



New South Wales

Private Health Facilities Amendment (Miscellaneous) Regulation 2018

under the

Private Health Facilities Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Private Health Facilities Act 2007*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The objects of this Regulation are as follows:

- (a) to exclude diagnostic imaging practice anaesthesia from the scope of anaesthesia that may only be administered in private health facilities licensed in the anaesthesia class. This will allow patients of private health facilities that are licensed in the anaesthesia class to be administered with anaesthetic or sedation while the patient is in a diagnostic imaging practice located on the premises of the private health facility, without requiring the diagnostic imaging practice itself to be licensed in the anaesthesia class,
- (b) to provide that cosmetic surgery cannot be performed in a private health facility unless the private health facility is a licensed cosmetic surgery class private health facility.

This Regulation is made under the *Private Health Facilities Act 2007*, including sections 33A and 65 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Private Health Facilities Amendment (Miscellaneous) Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Private Health Facilities Regulation 2017**

[1] **Clause 3 Definitions**

Omit the definition of *anaesthesia* from clause 3 (1). Insert instead:

anaesthesia means the administration of general, epidural or major regional anaesthetic or sedation resulting in deeper than conscious sedation, other than:

- (a) sedation provided in connection with dental procedures, or
- (b) diagnostic imaging practice anaesthesia.

[2] **Clause 3 (1)**

Insert in alphabetical order:

diagnostic imaging practice anaesthesia means the administration of general, epidural or major regional anaesthetic or sedation resulting in deeper than conscious sedation, but only when administered:

- (a) in diagnostic imaging premises (within the meaning of the *Health Insurance Act 1973* of the Commonwealth) that are on the premises of a licensed anaesthesia class private health facility, and
- (b) to a patient of the private health facility, and
- (c) by a registered medical practitioner who is a member of staff of, or accredited to provide health services at, the private health facility.

[3] **Clause 13A**

Insert before clause 14 in Part 3:

13A Restriction on where cosmetic surgery may be performed

- (1) For the purposes of section 33A (1) of the Act, cosmetic surgery is prescribed as a service or treatment that must not be performed at a private health facility unless the private health facility is a licensed cosmetic surgery class private health facility.
- (2) This clause takes effect on 17 September 2018.