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**Notification No. B 6** — The Healthcare Services (Amendment) Bill is published for general information. It was introduced in Parliament on 6 February 2023.



# **Healthcare Services (Amendment) Bill**

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**Bill No. 6/2023.**

*Read the first time on 6 February 2023.*

A BILL

*intituled*

An Act to amend the Healthcare Services Act 2020 and to make consequential and related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Healthcare Services (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 **Amendment of section 2**

2. Section 2(1) of the Healthcare Services Act 2020 (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “application”, the following definitions:

10 ““approved conveyance” means any conveyance approved under section 11B to be used for the provision of a licensable healthcare service;

15 “approved permanent premises” means any permanent premises approved under section 11B to be used for the provision of a licensable healthcare service;

“approved specified service” means any specified service approved under section 11D;”;

20 (b) by deleting the definition of “Director” and substituting the following definition:

25 ““Director-General” means the Director-General of Health and includes any individual who is, for the time being, discharging the duties of the Director-General of Health;”;

(c) by deleting the definitions of “licensed conveyance” and “licensed premises”;

(d) by inserting, immediately after the definition of “oral health therapist”, the following definition:

30 ““permanent premises”, in relation to an applicant for a licence to provide a licensable healthcare service or a licensee, means any premises at which the applicant or licensee (as the case

may be) intends to provide the licensable healthcare service for the entire term or remainder of the term (as the case may be) of the licence;”;

- (e) by inserting, immediately after the definition of “public scheme”, the following definition: 5

““remote provision”, in relation to a licensable healthcare service, means provision of the licensable healthcare service —

(a) to a patient or customer who is not physically present at the same place as any individual providing the licensable healthcare service; and 10

(b) involving communication through —

(i) the Internet; 15

(ii) the telephone or other communication device; or

(iii) any other kind of electronic or other technology for facilitating communication, 20

but does not include any specific system or method of communication that is prescribed to be excluded for the purposes of this paragraph;”;

- (f) by deleting the definition of “special licensable healthcare service” and substituting the following definition: 25

““service delivery mode”, in relation to a licensable healthcare service, means any of the following modes by which the licensable healthcare service is provided: 30

(a) at permanent premises;

(b) at any premises other than permanent premises;

(c) using a conveyance;

(d) by remote provision;” and

(g) by inserting, immediately after the definition of “specified committee”, the following definition:

5                   ““specified service”, in relation to a licensable  
healthcare service, means a service of a  
medical or healthcare nature prescribed  
under section 9A(1) as a specified service  
for that licensable healthcare service;”.

### 10   **Repeal and re-enactment of section 4**

3. Section 4 of the principal Act is repealed and the following section substituted therefor:

#### **“Purpose of Act**

15           4. The purpose of this Act is to regulate the provision of  
healthcare services, including —

(a) the modes by which healthcare services are provided  
and the premises and conveyances used for the  
provision of healthcare services; and

(b) the advertisement of any healthcare service,

20           so as to ensure the safety and welfare of, and the general  
continuity of healthcare provided to, people in Singapore.”.

### **Repeal and re-enactment of section 9**

4. Section 9 of the principal Act is repealed and the following section substituted therefor:

#### 25           **“Permanent premises, conveyances and service delivery mode to be approved**

9.—(1) A licensee must not provide a licensable healthcare  
service —

30           (a) at any permanent premises in Singapore that is not an  
approved permanent premises for the provision of the  
licensable healthcare service;

(b) using any conveyance that is not an approved conveyance for the provision of the licensable healthcare service; or

(c) by any other service delivery mode that is not approved under section 11B for the provision of the licensable healthcare service.

(2) A licensee that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of a first offence, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) if the licensee has a previous qualifying conviction, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) In subsection (2), “qualifying conviction” means —

(a) a conviction for an offence under subsection (2); or

(b) a conviction (whether before, on or after the date of commencement of section 4 of the Healthcare Services (Amendment) Act 2023) for an offence under —

(i) section 9(1) as in force immediately before that date; or

(ii) section 5(2) or (4)(a) of the repealed Act.”.

### **New section 9A**

5. The principal Act is amended by inserting, immediately after section 9, the following section:

#### **“Specified service to be approved**

**9A.**—(1) The Minister may prescribe a service of a medical or healthcare nature that is part of a licensable healthcare service as a specified service for the licensable healthcare service, the provision of which would require approval by the Director-General under section 11D.

(2) Despite holding a licence for the provision of a licensable healthcare service, a licensee must not provide any specified service for the licensable healthcare service unless the licensee is granted approval under section 11D for the provision of the specified service.

(3) A licensee that contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in the case of a second or subsequent offence, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.”.

### **Amendment of section 10**

6. Section 10 of the principal Act is amended —

(a) by deleting sub-paragraphs (iv) and (v) of subsection (2)(c) and substituting the following sub-paragraph:

“(iv) the prescribed details of every application made by the applicant under section 11A or 11C for the approval of any permanent premises, conveyance or other service delivery mode, or specified service;” and

(b) by inserting, immediately after the word “conveyance” in subsection (4), the words “, the facilities”.

