



LAWS OF MALAYSIA

Act 43

PRIVATE HOSPITALS ACT, 1971

Date of Royal Assent 30th August, 1971

Date of publication in *Gazette* ... 2nd September, 1971

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PRIVATE HOSPITALS ACT, 1971

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Repealed by Act 586
c.i.f. 1 May 2006 (P.U.C.B) 93/2006)

Checked

6-3-74

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LAWS OF MALAYSIA

Act 43

PRIVATE HOSPITALS ACT, 1971

An Act to provide for the registration and inspection of private hospitals, nursing homes and maternity homes and for purposes connected therewith.

* [1st October, 1972] (P.U.(B) 383/72)

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Private Hospitals Act, 1971 and shall come into operation on such date as the Minister may by notification in the *Gazette* appoint, such date not being earlier than the date on which the notification is published. Short title and commencement.

2. In this Act, unless the context otherwise requires— Interpretation.
“Director General” means the Director General of Health, Malaysia;

“infectious disease” means any disease for the time being specified in the Schedule to this Act;

“licensed hospital” means a private hospital in respect of which a licence is in force;

“Minister” means the Minister charged with the responsibility for health;

“maternity home” means any premises used or intended to be used for the reception of pregnant women or of women immediately after child-birth and includes a hospital so used or intended to be so used;

“nursing home” means any premises other than a maternity home used or intended to be used for the reception of, and the provision of nursing for persons suffering or convalescing from any sickness, injury or infirmity and includes a hospital so used or intended to be used;

“patient” means any person for the time being maintained in any premises for the purposes of receiving any medical treatment in consideration of payment made or to be made in respect of such treatment, and includes any person receiving free medical treatment and maintained in any premises for that purpose provided by his employer;

“private hospital” means any premises other than a Government hospital or institution in which two or more patients are maintained at the same time and includes any private maternity home and any private nursing home.

Licence.

3. (1) No premises shall be used as a private hospital except under the authority and in accordance with the terms or conditions of a licence issued by the Director General.

(2) An application for the issue of a licence under this Act shall be addressed to the Director General in the prescribed form.

(3) An appropriate licence in respect of a private hospital shall be issued by the Director General upon payment of the prescribed fee.

(4) In issuing the licence, the Director General may impose such terms and conditions as he may think fit.

Register.

4. (1) The Director General shall cause to be kept and maintained a register of all licensed hospitals.

(2) A certificate signed by the Director General stating that a private hospital has been or has not been registered or has been registered but the licence in respect of which has been revoked or suspended shall be admissible in evidence and shall be sufficient proof of the matters described therein unless the contrary is proved.

Type of licensed hospitals.

5. Every licensed hospital shall be one of the following kinds, namely—

(a) a maternity hospital;

(b) a medical hospital;

(c) a surgical hospital;

(d) a psychiatric hospital;

(e) a convalescent hospital;

(f) a children's hospital;

(g) a hospital licensed for any two or more of the above mentioned purposes;

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- (h) any other type of licensed hospital which the Minister by notification in the *Gazette* declares to be included under this section.

6. (1) When any licensed hospital is managed, maintained, carried on or used in a manner which in the opinion of the Director General is detrimental to the interest of the public or which is contrary to the provisions of this Act or any regulations thereunder, he may order the revocation of the licence or the suspension of the licence subject to such conditions as he may think fit to impose:

Revocation
and
suspension
of licence.

Provided that before the Director General makes an order under this subsection, he shall inform the person or body responsible for the management of the licensed hospital in writing of his intention to do so and such person or body may submit representations to the Director General within such time as may be prescribed as to why the licence should not be revoked or suspended as the case may be.

(2) Any person aggrieved by the order of the Director General under subsection (1) may appeal to the Minister within such period as may be prescribed and the decision of the Minister to confirm, vary or revoke the order of the Director General under this subsection shall be final and conclusive and shall not be subject to appeal or review in any court.

7. (1) The Director General or any person authorised by him may, at any time, visit and inspect any licensed hospital, and all premises used for the purposes thereof or in connection therewith.

Inspection.

