



THE HOSPITALS REGULATIONS 1993

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of June 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 152 and 153 of the Hospitals Act 1957, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Licences 4. Registered nursing staff <p style="text-align: center;"><i>Records</i></p> <ol style="list-style-type: none"> 5. Register of Patients 6. Registers to be retained 7. Patient's chart to be kept 8. Availability of patient's charts 9. Medical practitioner's instructions to be in writing <p style="text-align: center;"><i>Precautions for Preventing Spread of Communicable Disease</i></p> <ol style="list-style-type: none"> 10. Nurses suffering from communicable diseases | <ol style="list-style-type: none"> 11. Nurses contracting communicable disease 12. Attendance on other patients 13. Cleanliness of nurses 14. Proper aseptic technique to be observed 15. Equipment 16. Supply of articles in a sterile state 17. Laundering of linen 18. Medical asepsis 19. Rooms and equipment to be disinfected <p style="text-align: center;"><i>Miscellaneous Provisions</i></p> <ol style="list-style-type: none"> 20. Penalties 21. Revocations Schedules |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Hospitals Regulations 1993.

(2) These regulations shall come into force on the 1st day of July 1993.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Hospitals Act 1957:

“Carrier” has the meaning assigned to that term in section 2 of the Health Act 1956:

“Communicable disease” includes any infectious disease, tuberculosis, venereal disease, and any other disease declared by the Governor-General, by Order in Council, to be a communicable disease for the purposes of the Health Act 1956:

“Manager”, in relation to a hospital, means the person in charge of the hospital:

“Medical Officer of Health” has the meaning assigned to that term in section 2 of the Health Act 1956.

(2) In these regulations, unless the context otherwise requires, terms defined in the Hospitals Act 1957 or the Nurses Act 1977 have the meanings so defined.

3. Licences—(1) Every application for a licence to keep a hospital shall be made to the Director-General of Health.

(2) The application shall contain the particulars specified in the First Schedule to these regulations, and shall be accompanied by a fee of \$10.

(3) The fee to be paid on the grant of a licence to keep a hospital, and, in the month of December in each year in respect of the continuance of the licence, shall be:

Where the maximum number of patients that may be maintained at any one time does not exceed 4	\$16.
Where the maximum number of patients that may be maintained at any one time exceeds 4	\$4 for each patient comprising that number, with a maximum fee of \$100.

(4) The application shall also be accompanied by a statement of any changes that have occurred since the payment was last made under this regulation in respect of the licence concerned, relating to any matter in respect of the hospital concerned for which provision is made in these regulations.

4. Registered nursing staff—(1) There shall at all times be on duty in a hospital at least one registered nurse.

(2) For the purposes of subclauses (3) to (5) of this regulation, a nurse who is normally employed at a hospital for a period of less than 40 hours every week shall be counted as a fraction of a nurse bearing the same proportion to 1 as the period for which that nurse is normally employed at that hospital every week bears to the period of 40 hours.

(3) There shall at all times be employed at a geriatric, medical, obstetric, or surgical hospital not less than the number of registered general, registered general and obstetric, registered comprehensive, or enrolled nurses specified in the second column of the Second Schedule to these regulations in relation to the number of beds for which that hospital is licensed specified in the first column of that Schedule, of whom at least the

number specified in the third column of that Schedule opposite that number are registered general, registered general and obstetric, or registered comprehensive nurses.

(4) If satisfied that it would be in the interests of the care of the patients in a geriatric or medical hospital, the Director-General may authorise the application of subclause (3) of this regulation to that hospital as if a number (specified by the Director-General in that behalf) of registered psychiatric nurses were registered general nurses; and, in that case, until the Director-General modifies or withdraws the authority, that subclause shall apply to that hospital.

(5) There shall at all times be employed at a psychiatric hospital not less than the number of registered psychiatric, registered comprehensive, or enrolled nurses specified in the second column of the Second Schedule to these regulations in relation to the number of beds for which that hospital is licensed in the first column of that Schedule, of whom at least the number specified in the third column of that Schedule opposite that number are registered psychiatric or registered comprehensive nurses.

(6) Nothing in this regulation affects the provisions of the Obstetric Regulations 1986*.

