



TRINIDAD AND TOBAGO

No. 2—1960

[L.S.]

I ASSENT,

E. B. BEETHAM

*Governor*

1st April, 1960.

AN ORDINANCE relating to Private Hospitals.

[On Proclamation] No. 16/64 - G.N. No. 110

Commence-ment. 1/1/65.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Private Hospitals Ordinance, 1960.

Short title and commencement.

(2) This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*.

Interpreta-  
tion.

2. (1) In this Ordinance—

“Board” means the Private Hospitals Board established under section 3 of this Ordinance;

“house” means a building or other structure, whether permanent or temporary, intended for human habitation; and, where two or more houses are situate on adjacent pieces of land and are occupied by the same person, they shall be deemed to constitute a single house for the purposes of this Ordinance;

“Inspector” means an inspector appointed under section 17 of this Ordinance;

“licence” means a licence issued under this Ordinance to operate a private hospital;

“maternity home” means any house used or intended to be used for the reception, treatment and confinement of pregnant women or for the care and treatment of women immediately after childbirth;

“medical practitioner” means a member of the Medical Board of Trinidad;

“midwife” means a person who is duly licensed as a midwife;

“Minister” means the member of the Cabinet for the time being charged with the administration of the subject of health;

“nurse” means a person whose name is on the Register of Nurses kept by the Nursing Council of Trinidad and Tobago;

“nurse midwife” means a person who is a nurse and a midwife;

“patient” means a person admitted to a private hospital for the purpose of treatment;

“private hospital” means a house where persons suffering from any sickness, injury or infirmity, are given medical or surgical treatment and nursing care, and includes a maternity home, convalescent home or a nursing home, but does not include—

- (i) a hospital or other establishment or institution operated or maintained by the Government or by a Local Authority;

- (ii) any house which is used for the care and treatment of mentally ill persons and which is subject to any Ordinance in that behalf;
- “regulations” means regulations made under this Ordinance;
- “superintendent” means the person who has for the time being the direct and actual superintendence and charge of a private hospital;
- “treatment” means the maintenance, observation, nursing and medical care and supervision of a patient.

(2) Where under this Ordinance or the regulations any officer of a private hospital is required to be resident, it shall not be necessary that such person actually reside within the hospital, provided he is on call and readily available.

3. (1) There shall be a Private Hospitals Board to assist and advise the Minister on matters relating to the administration of this Ordinance; and the Board shall have and exercise such powers, duties and responsibilities as are imposed by this Ordinance or the regulations, or as may be delegated to it by the Minister.

Appointment  
of Private  
Hospitals  
Board, its  
powers, &c.

(2) The Board shall consist of the Director of Medical Services or his nominee, and not less than seven nor more than ten other persons to be appointed by the Governor in Council. The members of the Board other than the Director of Medical Services shall hold office for two years, but shall be eligible for re-appointment.

(3) The members of the Board shall, so far as is possible, be appointed on a basis representative of all aspects of private hospital operation and management, and, without limiting the generality of the foregoing shall include a representative of industry, of the Trinidad and Tobago Branch of the British Medical Association, of the Medical Board of Trinidad, of the Nursing Council of Trinidad and Tobago, and of the interests of persons actually engaged in private hospital operation.

(4) The members of the Board at their first meeting shall elect one of their number to be Chairman for their term of office, but if at any meeting the Chairman is absent, the members present shall elect one of their number to be chairman for that meeting.

(5) Any vacancy in the membership of the Board, whether temporary or otherwise may be filled by the appointment by the Governor in Council of a person for the period of such vacancy.

(6) Any vacancy in the office of Chairman shall be filled by the election, by members of the Board, of any other member for the period of such vacancy.

(7) Five members of the Board shall constitute a quorum for meetings of the Board.

(8) The powers of the Board shall be exercisable notwithstanding any vacancy in its number or any defect with regard to the appointment of any of its members.

(9) The Board shall meet at least quarterly, and, subject to this Ordinance, shall regulate the procedure to be followed at its meetings.

Licensing  
of private  
hospitals.

4. (1) The Minister may, subject to the provisions of this Ordinance, grant a licence for the use of any house as a private hospital.

