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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA (PENGGOMPAUNAN KESALAHAN) 2017

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDING OF OFFENCES) REGULATIONS 2017

DISIARKAN OLEH/
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JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA (PENGGOMPAUNAN KESALAHAN) 2017

PADA menjalankan kuasa yang diberikan oleh subseksyen 99(1) dan 107(1) Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [*Akta 586*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Pengkompaunan Kesalahan) 2017**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Ogos 2017.

Kesalahan yang boleh dikompaun

2. (1) Kesalahan yang dinyatakan dalam Jadual Pertama ditetapkan sebagai kesalahan yang boleh dikompaun.

(2) Kesalahan yang boleh dikompaun itu boleh dikompaun dengan keizinan Pendakwa Raya secara bertulis dalam Borang 1 Jadual Kedua.

Tawaran dan penyetujiterimaan kompaun

3. (1) Suatu tawaran untuk mengkompaun suatu kesalahan hendaklah dibuat dalam Borang 2 Jadual Kedua.

(2) Seseorang yang menyetujui terima tawaran untuk mengkompaun suatu kesalahan yang boleh dikompaun hendaklah menyetujui terima tawaran itu dalam Borang 3 Jadual Kedua.

Pembayaran kompaun

4. (1) Jika suatu tawaran untuk mengkompaun kesalahan disetujui terima oleh orang yang kepadanya tawaran itu dibuat, dia hendaklah membayar kompaun itu

melalui kiriman wang, kiriman wang pos, pesanan juruwang, draf bank atau pesanan bank dipalang dengan perkataan "Akaun Penerima Sahaja" yang kena dibayar kepada Ketua Pengarah.

(2) Pembayaran kompaun hendaklah diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu ke alamat yang dinyatakan dalam Tawaran untuk Mengkompaun Kesalahan.

(3) Ketua Pengarah hendaklah mengeluarkan suatu resit rasmi untuk tiap-tiap pembayaran yang diterima di bawah subperaturan (1) kepada orang yang kepadanya tawaran untuk mengkompaun itu telah dibuat.

Pembatalan

5. Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Pengkompaunan Kesalahan) 2011 [*P.U. (A) 170/2011*] dibatalkan.

JADUAL PERTAMA
[Subperaturan 2(1)]

KESALAHAN YANG BOLEH DIKOMPAUN

Kesalahan yang berikut ditetapkan sebagai kesalahan yang boleh dikompaun:

(a) Kesalahan yang dilakukan di bawah peruntukan Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 seperti yang berikut:

- (i) seksyen 23;
- (ii) seksyen 28;
- (iii) subseksyen 31(3), (4) atau (5);
- (iv) seksyen 32;
- (v) subseksyen 33(2);
- (vi) seksyen 35;
- (vii) seksyen 36;
- (viii) seksyen 37;
- (ix) seksyen 38;
- (x) subseksyen 39(2);
- (xi) subseksyen 40(4);
- (xii) seksyen 41;
- (xiii) seksyen 50;
- (xiv) subseksyen 52(3), (4) atau (5);
- (xv) subseksyen 53(4);
- (xvi) seksyen 58;
- (xvii) seksyen 59;
- (xviii) seksyen 61;
- (xix) seksyen 62;
- (xx) seksyen 63;
- (xxi) seksyen 74;
- (xxii) subseksyen 75(4) atau (5);
- (xxiii) seksyen 76;

- (xxiv) Bahagian XIV;
- (xxv) subseksyen 83(2) atau (3);
- (xxvi) subseksyen 84(2) atau (3);
- (xxvii) seksyen 94;
- (xxviii) seksyen 104;
- (xxix) subseksyen 105(4);
- (xxx) subseksyen 106(4);
- (xxxi) seksyen 108; dan
- (xxxii) subseksyen 112(3), (4) atau (5);

(b) Kesalahan yang dilakukan di bawah peruntukan Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Klinik Perubatan Swasta atau Klinik Pergigian Swasta) 2006 [*P.U. (A) 137/2006*] seperti yang berikut:

- (i) subperaturan 4(4);
- (ii) subperaturan 5(8);
- (iii) subperaturan 7(5);
- (iv) subperaturan 9(5);
- (v) subperaturan 10(4);
- (vi) subperaturan 11(5);
- (vii) subperaturan 13(6);
- (viii) subperaturan 14(3);
- (ix) subperaturan 17(4);
- (x) subperaturan 18(2);
- (xi) subperaturan 20(4);
- (xii) subperaturan 21(2);
- (xiii) subperaturan 22(3);
- (xiv) subperaturan 25(3);
- (xv) subperaturan 29(3);
- (xvi) subperaturan 30(6);
- (xvii) subperaturan 33(5);
- (xviii) subperaturan 75(10);