### **Amendment of section 11**

7. Section 11(3) of the principal Act is amended by deleting paragraphs (b) and (c) and substituting the following paragraph:

“(b) whether the applicant has been granted or is likely to be granted approval for at least one permanent premises, conveyance or other service delivery mode under section 11B;”.



## **New sections 11A to 11E**

**8.** The principal Act is amended by inserting, immediately after section 11, the following sections:

**“Application for approval of permanent premises, conveyance and other service delivery mode**

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**11A.—**(1) An application for approval of every permanent premises, conveyance or other service delivery mode by which a licensable healthcare service is or is intended to be provided must —

(a) be made to the Director-General in the form and manner that the Director-General may determine; and

10

(b) be accompanied by an application fee (if prescribed).

(2) An application for approval mentioned in subsection (1) must state all of the following:

(a) every service delivery mode by which the person applying for approval intends to provide or continue to provide the licensable healthcare service;

15

(b) whether the person applying for approval is a licensee or an applicant for a licence;

(c) if any permanent premises are to be used or continue to be used to provide the licensable healthcare service, the address of those premises;

20

(d) if any conveyance is to be used or continue to be used to provide the licensable healthcare service, the registration number and other particulars, and the name and particulars of the owner, of the conveyance;

25

(e) other particulars or information (if prescribed);

(f) any other additional information that the Director-General requires to decide on the application in the particular case.

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(3) The Director-General may carry out any inquiries and investigations in relation to the application that are necessary for

a proper consideration of the application, including inspections of —

- (a) the permanent premises at which the licensable healthcare service is provided or intended to be provided;
- (b) the conveyance used or intended to be used in connection with the licensable healthcare service; and
- (c) any premises, facilities, equipment or device used or intended to be used in connection with the service delivery mode that is the subject of the application.

(4) The Director-General may refuse to consider an application —

- (a) that is incomplete or not made in accordance with this section; or
- (b) where an inquiry or investigation mentioned in subsection (3) in relation to the application is refused by the applicant.

**Grant of approval for permanent premises, conveyance or other service delivery mode**

**11B.**—(1) After considering any application under section 11A, the Director-General may, subject to subsection (4) —

- (a) on payment of an approval fee (if prescribed), grant the approval; or
- (b) refuse to grant the approval.

(2) In determining whether an applicant should be granted an approval for any permanent premises, conveyance or other service delivery mode by which a licensable healthcare service is or is intended to be provided, the Director-General is to have regard, and give such weight as the Director-General considers appropriate, to all of the following matters:

- (a) for the approval of any permanent premises or conveyance — the suitability of the permanent

premises or conveyance (including the facilities and equipment in the permanent premises or conveyance), and of every process or protocol, used or intended to be used for the provision of the licensable healthcare service in the permanent premises or conveyance; 5

(b) for the approval of any other service delivery mode — the suitability of any premises (including the facilities and equipment in the premises), and of every process or protocol, used or intended to be used in connection with the provision of the licensable healthcare service by that service delivery mode; 10

(c) whether there is any other relevant matter that makes it contrary to the public interest to grant the approval.

(3) In granting an approval under this section, the Director-General may impose conditions as the Director-General considers requisite or expedient having regard to the purposes of this Act. 15

(4) An approval under this section must not be granted to any person who is not a licensee.

(5) The Director-General must, upon granting an approval under this section, amend the licence concerned to state the permanent premises, conveyance or other service delivery mode that is approved. 20

(6) An approval under this section of any permanent premises, conveyance or other service delivery mode does not entitle a licensee to provide a licensable healthcare service, or a specified service that is part of the licensable healthcare service, at those permanent premises, using that conveyance or by that other service delivery mode if doing so is prohibited under regulations made under section 57. 25 30

### **Application for approval of specified service**

**11C.—**(1) An application for approval to provide a specified service for a licensable healthcare service must —

- (a) be made to the Director-General in the form and manner that the Director-General may determine; and
- (b) be accompanied by an application fee (if prescribed).

5 (2) An application for approval mentioned in subsection (1) must state all of the following:

- (a) the specified service that the person intends to provide or continue to provide for the licensable healthcare service;
- 10 (b) every permanent premises, conveyance and service delivery mode by which the person intends to provide or continue to provide the specified service;
- (c) whether the person applying for approval is a licensee or an applicant for a licence;
- (d) other particulars or information (if prescribed);
- 15 (e) any other additional information that the Director-General requires to decide on the application in the particular case.

20 (3) The Director-General may carry out any inquiries and investigations in relation to the application that are necessary for a proper consideration of the application, including inspections of any premises, conveyance, facilities, equipment or device used or to be used in connection with the specified service that is the subject of the application.

25 (4) The Director-General may refuse to consider an application —

- (a) that is incomplete or not made in accordance with this section; or
- 30 (b) where an inquiry or investigation mentioned in subsection (3) in relation to the application is refused by the applicant.

## Grant of approval for specified services

**11D.**—(1) After considering any application under section 11C, the Director-General may, subject to subsection (4) —

- (a) on payment of an approval fee (if prescribed), grant the approval; or 5
- (b) refuse to grant the approval.

