

1992—No. 644

**PRIVATE HOSPITALS AND DAY PROCEDURE CENTRES  
ACT 1988—REGULATION**

(Relating to the definition of day procedure centres)

NEW SOUTH WALES



*[Published in Gazette No. 146 of 18 December 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Private Hospitals and Day Procedure Centres Act 1988, has been pleased to make the Regulation set forth hereunder.

RON PHILLIPS  
Minister for Health.

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**Commencement**

**1.** This Regulation commences on 1 January 1993.

**Amendments**

**2.** The Day Procedure Centres Regulation 1990 is amended by omitting clause 3 (2) and by inserting instead the following subclauses:

(2) For the purposes of the definition of “day procedure centre” in section 3 (1) of the Act, the prescribed treatment and circumstances are:

- (a) surgical treatment provided in circumstances that involve the administration of a general, spinal, epidural or major regional block anaesthetic or intravenous sedative (otherwise than for the purpose of simple sedation); or
- (b) endoscopic treatment provided in circumstances that involve the administration of a general anaesthetic or intravenous sedative (otherwise than for the purpose of simple sedation); or
- (c) any other treatment provided in circumstances that involve haemofiltration, haemoperfusion, prolonged intravenous infusion of a single cytotoxic agent or sequential intravenous infusion of more than one cytotoxic agent.

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(3) However, the prescribed treatment and circumstances do not include:

- (a) emergency treatment provided by a medical practitioner or dentist in circumstances that render impracticable the transfer of the patient to a hospital or day procedure centre; or
- (b) dental treatment provided by a dentist in the course of the practice of dentistry.

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**EXPLANATORY NOTE**

The object of this Regulation is to substitute clause 3 (2) of the Day Procedure Centres Regulation 1990 to make the exceptions to the definition of a day procedure centre more precise. This has become desirable because of the commencement on 1 January 1993 of the requirement that a day procedure centre be licensed under the Private Hospitals and Day Procedure Centres Act 1988. The requirement is contained in section 37 of that Act. Until that date, such licensing remains optional.

Clause 3 (2) (a) after substitution will make it clear that surgery under regional block anaesthesia is not itself enough to require a place where it is carried out to be licensed as a day procedure centre, unless the anaesthesia is categorised as major block anaesthesia.

Clause 3 (2) (c), in referring to the intravenous infusion of cytotoxic (e.g. chemotherapeutic) agents, will refer to prolonged (rather than continuous) infusion and to the sequential infusion of a number of such agents rather than the simultaneous infusion of them. These new expressions are more in keeping with current medical practice.

Clause 3 (3) will extend the exception currently in clause 3 (2) (covering emergency medical and dental treatment) to make it clear that a dentist who carries out dental work on a patient under general anaesthesia will normally need to follow only the requirements of the Dentists Act 1989 and its regulations. Those requirements already adequately cover that type of work, and accordingly there is no need to require a place where it is carried out to be licensed as a day procedure centre unless it falls within some other prescribed category.

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