(2) No house shall be used by any person as a private hospital except under the authority of a licence issued by the Minister under this Ordinance.

(3) Where a house is used as a private hospital in contravention of subsection (2) of this section, the occupier and all persons concerned in the management of the house or in the admission thereto or treatment of any patient therein shall be severally guilty of an offence.

Term  
"hospital"  
not to be  
used for  
unlicensed  
premises.

5. (1) No person shall use the term "hospital" in connection with the use of any house in which he has an interest as a place of care or treatment for sick persons unless such house is licensed as a private hospital under this Ordinance.

(2) Every person who contravenes subsection (1) of this section shall be guilty of an offence.

Conditions  
for grant of  
licence.

6. No licence shall be granted unless the house, its location with regard to neighbouring premises and its proposed facilities and equipment are approved by an Inspector as suitable for the purpose indicated in the application and the Minister is satisfied as to the character and fitness of the applicant.

Application  
for licence.

7. (1) Every application for a licence to operate a private hospital shall be made in writing to the Minister and shall contain the particulars specified in the Schedule to this Ordinance.

(2) Every such application shall be verified by the applicant under oath and shall be accompanied by a fee of fifty dollars, which shall be returned to the applicant only if the application is rejected.

(3) It shall be lawful for the Governor in Council on the advice of the Board to amend the Schedule to this Ordinance by adding thereto or deleting therefrom any particulars specified therein.

8. (1) Every licence for a private hospital shall specify the nature of the service that may be provided, and without limiting the generality of the foregoing may be issued in respect of— Classes of private hospitals

- (a) a medical or surgical hospital;
- (b) a medical, surgical and maternity hospital;
- (c) a maternity hospital;
- (d) a home for the care and accommodation of convalescent or chronically ill persons;
- (e) a hospital for the care of any specified class of patients suffering from any designated or specified disease, disorder or illness.

(2) Subsection (1) of this section shall not prevent the carrying out at a private hospital in a case of emergency of such surgical treatment as may in the opinion of a medical practitioner be necessary: Provided that if such treatment is not within the terms of the licence relating to such hospital, a report shall within forty-eight hours be made to the Board by the superintendent showing the nature of the treatment and the names of the medical practitioners who recommended and performed the same.

(3) Every licence shall state the maximum number of patients who may be accommodated in the hospital at any one time and may be limited to any particular class or classes of patients.

(4) Every licence shall remain in force until the 31st day of December of the year in which it was issued, and may thereafter be renewed annually on payment of a renewal fee of twenty-five dollars.

9. (1) A licence may at any time be revoked by the Minister— Revocation of licence.

- (a) if the licensee or superintendent has been convicted of an offence against this Ordinance, or wilfully neglects or refuses to comply with any of the provisions thereof, or obstructs, impedes or hinders any person carrying out any duties or responsibilities thereunder; or

(b) if in the opinion of the Minister the premises of the private hospital are unsanitary or without proper fire protection, or the private hospital is managed or conducted in a manner contrary to the regulations or in such a manner that the revocation of the licence is required in the public interest.

(2) Before a licence is revoked, the Minister shall give notice to the licensee or superintendent of the ground or grounds on which it is proposed to revoke the licence and shall afford to him an opportunity of showing cause why the licence should not be revoked.

Refusal of  
renewal of  
licence.

10. (1) The Minister may refuse to renew the licence of any private hospital if it is operated in a manner that contravenes any provision of this Ordinance or the regulations.

(2) Where the renewal of a licence is refused or where a licence has been revoked, the licence shall not be displayed in a manner that may induce a person to believe that it is still in force, and every person who so displays a licence shall be guilty of an offence.

Death of  
joint holder  
of licence.

11. Where a licence has been issued to two or more persons jointly and any of such persons dies leaving the other or others surviving during the currency of the licence, the licence shall remain in force and shall have the same effect as if it had been issued to the survivor or survivors.

Transfer  
of licence.

12. On the application in writing signed by the licensee and by any person to whom he desires that his licence be transferred, the Minister may, if satisfied as to the character and fitness of such person, by endorsement on the licence or otherwise in writing, transfer the licence to that person, and thereupon that person shall become the licensee of the private hospital with the same rights and obligations as if the licence had been issued to him in the first instance.