(2) In determining whether an applicant should be granted an approval for the provision of a specified service, the Director-General is to have regard, and give such weight as the Director-General considers appropriate, to all of the following matters: 10

- (a) whether the applicant is and, where necessary, the following persons are suitable persons to provide or be involved (as the case may be) in providing the specified service to which the application relates: 15
  - (i) any key appointment holder of the applicant;
  - (ii) any person having a substantial interest in, or control of or direction over, the applicant's business; 20
  - (iii) any person having control of or direction over the applicant's operations in relation to the provision of the specified service;
- (b) the likelihood of the applicant providing the specified service to which the application relates in compliance with — 25
  - (i) the requirements of this Act and any code of practice relating to that specified service;
  - (ii) any other written law applicable to the applicant relating to the provision of the specified service in a safe and proper manner; and 30
  - (iii) the rules of any public scheme established by or under any written law —

(A) relating to the provision of the specified service; and

(B) under which the applicant is accredited or of which the applicant is a participant;

5 (c) the applicant's ability to provide the specified service to all of the applicant's patients or customers in a manner that is clinically and ethically appropriate;

(d) whether there is any other relevant matter that makes it contrary to the public interest to grant the approval.

10 (3) In granting an approval under this section, the Director-General may impose conditions as the Director-General considers requisite or expedient having regard to the purposes of this Act.

15 (4) An approval for the provision of a specified service must not be granted to any person who is not a licensee for the licensable healthcare service that the specified service is part of.

(5) The Director-General must, upon granting an approval under this section, amend the licence concerned to state the specified service in respect of which the approval is granted.

20 **Validity of approvals under sections 11B and 11D**

**11E.**—(1) Every approval granted under section 11B or 11D in relation to a licence is to continue in force for such period as may be specified in the approval unless it —

25 (a) is earlier cancelled or suspended under section 20(3A);

(b) earlier lapses because the person to whom the approval was granted ceases to hold the licence; or

(c) earlier lapses because the person to whom the approval was granted —

30 (i) stops providing the licensable healthcare service at the approved permanent premises, using the approved conveyance or by the service delivery mode that was approved; or

(ii) stops providing the approved specified service, and the Director-General has approved the person's application under section 15(1)(a) or (b) to amend the licence in relation to the permanent premises, conveyance, service delivery mode or specified service concerned, as the case may be.

5

(2) An approval granted under section 11B or 11D cannot be transferred or assigned to another person.”.

### **Amendment of section 12**

9. Section 12(1) of the principal Act is amended by deleting paragraph (b) and substituting the following paragraphs:

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“(b) state every approved permanent premises and approved conveyance, as the case may be;

(ba) state every service delivery mode by which the licensee is approved under section 11B to provide the licensable healthcare service;

15

(bb) state every approved specified service (if any); and”.

### **Amendment of section 13**

10. Section 13 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

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“(3) Despite section 30(1)(b) and without limiting subsection (1), the Director-General may impose a condition specifying that a licensee must not use, or allow any other person to use, the whole or any part of any approved permanent premises or approved conveyance —

25

(a) to provide a service; or

(b) to carry out an activity,

that is not part of a licensable healthcare service, even though the provision of that service or carrying out of that activity is incidental to the provision of the licensable healthcare service.”.

30

### **Amendment of section 14**

**11.** Section 14 of the principal Act is amended —

(a) by deleting the words “Before modifying any condition of a licence” in subsection (2) and substituting the words  
5 “Subject to subsection (5)”;

(b) by inserting, immediately after the word “must” in subsection (2), the words “, before modifying any condition of a licence,”; and

(c) by inserting, immediately after subsection (4), the  
10 following subsection:

“(5) Subsection (2) does not apply in relation to any modification of a licence condition that —

(a) applies to one or more classes of licensees;  
and

(b) is necessary to prevent or mitigate  
15 immediate or imminent harm to patient safety.”.

### **Amendment of section 15**

**12.** Section 15 of the principal Act is amended —

(a) by deleting paragraphs (a) and (b) of subsection (1) and  
20 substituting the following paragraphs:

“(a) stop providing the licensable healthcare service to which the licence relates —

(i) at any approved permanent premises;

(ii) using any approved conveyance; or

(iii) by any service delivery mode  
25 specified in the licence,

except where the approved permanent premises, approved conveyance or service delivery mode (as the case may be) is the only approved mode for the provision of  
30 the licensable healthcare service;



(b) stop providing any approved specified service; or”;

(b) by deleting subsection (2); and

(c) by deleting paragraph (b) of subsection (3) and substituting the following paragraph: 5

“(b) made —

(i) no later than the prescribed time before the licensee stops providing the licensable healthcare service at the approved permanent premises, using the approved conveyance, or by the service delivery mode; 10

(ii) no later than the prescribed time before the licensee stops providing the approved specified service; or 15

(iii) before the amendment is to take effect,

as the case may be; and”.

### **Amendment of section 17**

**13.** Section 17 of the principal Act is amended — 20

(a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

“(a) wholly and permanently stop, except upon the lapsing of a licence, providing any licensable healthcare service to which the licence relates; or”;

and 25

(b) by deleting the words “, or stop using the premises or conveyance specified in the licence, as the case may be” in subsection (2)(a).

