
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 174

The Independent Health Care
Regulations (Northern Ireland) 2005

PART IV

ADDITIONAL REQUIREMENTS APPLYING TO INDEPENDENT HOSPITALS

*PATHOLOGY SERVICES, RESUSCITATION AND
TREATMENT OF CHILDREN IN INDEPENDENT HOSPITALS*

Application of regulations 34 to 36

- 33.**—(1) Regulations 34 to 36 apply to independent hospitals of the following kinds –
- (a) those defined in Article 2(2) of the Order except establishments excepted by regulation 4(2); and
 - (b) those in which medical treatment, including cosmetic surgery, is provided under anaesthesia or sedation.
- (2) Regulation 34 also applies to any establishment or agency which provides pathology services.

Pathology services

- 34.** The registered person shall ensure that –
- (a) an adequate range of pathology services is available to meet the needs of the independent hospital;
 - (b) those services are provided to an appropriate standard;
 - (c) appropriate arrangements are made for the collection, and (where pathology services are provided outside the hospital) transportation of pathology specimens; and
 - (d) the patient from whom a specimen was taken and such specimen, is identifiable at all times.

Resuscitation

35.—(1) The registered person shall prepare and implement a written statement of the policies to be applied and the procedures to be followed in the hospital in relation to resuscitation of patients, and shall review such statement annually.

- (2) The registered person shall ensure that policies and procedures implemented in accordance with paragraph (1) –
- (a) take proper account of the right of all patients who are competent to do so to give or withhold consent to treatment;
 - (b) are available on request to every patient and any person acting on behalf of a patient; and

- (c) are communicated to and understood by all employees and all medical practitioners with practising privileges who may be involved in decisions about resuscitation of a patient.

Treatment of children

- 36.** The registered person shall ensure that, where a child is treated in an independent hospital –
- (a) he is treated in accommodation which is separate from accommodation in which adult patients are treated;
 - (b) particular medical, physical, psychological, social, educational and supervision needs arising from his age are met;
 - (c) his treatment is provided by persons who have appropriate qualifications, skills and experience in the treatment of children;
 - (d) his parents are kept fully informed of his condition and so far as is practicable consulted about all aspects of his treatment, except where the child is himself competent to consent to treatment and does not wish his parents to be so informed and consulted.

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.