

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I Introductory

Preliminary

Section 2 Independent hospitals etc.

27. *Section 2* sets out the range of independent healthcare services which are to be regulated. *Subsection (2)* excludes NHS hospitals from the definition of independent hospitals and clinics.
28. *Subsection (3)* defines an independent hospital as any establishment which has as its main purpose the provision of psychiatric or medical treatment for illness or mental disorder (including palliative care) or which provides one or more of the services listed in *subsection (7)* (“listed services”), and any other establishment which provides treatment for people liable to be detained under the provisions of the Mental Health Act 1983. *Subsection (6)* provides that the definition of “people liable to be detained” does not include people who are on leave granted under section 17 of that Act. This definition of “independent hospital” will encompass all those hospitals and mental nursing homes registered to take detained patients which are currently regulated under Part II of the Registered Homes Act 1984 and other private or voluntary hospitals which are currently not regulated – for example those run by bodies established by Royal Charter or by special Act of Parliament.
29. *Subsection (4)* defines an independent clinic as a prescribed type of establishment (other than a hospital) where medical practitioners provide services (including services which are provided for the purpose of an independent clinic otherwise than on the clinic’s premises, for example in a patient’s home). The definition excludes an establishment in which medical practitioners provide NHS services. This will bring private primary care premises, where prescribed, within the regulatory framework for the first time.
30. *Subsection (5)* defines an independent medical agency as an undertaking (which is not an independent clinic) which consists of or includes the provision of services for private patients by medical practitioners. It excludes any agency that provides NHS services. This will bring wholly private GP call-out services within the regulatory framework.
31. Premises in which “listed services” are provided come within the definition of a hospital. *Subsection (7)* defines the listed services as medical treatment under anaesthesia or sedation, dental treatment under general anaesthesia, obstetric services and medical services in connection with childbirth, termination of pregnancies or cosmetic surgery. The category of dental treatment under anaesthesia will, by means of regulations, apply to wholly private dentistry only, and NHS arrangements will be changed so that comparable requirements apply to both public and private sector dentistry. It also provides for the appropriate Minister to specify other treatments involving the use of prescribed techniques or technologies. These would be treatments which pose a particular risk to patients. For example, at present regulations made under

*These notes refer to the Care Standards Act 2000
(c.14) which received Royal Assent on 20 July 2000*

the Registered Homes Act 1984 prescribe treatment with Class 3B and Class 4 lasers as such treatment.

32. *Subsection (8)* gives the appropriate Minister power to make regulations excepting establishments from the requirement to be regulated and to amend the list of “listed services” by adding or removing services.