### **Amendment of section 18**

**14.** Section 18(1) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs: 30

“(a) if the licensee is —

(i) an individual — on the date the licensee dies; or

(ii) a partnership or body corporate or an unincorporated association — on the date the partnership, body corporate or association ceases to exist; or

(b) on the date the last valid approval for any permanent premises, conveyance or other service delivery mode in respect of the licence is cancelled under section 20(3A).”.

### **Amendment of section 20**

**15.** Section 20 of the principal Act is amended —

(a) by deleting the word “equipment” in subsection (1)(g) and substituting the words “facilities or equipment”;

(b) by inserting, immediately after the words “against a licensee” in subsection (2), the words “in respect of a matter mentioned in subsection (1)”;

(c) by inserting, immediately before the words “direct the licensee” in subsection (2)(b)(viii), the words “unless a financial penalty has been imposed under subsection (3A)(b)(v) in respect of the act or omission that is the subject of the matter mentioned in subsection (1),”; and

(d) by deleting subsection (3) and substituting the following subsections:

“(3) Subject to this section and section 21, the Director-General may, without compensation, take any regulatory action described in subsection (3A) against a licensee who is granted an approval for a specified service, permanent premises, conveyance or service delivery mode if the Director-General is satisfied that —

- (a) the licensee is contravening or not complying with, or has contravened or failed to comply with —
- (i) any condition of the approval;
  - (ii) any other provision of this Act relating to the specified service, permanent premises, conveyance or service delivery mode, the contravention of which is not an offence under this Act;
  - (iii) any provision of a code of practice applicable to the licensee in relation to the specified service, permanent premises, conveyance or service delivery mode; or
  - (iv) any direction issued to the licensee by the Director-General under this Act in relation to the specified service, permanent premises, conveyance or service delivery mode;
- (b) in the case of an approval for a specified service — any premises at which the licensee provides, or any conveyance the licensee uses to provide, the specified service, or any part of those premises or that conveyance, or any facilities, process, protocol or equipment in those premises or that conveyance, is no longer safe or suitable for use in providing that specified service; or

5 (c) in the case of an approval for permanent premises, a conveyance or a service delivery mode — any premises, conveyance, facilities, process, protocol or equipment used in connection with the permanent premises, conveyance or service delivery mode is no longer safe or suitable for the provision of the licensable healthcare service.

10 (3A) The regulatory action that the Director-General may take against a licensee in respect of a matter mentioned in subsection (3) is as follows:

15 (a) cancel the approval for the specified service, permanent premises, conveyance or service delivery mode;

(b) in lieu of paragraph (a), all or any of the following:

(i) censure the licensee in writing;

20 (ii) modify any condition of the approval;

25 (iii) direct the licensee to do, or refrain from doing, any thing specified in the direction, and within the period specified in the direction (if specified), to rectify a contravention or non-compliance or prevent a recurrence of the contravention or non-compliance;

30 (iv) suspend the approval for a period that the Director-General thinks fit;

35 (v) unless a financial penalty has been imposed under subsection (2)(b)(viii) in respect of the act or omission that is the subject of the matter mentioned

in subsection (3), direct the licensee to pay, within a period specified, a financial penalty of the amount that the Director-General thinks fit, being —

5

(A) not more than \$10,000 for each contravention or non-compliance mentioned in subsection (3) that is the subject; or

10

(B) in any other case, not more than \$10,000.”.

### **Amendment of section 21**

16. Section 21 of the principal Act is amended —

(a) by inserting, immediately after the words “section 20(2)” in subsections (1)(b), (2), (4) and (5), the words “or (3A)”;

15

(b) by inserting, immediately after the words “section 20(2)(b)(viii)” in subsections (7), (8) and (9), the words “or (3A)(b)(v)”;

(c) by inserting, immediately after the words “section 20(1)(b)” in subsection (7), the words “or (3)(a)”.

20

### **Amendment of section 24**

17. Section 24 of the principal Act is amended —

(a) by deleting subsection (2) and substituting the following subsections:

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“(2) Subject to subsection (2B), every licensee that is —

(a) authorised by a licence to provide a licensable healthcare service that is prescribed for the purposes of this section; or

30

(b) granted approval to provide a specified service that is prescribed for the purposes of this section,

5 must appoint one or more suitably qualified individuals as the licensee's Clinical Governance Officer or Clinical Governance Officers to be responsible for the clinical and technical matters relating to the prescribed licensable healthcare service or prescribed specified service, as the case may be.

10 (2A) Every Clinical Governance Officer appointed under subsection (2) must perform such functions as may be prescribed in relation to the prescribed licensable healthcare service or prescribed specified service, as the case may be.

15 (2B) A licensee must not appoint an individual as a Clinical Governance Officer unless the Director-General has given prior written approval for the appointment of the individual.