- (xix) subperaturan 83(6);
- (xx) subperaturan 84(2);
- (xxi) subperaturan 85(2);
- (xxii) subperaturan 87(5);
- (xxiii) Bahagian IX;
- (xxiv) peraturan 89;
- (xxv) peraturan 90;
- (xxvi) peraturan 91; dan
- (xxvii) peraturan 92; dan

(c) Kesalahan yang dilakukan di bawah peruntukan Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Hospital Swasta dan Kemudahan Jagaan Kesihatan Swasta Lain) 2006 [*P.U. (A) 138/2006*] seperti yang berikut:

- (i) subperaturan 6(9);
- (ii) subperaturan 7(4);
- (iii) subperaturan 8(8);
- (iv) subperaturan 11(5);
- (v) subperaturan 13(5);
- (vi) subperaturan 14(6);
- (vii) subperaturan 15(8);
- (viii) subperaturan 19(6);
- (ix) subperaturan 21(3);
- (x) subperaturan 26(4);
- (xi) subperaturan 27(2);
- (xii) subperaturan 30(2);
- (xiii) subperaturan 37(3);
- (xiv) subperaturan 43(5);
- (xv) subperaturan 44(6);
- (xvi) subperaturan 47(4);
- (xvii) subperaturan 48(2);
- (xviii) subperaturan 49(7);

- (xix) Bahagian X;
- (xx) subperaturan 230(11);
- (xxi) subperaturan 245(6);
- (xxii) subperaturan 246(2); dan
- (xxiii) subperaturan 247(2).

JADUAL KEDUA
[Subperaturan 2(2)]

BORANG 1

KEIZINAN UNTUK MENGGOMPAUN KESALAHAN

PADA menjalankan kuasa yang diberikan oleh subseksyen 99(1) Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [*Akta 586*] dan subseksyen 376(3) Kanun Tatacara Jenayah [*Akta 593*], saya(*nama*)..... dengan ini memberi keizinan untuk mengkompaun(*nama orang yang kepadanya tawaran itu dibuat*).....bagi kesalahan yang dilakukan di bawah yang dikatakan dilakukan pada(*tarikh*)..... di.....(*tempat*).....

Bertarikh.....hari bulan20.....

.....
Pendakwa Raya/
Timbalan Pendakwa Raya

BORANG 2

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA (PENGKOMPAUNAN KESALAHAN) 2017

TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Apabila menjawab sila catatkan:

Nombor rujukan:

Tarikh :

Kepada:

.....
.....
.....

Tuan/Puan*,

Suatu penyiasatan telah dijalankan terhadap anda/.....*

(nyatakan nama syarikat/perniagaan/badan lain, jika ada)*

dan anda didapati telah melakukan kesalahan di bawah Akta Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta 1998 [Akta 586]/peraturan-peraturan yang dibuat di bawah Akta dengan butir-butir yang berikut:

(a) peruntukan Akta/peraturan-peraturan yang berkaitan*:

.....
.....
.....
.....

(b) tarikh:

(c) masa:

(d) tempat:.....

(e) butir-butir kesalahan[†]:

.....
.....
.....

2. Menurut subseksyen 99(1) Akta 586, dengan keizinan bertulis Pendakwa Raya, anda ditawarkan suatu kompaun bagi kesalahan yang dinyatakan di atas bagi jumlah wang sebanyak RM (Ringgit Malaysia: sahaja).

3. Jika tawaran di atas diterima, pembayaran penuh hendaklah dibuat melalui kiriman wang/kiriman wang pos/pesanan juruwang/draf bank/pesanan bank* dipalang dengan perkataan “Akaun Penerima Sahaja” yang kena dibayar kepada Ketua Pengarah Kesihatan, Malaysia dan boleh diserahkan sendiri atau dihantar melalui pos berdaftar bayar dahulu ke alamat yang berikut:

Ketua Pengarah Kesihatan
Kementerian Kesihatan Malaysia
.....
.....
.....

4. Suatu resit rasmi akan dikeluarkan apabila pembayaran kompaun itu diterima.

5. Tawaran ini sah sehingga.....

6. Jika tiada bayaran diterima dalam tempoh yang tersebut, pendakwaan untuk kesalahan itu boleh dimulakan terhadap anda tanpa notis selanjutnya.

Tarikh:

Cop Rasmi:

.....
Ketua Pengarah Kesihatan

* *Potong mana-mana yang tidak berkenaan*

† *Nyatakan butiran dan gunakan lampiran jika perlu*

BORANG 3

AKTA KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN SWASTA 1998

PERATURAN-PERATURAN KEMUDAHAN DAN PERKHIDMATAN JAGAAN KESIHATAN
SWASTA (PENGGOMPAUNAN KESALAHAN) 2017

PENYETUJUTERIMAAN TAWARAN UNTUK MENGGOMPAUN KESALAHAN

Kepada:

Ketua Pengarah Kesihatan

Kementerian Kesihatan Malaysia

.....
.....
.....