Records

5. Register of Patients—In every hospital the licensee shall cause to be entered in the Register of Patients, in addition to the particulars required to be entered by section 137 of the Act, the following particulars:

- (a) Whether the patient is married or single;
- (b) Diagnosis on admission;
- (c) Nature of any operation performed on the patient;
- (d) Nature and quantity of any anaesthetic given and by whom.

6. Registers to be retained—(1) Subject to subclause (2) of this regulation, the licensee of a hospital shall cause each register to be retained for 3 years after the date of the last entry in it.

(2) If a licence is revoked or otherwise terminated, the licensee shall forthwith forward all registers in his or her hands to the Director-General of Health.

7. Patient's chart to be kept—(1) The manager of a hospital shall take all reasonable steps to ensure that there is kept in respect of each patient admitted to the hospital a chart (to be called a patient's chart) in a form approved by the Director-General of Health.

(2) There shall be entered on the patient's chart in ink, as soon as practicable after the occurrence of the act or event to which the entry relates,—

- (a) The temperature and pulse rate of the patient on each occasion these are taken and the date and time of each observation;
- (b) Instructions given by a medical practitioner as to the administration to the patient of any drug or as to any treatment other than routine management;
- (c) Particulars of any drug administered to the patient or treatment given other than routine management;
- (d) Particulars of any other significant observations made or action taken in relation to the treatment or nursing care of the patient.

*S.R. 1986/75

Amendment No. 1: S.R. 1990/223

Amendment No. 2: S.R. 1993/000

8. Availability of patient's charts—(1) Subject to subclause (2) of this regulation, in every hospital the manager shall take all reasonable steps to ensure that, in the case of each patient in the hospital, the patient's chart is so kept that the temperature record is available for inspection by any medical practitioner who is in attendance on a patient in the hospital, and that, after the discharge or death of a patient, the patient's chart is retained in the hospital for at least 3 years.

(2) If a licence is revoked or otherwise terminated, the licensee shall forthwith forward all patient's charts in the licensee's hands to the Director-General of Health.

9. Medical practitioner's instructions to be in writing—(1) Every medical practitioner who gives instructions as to the administration of any drug to a patient in a hospital, or as to any treatment other than routine management, shall write over his or her signature such instructions on the patient's chart, or, if he or she gives such instructions orally in cases of emergency, shall confirm them in writing on the patient's chart as soon as practicable.

(2) Instructions that the medical practitioner requires to be observed in the routine management of any patient's treatment shall be given to the manager in writing and be signed by the medical practitioner concerned.

Precautions for Preventing Spread of Communicable Disease

10. Nurses suffering from communicable diseases—A nurse shall not attend any patient, or undertake any duty, in a hospital while suffering from any communicable disease; nor shall he or she do so while he or she is a carrier, except with the consent of the Medical Officer of Health and subject to such conditions as the Medical Officer of Health may specify.

11. Nurses contracting communicable disease—A nurse who contracts any communicable disease shall not thereafter attend any patient, or undertake any duty, in a hospital until he or she is permitted to do so by the Medical Officer of Health.

12. Attendance on other patients—A nurse who attends any patient suffering from, or suspected of suffering from, any communicable disease shall not attend any other patient, or undertake any duty, in a hospital until he or she is permitted to do so by the Medical Officer of Health and until he or she has carried out such measures for personal disinfection as the Medical Officer of Health may specify.

13. Cleanliness of nurses—The manager of a hospital shall take all reasonable steps to ensure that every nurse observes strict cleanliness in his or her person and clothing and gives proper attention to the care of his or her hands.

14. Proper aseptic techniques to be observed—Every person who conducts or directly assists in conducting any surgical procedure in a hospital shall observe proper aseptic technique including, when appropriate, the wearing of a sterilised gown, cap, and mask and sterilised rubber gloves.

15. Equipment—(1) The licensee of a hospital shall take all reasonable steps to ensure that there is maintained in the hospital for the purpose of preventing the spread of any communicable disease—

(a) Adequate sanitary appliances:

(b) Adequate sterilising apparatus:

(c) Adequate laundry equipment.

(2) If any question arises as to whether any appliance, apparatus, or equipment is adequate for the purposes specified in subclause (1) of this regulation, the matter shall be referred to the Director-General of Health whose decision shall be final.

16. Supply of articles in a sterile state—Nothing in regulation 15 of these regulations shall be construed so as to prevent arrangements being made for any class of article to be supplied in a sterile state instead of being sterilised in the hospital or to prevent the making of suitable arrangements for part or all of the laundry work to be carried out elsewhere.