(2) Whenever the Director General or any person authorised by him exercises his powers under this section it shall be the duty of every person who is an officer or employee of any licensed hospital—

- (a) to give him all reasonable information required by him in respect of that hospital or its management or any matter in connection therewith;
- (b) to produce any documents, books, or records in his custody or under his control relating to the affairs of the hospital, provided that nothing in this section shall be deemed to authorise such officer or person to inspect any medical record relating to any patient in a private hospital.

(3) Any person who refuses to allow any officer or person referred to in subsection (1) to enter or inspect any such premises or to inspect any records referred to in subsection (2) or obstructs any such officer or person in the execution of his powers under this section shall be guilty of an offence.

Existing homes.

8. Any person who manages, maintains or carries on a maternity home or a nursing home at the date of commencement of this Act shall within a period of one year from the date of such commencement apply to the Director General in the prescribed form for the issue of an appropriate licence under this Act.

Power to exempt certain institutions.

9. (1) The Minister may exempt any private hospital, nursing home or maternity home from the operations of any or all the provisions of this Act.

(2) An exemption granted under this section may be withdrawn at any time and shall cease to have effect on the expiration of one year from the date on which it is granted, without prejudice, however, to the power of the Minister to grant a further exemption.

(3) A decision of the Minister under this section shall be final and conclusive and shall not be subject to appeal or review in any court.

Penalty.

10. Any person who contravenes any of the provisions of this Act or any regulations made thereunder shall, on conviction, be liable to a fine not exceeding one thousand dollars. *suggested*

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Regulations.*

11. The Minister may make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and without limiting the generality of the foregoing such regulations may be made for all or any of the following purposes—

(a) prescribing anything which is to be or may be prescribed under this Act;

(b) regulating or prohibiting the admission into private hospitals of persons suffering or suspected of suffering from any infectious disease;

(c) prescribing forms, fees, records for the purpose of this Act;

(d) prescribing the records to be kept of patients received into and of persons employed in a private hospital, maternity home or nursing home and, in

* Private Hospital Regulations 1973 - P.O. (CA) 387/73.

- the case of a maternity home, of any miscarriages or still-births occurring in the home, and of children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian or relative;
- (e) requiring notification to be given of any birth or death occurring in a private hospital;
- (f) requiring minimum standards of siting, construction, accommodation, sanitation, water supply, lighting, staffing and equipment which minimum standards shall in no case be less than those prescribed by any by-laws made by the Local Authority;
- (g) provision of means of extinguishment of fires;
- (h) provision of adequate means of escape in case of fire;
- (i) prescribing enclosing means of escape in a building used as a private hospital; and
- (j) regulating or prohibiting the performance of any specified class of surgical operation in private maternity hospitals.

12. The provisions of this Act shall not apply to any ^{Saving.} maternity home or nursing home maintained or controlled by the Government or to any premises used for the reception of sick or dying persons licensed under any other written law for the time being in force.

13. The Emergency (Essential Powers) Ordinance No. 69, ^{Repeal.} 1971 is hereby repealed.

SCHEDULE

(Section 2)

(Infectious Diseases)

Anthrax
 Cerebro-spinal fever (cerebro-spinal meningitis)
 Chicken-pox (varicella)
 Cholera
 Diphtheria
 Dengue
 Dysentery (amoebic and bacillary)
 Encephalitis

- Enteric fever (typhoid fever, para-typhoid fever)
- Erysipelas
- Filariasis
- Malaria
- Measles (including German Measles)
- Ophthalmia neonatorum
- Pemphigus neonatorum (impetigo or pustular lesions of the skin of the new-born infants)
- Plague (bubonic or pneumonic)
- Poliomyelitis (acute)
- Puerperal fever
- Rabies
- Relapsing fever
- Salmonella infections
- Scarlet fever
- Food poisoning
- Infectious hepatitis
- Leprosy
- Leptospiral infections
- Tuberculosis (all types)
- Typhus (Scrub and Urban)
- Undulant fever
- Septic abortion
- Smallpox (variola)
- Tetanus Neonatorum
- Trachoma
- Whooping Cough
- Yaws
- Yellow Fever

and any other disease which the Minister, by notification in the *Gazette*, declares to be included within the said expression.