Tuan,

Saya merujuk kepada Tawaran untuk Mengkompaun Kesalahan dengan nombor rujukan dan bertarikh

2. Saya menerima tawaran untuk mengkompaun itu dan disertakan bersama ini kiriman wang/kiriman wang pos/pesanan juruwang/draf bank/pesanan bank* No.:..... bagi jumlah wang sebanyak RM..... (Ringgit Malaysia: sahaja) sebagai penyelesaian penuh bagi jumlah wang yang dinyatakan dalam perenggan 2 Tawaran untuk Mengkompaun Kesalahan.

Tandatangan:

Nama (*huruf besar*):

No. Kad Pengenalan/Pasport*:

Untuk dan bagi pihak (*jika berkenaan*):

(*nama syarikat/perniagaan atau badan lain**)

Cap syarikat/perniagaan/badan lain* (*jika berkenaan*):

No. Perakuan Pendaftaran/Lesen* :

Alamat :

.....
.....

Tarikh:

* *Potong mana-mana yang tidak berkenaan*

Dibuat 28 April 2017
[KKM-87/A2/15-1/8; PN(PU2)610/V]

DATUK SERI DR. S. SUBRAMANIAM
Menteri Kesihatan

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDING OF OFFENCES)
REGULATIONS 2017

IN exercise of the powers conferred by subsections 99(1) and 107(1) of the Private Healthcare Facilities and Services Act 1998 [*Act 586*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Private Healthcare Facilities and Services (Compounding Of Offences) Regulations 2017**.

(2) These Regulations come into operation on 1 August 2017.

Compoundable offences

2. (1) The offences specified in the First Schedule are prescribed to be compoundable offences.

(2) The compoundable offences may be compounded with the consent of the Public Prosecutor in writing in Form 1 of the Second Schedule.

Offer and acceptance of compound

3. (1) An offer to compound an offence shall be made in Form 2 of the Second Schedule.

(2) A person who accepts an offer to compound a compoundable offence shall accept the offer in Form 3 of the Second Schedule.

Payment of compound

4. (1) If an offer to compound an offence is accepted by the person to whom the offer is made, he shall pay the compound by money order, postal order, cashier's order, banker's draft or banker's order crossed with the words "Account Payee Only" payable to the Director General.

(2) The payment of compound shall be delivered personally or sent by prepaid registered post to the address specified in the Notice of Offer to Compound Offence.

(3) The Director General shall issue an official receipt for every payment received under subregulation (1) to the person to whom the offer to compound is made.

Revocation

5. The Private Healthcare Facilities and Services (Compoundable Offences) Regulations 2011 [*P.U. (A) 170/2011*] are revoked.

FIRST SCHEDULE
[Subregulation 2(1)]

COMPOUNDABLE OFFENCES

The following offences are prescribed to be offences which may be compounded:

(a) The offences committed under the provisions of the Private Healthcare Facilities and Services Act 1998 as follows:

- (i) section 23;
- (ii) section 28;
- (iii) subsection 31(3), (4) or (5);
- (iv) section 32;
- (v) subsection 33(2);
- (vi) section 35;
- (vii) section 36;
- (viii) section 37;
- (ix) section 38;
- (x) subsection 39(2);
- (xi) subsection 40(4);
- (xii) section 41;
- (xiii) section 50;
- (xiv) subsection 52(3), (4) or (5);
- (xv) subsection 53(4);
- (xvi) section 58;
- (xvii) section 59;
- (xviii) section 61;
- (xix) section 62;
- (xx) section 63;
- (xxi) section 74;
- (xxii) subsection 75(4) or (5);
- (xxiii) section 76;

- (xxiv) Part XIV;
- (xxv) subsection 83(2) or (3);
- (xxvi) subsection 84(2) or (3);
- (xxvii) section 94;
- (xxviii) section 104;
- (xxix) subsection 105(4);
- (xxx) subsection 106(4);
- (xxxi) section 108; and
- (xxxii) subsection 112(3), (4) or (5);

(b) The offences committed under the provisions of the Private Healthcare Facilities and Services (Private Medical Clinics or Private Dental Clinics) Regulations 2006 [*P.U. (A) 137/2006*] as follows:

- (i) subregulation 4(4);
- (ii) subregulation 5(8);
- (iii) subregulation 7(5);
- (iv) subregulation 9(5);
- (v) subregulation 10(4);
- (vi) subregulation 11(5);
- (vii) subregulation 13(6);
- (viii) subregulation 14(3);
- (ix) subregulation 17(4);
- (x) subregulation 18(2);
- (xi) subregulation 20(4);
- (xii) subregulation 21(2);
- (xiii) subregulation 22(3);
- (xiv) subregulation 25(3);
- (xv) subregulation 29(3);
- (xvi) subregulation 30(6);
- (xvii) subregulation 33(5);
- (xviii) subregulation 75(10);
- (xix) subregulation 83(6);