20 (2C) The Director-General must not approve the appointment of an individual as a Clinical Governance Officer unless the Director-General is of the opinion that the individual is a suitable person.”;

25 (b) by inserting, immediately after the words “possesses the” in subsection (3)(b), the word “qualifications,”;

(c) by deleting subsection (4) and substituting the following subsection:

30 “(4) For the purposes of subsection (3), different qualifications, skills and competencies may be prescribed in respect of different licensable healthcare services or different specified services.”;

(d) by deleting the words “appointments in subsections (1) and (2) (if applicable), and any change in any of the appointments” in subsection (5) and substituting the

words “appointment in subsection (1), and any change in the appointment”; and

- (e) by inserting, immediately after the words “section 20,” in subsection (9), the words “cancel the Director-General’s approval referred to in subsection (2B) and”.

5

### **Repeal of section 28 and new section 28**

**18.**—(1) Section 28 of the principal Act is repealed.

(2) The principal Act is amended by inserting, immediately after section 27, the following section:

**“Approval of employment, engagement or deployment of individuals by certain licensees**

10

**28.**—(1) Subject to subsection (2), this section applies to the following (each called in this section a section 28 licensee):

- (a) a licensee that provides a licensable healthcare service that is prescribed for the purposes of this section;
- (b) any particular licensee that is prescribed for the purposes of this section, whether or not the licensee provides a licensable healthcare service mentioned in paragraph (a).

15

(2) Despite subsection (1), this section does not apply in relation to the employment, engagement or deployment of any individual who is, immediately before the date of commencement of section 18(2) of the Healthcare Services (Amendment) Act 2023, employed or engaged by a section 28 licensee.

20

25

(3) The Minister may, by regulations made under section 57, provide that this section applies to a section 28 licensee only in relation to the deployment of any prescribed personnel of the section 28 licensee —

- (a) in a prescribed area of work; or
- (b) in respect of a prescribed class of patients.

30

(4) Except with the Director-General's prior written approval, a section 28 licensee must not —

5 (a) where this section applies to the section 28 licensee only in relation to the deployment of prescribed personnel in a prescribed area of work or in respect of a prescribed class of patients — deploy any prescribed personnel who is a restricted individual in the prescribed area of work or in respect of the prescribed class of patients, as the case may be; or

10 (b) in any other case — employ or engage a restricted individual.

(5) A section 28 licensee must obtain the prescribed personal particulars, in the prescribed form and manner, from the following individuals:

15 (a) where this section applies to the section 28 licensee only in relation to the deployment of prescribed personnel in a prescribed area of work or in respect of a prescribed class of patients — every prescribed personnel who is to be deployed in the prescribed area of work or in respect of the prescribed class of patients, as the case may be;

20 (b) in any other case — every individual who seeks employment with or to be engaged by the section 28 licensee.

25 (6) In deciding whether an approval under subsection (4) should be granted, the Director-General must have regard, and give such weight as the Director-General considers appropriate, to all of the following matters:

30 (a) the nature of the duties and responsibilities that the restricted individual will be deployed or required to perform or undertake by the section 28 licensee;

(b) the nature and circumstances of the offence or offences of which the restricted individual was convicted;



- (c) the likelihood that the restricted individual will re-offend or commit offences of the same or similar nature as the offence or offences mentioned in paragraph (b).

(7) To avoid doubt, the Director-General is not confined to consideration of the matters specified in subsection (6) and may take into account any other matters and evidence that may be relevant. 5

(8) A section 28 licensee must —

(a) maintain records of the information referred to in subsection (5) in accordance with subsection (9); and 10

(b) provide to the Director-General any information that the Director-General may require in respect of —

(i) any individual that the section 28 licensee employs or engages or has employed or engaged; or 15

(ii) any individual who seeks or has sought employment with or who seeks or has sought to be engaged by the section 28 licensee.

(9) For the purposes of subsection (8)(a), a section 28 licensee must maintain the records of the information referred to in subsection (5) — 20

(a) throughout the duration of the individual's employment or engagement with the section 28 licensee, as the case may be; and 25

(b) for a period of 2 years following the cessation or termination for any reason of the individual's employment or engagement with the section 28 licensee.

(10) A section 28 licensee that contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction — 30

(a) to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(11) In this section —

“engage”, in relation to a licensee, includes to engage an individual in relation to the licensee’s provision of a licensable healthcare service where the individual is not remunerated in money or in kind;

“personnel”, in relation to a licensee, means any individual who is employed or engaged by the licensee in relation to the provision of a licensable healthcare service;

“restricted individual” means an individual who has been convicted of any prescribed offence.”.