17. Laundering of linen—The manager of a hospital shall take all reasonable steps to ensure that all linen is effectively laundered by a process that includes boiling or other means of sterilisation by heat, or by any other process approved in writing for the time being by the Director-General of Health, and that all reasonable precautions are taken to prevent its being subject to any form of bacterial contamination thereafter.

18. Medical asepsis—The manager of a hospital shall take all reasonable steps to ensure that every patient in the hospital is nursed in accordance with a proper and appropriate technique of medical asepsis.

19. Rooms and equipment to be disinfected—The manager of a hospital shall not permit—

(a) Any room that has been occupied by a patient suffering from or suspected of suffering from any communicable disease to be occupied by any other patient until the room and its contents have been disinfected in a proper manner:

(b) Any equipment that may have become infected during the treatment of any such patient to be used in connection with the treatment of any other patient until it has been disinfected in a proper manner.

Miscellaneous Provisions

20. Penalties—Every person who acts in contravention of or fails to comply with any provision of these regulations commits an offence and shall be liable on summary conviction to a fine not exceeding \$1,000, or, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part of a day during which the offence has continued.

21. Revocations—The regulations specified in the Third Schedule to these regulations are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Reg. 3 (2)

PARTICULARS TO BE CONTAINED IN APPLICATION FOR A
LICENCE TO KEEP A HOSPITAL

1. The name, address, and qualifications of the applicant.
2. The name of the proposed manager (if not the applicant for the licence).
3. The name of the proposed hospital.
4. The address of the premises and the name of the registered proprietor thereof.
5. A description of the premises including the area and legal description of the site, the number of storeys and type of construction of each of the buildings thereon, the source of water supply, the method of sewerage disposal, details of toilet facilities available to patients and staff respectively, and details of service rooms and their equipment.
6. A schedule of rooms showing for each room the identification number, the dimensions, ventilation and window area, method of heating, whether or not a washhand basin is installed, the type of call system provided, and the use to which the room will be put and the intended number of occupants.
7. One copy of the plan of each of the buildings constituting the premises on which every room is identified by number to correspond with the schedule of rooms provided in accordance with paragraph 6 of this Schedule.
8. Two references as to the character of the applicant and his or her fitness to be the licensee of a hospital.
9. A copy of an operative evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975 and Part II of the Fire Safety and Evacuation of Buildings Regulations 1992*.
10. Evidence that the premises comply with the provisions of the Building Act 1991 in respect of their use.
11. A copy of whichever of the following is applicable:
 - (a) A compliance schedule issued pursuant to section 44 of the Building Act 1991; or
 - (b) A current building warrant of fitness issued pursuant to section 45 of the Building Act 1991.

Reg. 4

SECOND SCHEDULE
NUMBER OF REGISTERED AND ENROLLED NURSES REQUIRED
FOR HOSPITALS

Number of beds	Number of Registered or Enrolled Nurses	Number of Registered Nurses
1 to 25	5	5
26 to 30	6	5
31 to 35	7	6
36 to 40	8	7
41 to 45	9	8
46 to 50	10	9
51 to 55	11	9
56 to 60	12	10
61 to 65	13	11
66 to 70	14	12
71 to 75	15	13
76 to 80	16	13
81 to 85	17	14
86 to 90	18	15
91 to 95	19	16
96 to 100	20	16
More than 100	20 plus a further nurse for every 5 beds or part thereof in excess of 100	16 plus a further nurse for every 5 beds or part thereof in excess of 100

Reg. 21

THIRD SCHEDULE
REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Private Hospitals Regulations 1964 ..	1964/189
The Private Hospitals Regulations 1964, Amendment No. 1	1985/333

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 1993, consolidate and amend, without substantial alteration, the existing regulations relating to private hospitals, in order to reflect the fact that all hospitals will now be licensed under the Hospitals Act 1957 (as amended by the Hospitals Amendment Act 1993). The distinction between “public” and “private” hospitals will no longer exist.

Paragraphs 9 to 11 of the First Schedule are consequential upon the coming into force of the Building Act 1991 and the Building Regulations 1992, and the coming into force of section 21A of the Fire Service Act 1975 and Part II of the Fire Safety and Evacuation of Buildings Regulations 1992.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 10 June 1993.
These regulations are administered in the Department of Health.