- (xx) subregulation 84(2);
- (xxi) subregulation 85(2);
- (xxii) subregulation 87(5);
- (xxiii) Part IX;
- (xxiv) regulation 89;
- (xxv) regulation 90;
- (xxvi) regulation 91; and
- (xxvii) regulation 92; and

(c) The offences committed under the provisions of the Private Healthcare Facilities and Services (Private Hospitals and Other Private Healthcare Facilities) Regulations 2006 [*P.U. (A) 138/2006*] as follows:

- (i) subregulation 6(9);
- (ii) subregulation 7(4);
- (iii) subregulation 8(8);
- (iv) subregulation 11(5);
- (v) subregulation 13(5);
- (vi) subregulation 14(6);
- (vii) subregulation 15(8);
- (viii) subregulation 19(6);
- (ix) subregulation 21(3);
- (x) subregulation 26(4);
- (xi) subregulation 27(2);
- (xii) subregulation 30(2);
- (xiii) subregulation 37(3);
- (xiv) subregulation 43(5);
- (xv) subregulation 44(6);
- (xvi) subregulation 47(4);
- (xvii) subregulation 48(2);
- (xviii) subregulation 49(7);
- (xix) Part X;
- (xx) subregulation 230(11);

- (xxi) subregulation 245(6);
- (xxii) subregulation 246(2); and
- (xxiii) subregulation 247(2).

SECOND SCHEDULE

[Subregulation 2(2)]

FORM 1

CONSENT TO COMPOUND OFFENCES

IN exercise of the powers conferred by subsection 99(1) of the Private Healthcare Facilities and Services Act 1998 [*Act 586*] and subsection 376(3) of the Criminal Procedure Code [*Act 593*],

I(*name*).....hereby give consent to compound
.....(*name of the person to whom the compound offer is made*).....for the offences committed under.....
which is said to be done on (*date*)..... at
.....(*place*).....

Dated.....of.....20.....

.....
Public Prosecutor/
Deputy Public Prosecutor

FORM 2

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDING OF OFFENCES)
REGULATIONS 2017

OFFER TO COMPOUND OFFENCE

When replying please quote:

Reference number:

Date :

To:

.....
.....
.....

Sir/Madam*,

An investigation has been conducted against you/.....*

(state name of company/business/other body, if any)*

and you are found to have committed the offence under the Private Healthcare Facilities and Services Act 1998 [Act 586]/regulations made under the Act with the following particulars:

(a) relevant provision of the Act/regulations*:

.....
.....
.....
.....

(b) date:

(c) time:

(d) place:.....

(e) particulars of offence[†]:

.....
.....
.....

2. Pursuant to subsection 99(1) of Act 586, with the written consent of the Public Prosecutor, you are offered a compound for the offence stated above for the sum of RM..... (Ringgit Malaysia only).

3. If the above offer is accepted, full payment shall be made by money order/postal order/cashier’s order/banker’s draft/banker’s order* crossed with the words “Account Payee Only” payable to the Director General of Health, Malaysia and may be delivered personally or sent by prepaid registered post to the following address:

Director General of Health
Ministry of Health Malaysia
.....
.....
.....

4. An official receipt shall be issued on receipt of the payment of the compound.

5. This offer shall be valid until.....

6. If no payment is received within the said period, the prosecution for the offence may be instituted against you without further notice.

Date:

Official Stamp:

.....
Director General of Health

* *Delete whichever is inapplicable*
† *State details and use appendix if necessary*

FORM 3

PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998

PRIVATE HEALTHCARE FACILITIES AND SERVICES (COMPOUNDING OF OFFENCES)

REGULATIONS 2017

ACCEPTANCE OF OFFER TO COMPOUND OFFENCE

To:

Director General of Health
Ministry of Health, Malaysia

.....
.....
.....

Sir,

I refer to the Offer to Compound Offences bearing the Reference Number and dated

2. I accept the offer to compound and enclose herewith the payment in the form of money order/postal order/cashier's order/banker's draft/banker's order* No.

..... for the sum of RM (Ringgit Malaysia:
..... only) as full settlement of the sum stipulated in
paragraph 2 of the Offer to Compound Offences.

Signature:

Name (*in capital letter*):

Identification Card/Passport* No.:

For and on behalf (*if applicable*):

(Name of company/business or other body)*

Official Stamp of company/business/other body* (*if applicable*):

Certificate of Registration/Licence No.*:

Address:

.....
.....

Date:

* *Delete whichever is inapplicable*

Made 28 April 2017

[KKM-87/A2/15-1/8; PN(PU2)610/V]

DATUK SERI DR. S. SUBRAMANIAM
Minister of Health