### **Amendment of section 29**

**19.** Section 29 of the principal Act is amended —

(a) by inserting, immediately after the words “those terms,” in subsection (1)(b), the words “in any language,”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) A licensee must not use any term or name, or any abbreviation or derivative of that term or name, in any language, that is associated with a defined speciality, in the licensee’s name or logo unless the licensee employs or engages a relevant specialist to practise that defined speciality in the licensee’s provision of the licensable healthcare service.”; and

(c) by inserting, immediately after subsection (4), the following subsection:

“(5) In this section —

“defined speciality” means —

(a) a branch of dentistry that the Dental Specialists Accreditation Board has

defined under section 42(1)(b) of the Dental Registration Act 1999 as a specialty in dentistry for the purposes of registration in the Register of Specialists; or

5

- (b) a branch of medicine that the Specialists Accreditation Board has defined under section 35(1)(b) of the Medical Registration Act 1997 as a specialty or sub-specialty in medicine for the purposes of registration in the Register of Specialists;

10

“relevant specialist” —

- (a) for a branch of dentistry, means a dentist who is registered under section 14C of the Dental Registration Act 1999 as a specialist in that branch of dentistry; and

15

- (b) for a branch of medicine, means a medical practitioner who is registered under section 22 of the Medical Registration Act 1997 as a specialist in that branch of medicine.”.

20

### **Amendment of section 30**

**20.** Section 30 of the principal Act is amended by deleting the words “licensed premises or licensed conveyance” in subsections (1), (2) and (3) and in the section heading and substituting in each case the words “approved permanent premises or approved conveyance”.

25

### **New Part 3A heading**

**21.** The principal Act is amended by inserting, immediately above section 31, the following Part heading:

30

“PART 3A

ADVERTISEMENT OF HEALTHCARE SERVICES”.

## New sections 31A, 31B and 31C

22. The principal Act is amended by inserting, immediately after section 31, the following sections:

### “Advertisement of non-licensable healthcare services

5       **31A.**—(1) Subject to subsection (2), a person (called in this section the advertiser) must not advertise, or cause to be advertised, any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body so as to induce any person to seek the advice of or  
10       treatment from the advertiser or any person referred to in the advertisement in connection with that skill or service.

(2) Subsection (1) does not apply in relation to the advertisement of a licensable healthcare service provided by a licensee, where the advertisement is published by the licensee or  
15       a person acting on the authority of the licensee.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

20       (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

(4) In any proceedings for an offence under subsection (3), it is a defence for the person charged to prove, on a balance of probabilities, that the advertisement was published only in a  
25       publication of a technical character intended for circulation mainly among persons of the following classes, or of one or more of them:

(a) medical practitioners;

30       (b) dentists;

(c) nurses or midwives who are registered, or enrolled nurses who are enrolled, under the Nurses and Midwives Act 1999;

- (d) pharmacists who are registered under the Pharmacists Registration Act 2007;
- (e) holders of licences to sell poisons set out in the Schedule to the Poisons Act 1938;
- (f) persons undergoing training with a view to becoming any of the persons mentioned in paragraph (a), (b), (c) or (d). 5

(5) Where, in any proceedings for an offence under subsection (3), it is proved that an advertisement was referring to any skill of or service provided by the person charged, then, unless the contrary is proved, it is to be presumed for the purpose of those proceedings that the person charged had advertised or caused the advertisement of the skill or service, but without prejudice to the liability of any other person. 10

### **Restrictions on use of protected title** 15

**31B.**—(1) A person who advertises, or causes to be advertised a healthcare service and in the advertisement refers to any person who is not a specified person (called in this section the subject person) by a protected title must include in the advertisement — 20

- (a) the subject person’s educational qualification in relation to the use of the protected title whenever the protected title is used in the advertisement;
- (b) where the subject person’s educational qualification mentioned in paragraph (a) is not a medical or dental qualification — a disclaimer stating that fact; and 25
- (c) where the subject person has a medical or dental qualification — a disclaimer stating that the subject person does not hold a valid practising certificate under the Medical Registration Act 1997 or the Dental Registration Act 1999, as the case may be. 30

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

5  
(3) In this section —

10 “advertisement” includes any notice, circular, pamphlet, label, wrapper or other document, any announcement made orally or by any means of producing or transmitting light or sound and any other form of advertising;

15 “medical or dental qualification” means any degree, diploma or other qualification that is recognised or approved in any jurisdiction to enable or entitle the holder of the degree, diploma or qualification to practise as a medical practitioner or dentist (as the case may be) in that jurisdiction;

20 “protected title” means the title “Doctor”, or any abbreviation or derivative of that title, in any language;

“specified person” means an individual who is —

25 (a) an allied health professional who is registered under the Allied Health Professions Act 2011 and holds a valid practising certificate under that Act;

(b) a dentist or an oral health therapist who is registered under the Dental Registration Act 1999 and holds a valid practising certificate under that Act;

30 (c) a medical practitioner who is registered under the Medical Registration Act 1997 and holds a valid practising certificate under that Act;

(d) a nurse or midwife who is registered, or an enrolled nurse who is enrolled, under the Nurses

and Midwives Act 1999 and holds a valid practising certificate under that Act;

- (e) an optometrist or optician who is registered under the Optometrists and Opticians Act 2007 and holds a valid practising certificate under that Act; 5
- (f) a pharmacist who is registered under the Pharmacists Registration Act 2007 and holds a valid practising certificate under that Act; or
- (g) a traditional Chinese medicine practitioner who is registered under the Traditional Chinese Medicine Practitioners Act 2000 and holds a valid practising certificate under that Act. 10