Death of  
licensee.

13. Where the licensee or the sole surviving licensee of a private hospital dies, the Minister may, after considering the representations of the Administrator General or of the executors or administrators of the deceased licensee and of any other interested parties, transfer the licence to such person as to him shall seem proper; and pending the transfer of such a licence, the Minister may grant to such person as he shall think fit a temporary licence to operate such private hospital for such period not exceeding six months at a time and subject to such terms and conditions as he shall think fit.

14. (1) Every private hospital shall have at all times a superintendent who shall be resident thereat. Resident superintendent.

(2) A superintendent shall possess such qualifications as may be prescribed by the regulations, and the licensee of a private hospital may if so qualified, be the resident superintendent thereof.

(3) No person other than a licensee of a private hospital shall be appointed as the superintendent thereof until his name and qualifications have been furnished to the Minister and the Minister has approved of the appointment.

(4) During the temporary absence, illness or incapacity of the superintendent, the licensee may, without giving notice to the Minister, appoint as acting superintendent any other person qualified in accordance with this Ordinance and the regulations, and every person so appointed shall, while he so acts, be deemed for the purposes of this Ordinance to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks.

(5) Where at any time a private hospital is used as such while it has no duly qualified superintendent, the licensee shall be guilty of an offence.

15. (1) The licensee of every private hospital shall keep or cause to be kept a register of the patients in which shall be entered— Register of patients, and particulars in case of transfer or death.

- (a) the name, age, sex and usual place of abode of each patient, and the date of his admission to the hospital;
- (b) each patient's diagnosis;
- (c) the name of the medical practitioner attending each patient;
- (d) the date on which each patient leaves the hospital and, if transferred to another hospital, the name of the other hospital or, in the event of death of a patient in hospital, the date of his death; and
- (e) such other particulars as may be prescribed by the regulations.

(2) The particulars required by subsection (1) of this section shall be entered in the register as soon as practicable after the occurrence of the act or event to which the entry relates.

(3) The superintendent shall within twenty-four hours of the death of any patient make a report thereof to the Minister giving the name of the patient, the cause of death, and the name of the attending medical practitioner.

(4) The superintendent shall within twenty-four hours report to the Coroner any death occurring within six hours of admission or within twenty-four hours following surgery, delivery or anaesthesia.

(5) Every person who knowingly makes a false entry in a register of patients shall be guilty of an offence and on summary conviction shall be liable to a penalty of five hundred dollars.

(6) Every licensee who fails to make an entry in the register required by subsections (1) and (2) of this section to be made therein or the report as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

Approval to be obtained for structural alterations.

**16.** (1) No structural alteration or addition to any private hospital shall be made until a plan of the proposed alteration or addition has been submitted to and approved by the Minister.

(2) Where any alteration or addition is made in contravention of subsection (1) of this section, the licensee of the private hospital shall be guilty of an offence.

Provision for inspection of private hospitals.

**17.** (1) The Minister may appoint one or more medical practitioners to be Inspectors for the purpose of this Ordinance and the regulations, and shall furnish every such Inspector with a certificate of his appointment as such.

(2) Every private hospital shall be inspected at least once annually and such hospital, the operation thereof, and its registers and records shall at all times be open to inspection by an Inspector.

(3) Where an Inspector has reasonable grounds to believe or to suspect that any house is used as a private hospital without being licensed he may, upon presentation of his certificate of appointment, at any time and from time to time by himself, or with such assistance as he may require, enter and inspect such house and every part thereof; and every person who prevents or obstructs, or attempts to prevent or obstruct any such entry or inspection shall be guilty of an offence.

(4) The Minister may designate teams consisting of a medical practitioner and a nurse-midwife which shall be authorised to make an inspection and examination of any private hospital or hospitals or any aspects of the administration, operation or management thereof as may be specified, and which shall make a report thereon to the Minister. The Minister shall transmit a copy of such report to the Board for its information and for any advice thereon as the Board may think fit and proper.

18. (1) A private hospital shall not be used for any purpose other than the purposes in respect of which the licence is issued and purposes incidental thereto.

Hospital restricted to purposes for which licence is granted.

