
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 174

**The Independent Health Care
Regulations (Northern Ireland) 2005**

PART IV

ADDITIONAL REQUIREMENTS APPLYING TO INDEPENDENT HOSPITALS

INDEPENDENT HOSPITALS IN WHICH CERTAIN LISTED SERVICES ARE PROVIDED

Surgical procedures

37.—(1) Where medical treatment (including cosmetic surgery) is provided under anaesthesia or sedation in an independent hospital, the registered person shall ensure that –

- (a) each operating theatre is designed, equipped and maintained to an appropriate standard for the purposes for which it is to be used;
- (b) all surgery is carried out by, or under the direction of, a suitable qualified, skilled and experienced medical practitioner;
- (c) an appropriate number of suitably qualified, skilled and experienced employees are in attendance during each surgical procedure; and
- (d) the patient receives appropriate treatment –
 - (i) before administration of an anaesthetic or sedation;
 - (ii) whilst undergoing a surgical procedure;
 - (iii) during recovery from general anaesthesia; and
 - (iv) post-operatively.

(2) The registered person shall ensure that before a patient consents to any surgery offered by the independent hospital, he has received clear and comprehensive information about the procedure and any risks associated with it.

(3) In the case of a patient who is not competent to consent to surgery, the information mentioned in paragraph (2) shall, wherever possible, be provided to his representative.

Dental treatment under general anaesthesia or sedation

38. Where the treatment provided in an independent hospital includes dental treatment under general anaesthesia or sedation, the registered person shall ensure that –

- (a) the dentist and any employees assisting him are suitable, qualified, skilled and experienced to deal with any emergency which occurs during or as a result of the general anaesthesia, sedation or treatment; and
- (b) adequate facilities, drugs and equipment are available to deal with any such emergency.

Use of certain techniques or technology

39.—(1) The registered person shall ensure that no Class 3B or Class 4 laser or intense light source (within the meaning of regulation 4(1)), is used in or for the purposes of an independent hospital unless that hospital has in place a professional protocol drawn up by a trained and experienced medical practitioner or dentist from the relevant discipline in accordance with which treatment is to be provided, and is so provided.

(2) The registered person shall ensure that such a laser or intense light source is used in or for the purposes of the hospital only by a person who has undertaken appropriate training and has demonstrated an understanding of –

- (a) the correct use of the equipment in question;
- (b) the risks associated with using a laser or intense light source;
- (c) its biological and environmental effects;
- (d) precautions to be taken before and during use of a laser or intense light source; and
- (e) action to be taken in the event of an accident, emergency, or other adverse incident.