided that the Director shall not proceed to the registration of any sanatorium under this section unless the Governor in Council is satisfied that, having regard to its proximity to inhabited places or to places frequented by the public, its establishment and conduct are not contrary to the public interest.

(3) The Director shall keep a register of private hospitals and a register of sanatoria, both in the prescribed form, and shall record therein the prescribed particulars.

(4) On registration of a private hospital or sanatorium, the Director shall issue in respect thereof a certificate in the prescribed form, which shall be kept in a conspicuous place in the private hospital or sanatorium, as the case may be, and, if default is made in so keeping the medical officer in charge, shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds and, in case of a continuing offence, not exceeding one pound for each day during which the offence continues.

(5) Any person aggrieved by the refusal of the Director to register a private hospital may, within ten days from the communication to him of such refusal, appeal to the Governor in Council whose decision thereon shall be final and conclusive.

Inspection
and super-
vision.

6. The Director may, at all reasonable times, enter a private hospital for the purpose of supervision and inspection and may require to be produced to him all or any of

the registers, records and other documents required to be kept under the provisions of this Law or any Regulations made thereunder and the medical practitioner in charge shall take such steps as may be necessary to facilitate such supervision and inspection:

Provided that nothing in this Law shall be deemed to authorize the Director to inspect any medical record relating to any patient in a private hospital.

7. (1) Subject to subsections (2) and (3), where it appears to the Director that the provisions of this Law or any Regulations made under this Law are not being complied with in a private hospital or that a private hospital is not being conducted in the best interests of the health or well-being of the patients admitted thereto the Director may by an order—

Power to
cancel or
suspend
registration.

(a) suspend the registration of such private hospital until the conditions which caused the suspension have been rectified; or

(b) cancel the registration of such private hospital.

(2) Before making an order of suspension or cancellation under subsection (1), the Director shall give to the medical practitioner in charge of the private hospital and, if such practitioner is not the person in whose name the private hospital is registered, also to the person in whose name such hospital is registered (hereinafter referred to as "the persons interested") a notice in writing under his hand of his intention to make such order stating the grounds upon which he intends to make such order and requiring the persons interested to show cause, within ten days from the delivery of the notice, why the order should not be made.

(3) Every order of suspension or cancellation shall be under the hand of the Director and shall be delivered to the persons interested or, if they cannot be conveniently found, shall be forwarded by registered post to their last known address and the persons interested may, within ten days from the date of such delivery or forwarding, appeal to a judge of the Supreme Court whose decision thereon shall be final and conclusive; and the Rules of Court relating to civil appeals in force for the time being shall apply *mutatis mutandis* to every such appeal made under this subsection.

(4) Any suspension or cancellation made under the provisions of this section shall be in addition to any

proceedings which may be instituted in respect of any contravention or failure to comply with the provisions of this Law or any Regulations made thereunder and to any penalties which may be imposed on conviction in such proceedings whether or not such conviction is had on the same facts on which the order of suspension or cancellation was made.

Consequen-
tial effects
of an order
of suspension
or cancel-
lation.

8. (1) When an order of suspension or cancellation of the registration of a private hospital has been made under the provisions of section 7, such hospital shall, thereupon, be closed and be kept closed and no new patients shall be admitted and the remaining in-patients shall, in the discretion of the Director, be discharged or transferred to such other premises as he may direct or retained in the private hospital which has so been closed until, in the opinion of the Director, they are fit so to be discharged or transferred and such retention of in-patients shall not constitute an offence under section 3.

(2) Any patients who are not discharged as in subsection (1) provided shall remain under the charge and care of the Director and any expenses incurred by the Director in that behalf shall be recoverable by him from the person in whose name the private hospital is registered:

Provided that such patients shall be liable to the payment to the Director of the fees and charges which, but for the order of suspension or cancellation, would have been payable by them in connection with their treatment and maintenance in such hospital and all fees or charges so paid shall be set off by the Director against any amount payable by the person in whose name the private hospital is registered:

Provided further that, if an appeal against the order of suspension or cancellation is successful, unless the judge hearing the appeal otherwise directs, all expenses as hereinbefore shall be borne by the Director and any fees or charges collected from any patient and any money paid by the person, in whose name the private hospital is registered, shall be refunded to such person.

Offences and
penalties.

9. Any person who—

- (a) establishes or conducts a private hospital in contravention of section 3;
- (b) establishes or conducts a sanatorium in contravention of section 3 or 4 (1);

- (c) obstructs, hinders or impedes the Director in the exercise of any of his powers under section 6 or fails to comply with any request made under that section;
- (d) fails to close and keep closed any private hospital as in section 8 provided or obstructs, hinders or impedes the Director in any action which the Director may deem fit to take under such section,

shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine and, in case of a continuing offence, to a fine not exceeding ten pounds for each day during which the offence continues.

10. Where an offence has been committed against this Law or any Regulations made thereunder, in respect of a private hospital owned by a person other than the medical practitioner in charge then, in addition to the medical practitioner in charge, such person and, if a company, every director, manager, secretary and other officer of such company, shall be guilty of the like offence and may be charged and tried with actually committing it and may be punished accordingly, unless he establishes to the satisfaction of the Court that the offence was committed without his knowledge and was not due to any act or omission on his part.

Liability for offences.

11. The Governor in Council may make Regulations in respect of the establishment, conduct, supervision and inspection of private hospitals and, generally, for the carrying into effect the purposes of this Law and, without prejudice to the generality of the power so conferred, in particular for—

Power to make Regulations.

- (a) prescribing the standards of sanitary arrangements, the arrangements for disinfection and the prevention of the spread of infection and the arrangements to be made for the prevention and control of fire and for the safety of patients and staff in the event of fire;
- (b) regulating the accommodation for patients and nursing staff, the accommodation and equipment for operating theatres, laboratories, sterilization and disinfection, pharmacies and other similar purposes and the preparation and storage of food and drugs;

- (c) prescribing the number of qualified nurses to be employed in proportion to the number of beds available;
- (d) prescribing the registers, records and statistics to be kept, the mode of keeping them and the particulars to be recorded or inserted therein;
- (e) requiring the notification of deaths;
- (f) regulating the admission and discharge of patients and the general medical and domestic arrangements;
- (g) prescribing penalties not exceeding one month's imprisonment or twenty-five pounds fine or both such imprisonment and fine for breaches of any of the Regulations made hereunder;
- (h) prescribing any other matter required to be prescribed under the provisions of this Law.

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12. For a period of twelve months from the date of the coming into operation of this Law, nothing in the repeal of the Registration of the Nursing Homes Law shall affect any nursing home registered under the repealed Law and every such nursing home may continue working during the aforementioned period as if this Law has not been enacted and, for this purpose, the Registration of Nursing Homes Law shall continue in force during the said period and shall apply to such nursing home as if this Law had not been enacted:

Provided further that no such nursing home shall continue working after the aforementioned period of twelve months, unless it is in the meantime registered as a private hospital under the provisions of this Law.