(2) Where a private hospital is used in any manner contrary to subsection (1) of this section the licensee and the superintendent shall be severally guilty of an offence.

19. Where a person committing an offence against this Ordinance is a body corporate, the chairman, president, the officers and every director thereof concerned in the management of the body corporate, shall be guilty of the same offence unless he proves that the act or omission constituting the offence took place without his knowledge or that he exercised all due diligence to prevent the commission thereof.

Offences by body corporate.

20. (1) In a prosecution for an offence under this Ordinance, the burden of proving that a person found in a house and there receiving medical treatment is not a patient within the meaning of this Ordinance shall be upon the person charged.

Onus of proof.

(2) In a prosecution for an offence under this Ordinance, the burden of proving that a licence is in force, and its terms, and that a person apparently having the charge, control or management of a private hospital is not the superintendent thereof within the meaning of this Ordinance shall be upon the person charged.

21. (1) The Board may, with the approval of the Governor in Council, make such regulations with respect to private hospitals either generally or as regards any particular class of private hospital as may be deemed necessary to give effect to and to carry out the purposes and provisions of this Ordinance, and, without limiting the generality of the foregoing, may provide for:—

Regulations.

(a) the construction, establishment, licensing, alteration, safety, equipment, maintenance and repair of private hospitals;

- (b) the classification, grades and standards of private hospitals;
  - (c) the inspection, control, government, management, conduct, operation and use of private hospitals;
  - (d) the qualifications of superintendents, staff, officers, servants and employees of private hospitals and the powers and duties thereof;
  - (e) prescribing the powers and duties of Inspectors;
  - (f) prescribing or restricting the type and amount of surgery, gynaecology or obstetrics that may be performed in any class of private hospital and the facilities and equipment that shall be provided for such purposes;
  - (g) the admission and care of patients and for the control of the admission of any class of patient;
  - (h) the records, books, reports and returns to be made and kept in respect of private hospitals;
  - (i) the reports and returns to be submitted to the Minister by private hospitals;
  - (j) prescribing anything authorised or required to be prescribed by this Ordinance.
- (2) Regulations made under this section may prescribe in respect of any contravention thereof or failure to comply therewith a penalty not exceeding a fine of one hundred dollars or imprisonment for three months on summary conviction.

Restrictions  
on number  
of patients.

**22.** Where, except in the case of emergency, not exceeding seven days or such further time as may be authorised by the Minister, a private hospital is used at any time for the treatment of a greater number of patients than is permitted by the licence, or where a patient of a class not permitted by the licence is admitted, the licensee and the superintendent shall be severally guilty of an offence.

Penalties

**23.** Any person guilty of an offence under this Ordinance shall be liable on summary conviction either—

- (a) to a fine of five hundred dollars, or
- (b) in the case of a continuing offence, to a fine of twenty-five dollars for every day during which the offence continues, or
- (c) to imprisonment for a term of twelve months.

24. The superintendent of a private hospital shall be deemed to be the occupier of the house for the purpose of giving notice or information under the Births and Deaths Registration Ordinance of the death of any person or of the birth of any child in the private hospital.

Superintendent to be deemed occupier for certain purposes. Ch. 29. No. 1

## SCHEDULE

(Section 7)

1. The full name, place of abode, qualifications and occupation of the applicant;
2. A statement of the estate or interest of the applicant in the house in respect of which the licence is desired;
3. A statement of the number of patients proposed to be admitted to the house and to each room or apartment of the house;
4. A description of the situation of the house;
5. A sketch plan of the house showing the location and the intended use of each room;
6. A statement of the sanitary arrangements, ventilation, and water supply of the house;
7. A full description of the fire escapes of the house and the facilities provided for use in case of fire;
8. A statement as to the classes of patients proposed to be admitted;
9. If it is proposed to offer services in surgery, gynaecology or obstetrics, a statement as to the type of surgery, gynaecology or obstetrics to be performed and as to the facilities and equipment which are to be provided in the house for these purposes including facilities for anaesthesia;
10. The number of staff and the qualification of each member of the staff of the proposed hospital.

Passed in Council this fourth day of March, in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR  
*Acting Clerk, Legislative Council*