### **Directions to rectify or withdraw advertisement**

**31C.**—(1) Where a person has contravened section 31A(1) or 31B(1) (whether or not an offence under section 31A(3) or 31B(2) is committed by the person), the Director-General may direct the person to rectify or withdraw the advertisement that does not comply with the requirements of section 31A(1) or 31B(1) (as the case may be), within the period specified in the direction. 15 20

(2) A person who, without reasonable excuse, refuses or fails to comply with the Director-General's direction under subsection (1) shall be guilty of an offence and shall be liable on conviction — 25

- (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.”. 30

### **Amendment of section 48**

**23.** Section 48 of the principal Act is amended —

(a) by inserting, immediately after paragraph (a) of subsection (3), the following paragraphs:

5 “(aa) any refusal of the Director-General under section 11B(1)(b) or 11D(1)(b) to grant an approval under section 11B or 11D, as the case may be;

10 (ab) any modification of a licence condition mentioned in section 14(5) and in respect of which the notice mentioned in section 14(2) was not given;”;

15 (b) by inserting, immediately after the words “section 20(2)(b)” in subsection (3)(b), the words “or (3A)”; and

(c) by inserting, immediately after subsection (4), the following subsection:

20 “(4A) A person who is aggrieved by any direction of the Director-General under section 31C(1) (called the appellant) may appeal to the Minister.”.

### **Amendment of section 57**

**24.** Section 57 of the principal Act is amended —

(a) by inserting, immediately after paragraph (a) of subsection (2), the following paragraphs:

25 “(aa) the service delivery modes or the types of premises or conveyances that are not permitted for the provision of a licensable healthcare service or specified service;

30 (ab) the requirements that apply to the provision of any licensable healthcare service at any permanent premises, using any conveyance or by any other service delivery mode;



- (ac) the prerequisites for applying for an approval under section 11C;”;
- (b) by inserting, immediately after the words “any licence” in subsection (2)(b), the words “or approval”; and
- (c) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph: 5
- “(aa) prescribe different requirements for different service delivery modes;”.

### Miscellaneous amendments

25. The principal Act is amended — 10
- (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:
- Section 2(3) and (4)
- Section 7(2), (3), (4), (5) and (6) 15
- Section 10(1), (2)(a), (d) and (e), (4) and (5)
- Section 11(1), (3) and (4)
- Section 12(1)(c)
- Section 13(1), (2) and (4)
- Section 14(1), (2), (3) and (4) 20
- Section 15(1), (3)(a), (5), (6) and (7)
- Section 16(1)(b) and (2)
- Section 17(1) and (2)
- Section 19(1) and (2)
- Section 20(1), (2) and (5) 25
- Section 21(1), (2), (4), (5), (7), (8) and (9)
- Section 22
- Section 23(1)(a), (2), (3) and (4)
- Section 24(5), (6) and (9)
- Section 30(2) 30

Section 36(1), (2)(c) and (6)

Section 37(1) and (2)

Section 38(1), (5) and (9)

Section 39(1), (2)(b), (3)(a) and (b), (4), (5) and (6)

5 Section 40(1), (2)(b), (3)(b), (4)(b) and (6)

Section 41(1), (2), (3), (4)(a), (b) and (c), (5), (6) and (7)

Section 42(1)(a), (b) and (c) and section heading

Section 47(1)

Section 48(2), (3) and (4)

10 Section 51(1), (2) and (4)

Section 55(a) and (c)

Third Schedule, paragraph 3(1)(a) and (2);

(b) by deleting the words “Director of Medical Services” in  
section 7(1) and substituting the words “Director-General  
of Health”;

15

(c) by deleting the word “Director’s” in the following  
provisions and substituting in each case the word  
“Director-General’s”:

Section 23(2)

20

Section 24(9)

Section 29(1)(b)

Section 36(1)(a)

Section 39(6)

Section 48(1), (5)(c), (7)(a) and (b) and (10); and

25

(d) by deleting the word “Director” in section 33(1) and (4)(b),  
(c)(iv) and (d)(i) and substituting in each case the word  
“Director-General”.

**Consequential amendment to Medical and Elderly Care  
Endowment Schemes Act 2000**

26. Section 25(1) of the Medical and Elderly Care Endowment Schemes Act 2000 is amended by deleting paragraph (*cb*) and substituting the following paragraph: 5

“(*cb*) where approved services are provided —

- (i) at any permanent premises within the meaning given by section 2(1) of the Healthcare Services Act 2020 — the approval granted to the organisation to provide those services at those premises under that Act is cancelled or suspended or otherwise ceases to be in force; 10
- (ii) using any conveyance within the meaning given by section 2(1) of the Healthcare Services Act 2020 — the approval granted to the organisation to use the conveyance for the provision of those services under that Act is cancelled or suspended or otherwise ceases to be in force; or 15
- (iii) by any other service delivery mode within the meaning given by section 2(1) of the Healthcare Services Act 2020 — the approval granted to the organisation to provide those services by the service delivery mode under that Act is cancelled or suspended or otherwise ceases to be in force;” 20 25

**Related amendments to Medicines (Advertisement and Sale)  
Act 1955**

27. The Medicines (Advertisement and Sale) Act 1955 is amended — 30

- (a) by repealing section 4;
- (b) by deleting the words “section 3, 4 or 5” in section 6(1) and (3) and substituting in each case the words “section 3 or 5”;
- (c) by deleting subsection (4) of section 6;

- (d) by deleting the words “sections 3, 4 and 5” in the section heading of section 6 and substituting the words “sections 3 and 5”; and
- (e) by deleting the words “section 4 or 5” in section 9 and substituting the words “section 5”.

### **Consequential amendments to other Acts**

**28.—**(1) The Advance Medical Directive Act 1996 is amended —

- (a) by deleting the definition of “Director” in section 2 and substituting the following definition:

““Director-General” means the Director-General of Health;” and

- (b) by deleting the word “Director” in the following provisions and substituting in each case the word “Director-General”:

Section 2 (definition of “specialist”)

Section 6(1)

Section 9(5)

Section 21(1).

(2) The Allied Health Professions Act 2011 is amended —

- (a) by deleting the definition of “Director” in section 2; and

- (b) by deleting the word “Director” wherever it appears in section 6(1)(a) and substituting in each case the words “Director-General of Health”.

(3) The Biological Agents and Toxins Act 2005 is amended —

- (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 2 (definitions of “approval”, “enforcement officer” and “permit”)

Section 3(1), (2), (3), (4) and (5)

Section 6(1), (3), (6) and (7)

Section 7(1)(a), (3)(b) and (4)

Section 8(1) and (2)	
Section 9(1)	
Section 10(3)(b) and (4)	
Section 12(1)(a) and (2)	
Section 14(1) and (2)	5
Section 15(1), (5) and (6)	
Section 16(2)(b) and (3)	
Section 17(1) and (2)	
Section 18(1)	
Section 19(3)(b) and (4)	10
Section 21(1)(a) and (2)	
Section 23(1)(a), (2) and (3)	
Section 25(1)	
Section 27(3) and (4)	
Section 28(1), (2) and (3)	15
Section 31(1), (4)(b) and (5)	
Section 32(1) and (2)	
Section 33(1)	
Section 34(3)(b) and (4)	
Section 36(1)(a) and (2)	20
Section 39(2)	
Section 41(g)	
Section 44(c)	
Section 45(1)(b) and (2)	
Section 47(3) and (4)	25
Section 50(1), (2), (3), (4), (5), (7), (8), (9) and (10)	
Section 51(4), (6), (7) and (8)	
Section 52(1) and (2)(a) and (b)	
Section 53(1), (2), (3), (4) and (5)	
Section 54(1) and (2)	30

Section 55(1)

Section 59(1)

Section 60(1)(a), (b) and (c) and (3)

Section 63(2)(d) and (3)(a);

- 5 (b) by deleting the definition of “Director” in section 2 and substituting the following definition:

““Director-General” means the Director-General of Health;” and

- 10 (c) by deleting the word “Director’s” in section 50(5) and substituting the word “Director-General’s”.

(4) The Criminal Procedure Code 2010 is amended by deleting the words “Director of Medical Services” in section 339(13) and substituting the words “Director-General of Health”.

(5) The Human Biomedical Research Act 2015 is amended —

- 15 (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 2 (definition of “authorised officer”)

Section 4(1), (2), (3), (4), (5) and (6)

20 Section 5(2)

Section 15(4) and (5)

Section 23(1)(b) and (3)

Section 24(1) and (2)

Section 28(2)(e)

25 Section 29(1)(e)

Section 31(2)(a) and (b)

Section 34(1), (2) and (3)

Section 35(1)(b) and (3)

Section 36(1) and (2)

30 Section 39(1)(e)

Section 40(1) and (2)

Section 42(1), (2) and (3)

Section 43(1)

Section 44(1), (2), (3) and (4)

Section 45(1)(b) and (3)

Section 46(3)

5

Section 53(1)

Section 54(1)(a) and (b), (2) and (7)(a) and (b)

Section 59(2)(e) and (7) (paragraphs (a) and (b) of the definition of “last email address”)

Section 61

10

Section 63(2)(e)(v)

Section 65(1) and (2)

Fifth Schedule, paragraph 6(h)(ii);

(b) by deleting the definition of “Director” in section 2 and substituting the following definition:

15

““Director-General” means the Director-General of Health;”; and

(c) by deleting the word “Director’s” in section 54(7)(b) and substituting the word “Director-General’s”.

(6) The Human Cloning and Other Prohibited Practices Act 2004 is amended —

20

(a) by deleting the definition of “Director” in section 2(1) and substituting the following definition:

““Director-General” means the Director-General of Health;”; and

25

(b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 2 (definition of “enforcement officer”)

5 Section 4(1), (2), (3) and (4)(b)

Section 14(3), (4) and (5)

Section 15.

(7) The Human Organ Transplant Act 1987 is amended —

10 (a) by deleting the definition of “Director” in section 2 and substituting the following definition:

““Director-General” means the Director-General of Health;” and

15 (b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 3

Section 4(2)(a)

Section 6(2)

Section 8(1) and (2)

20 Section 9(1) and section heading

Section 10(1) and (2)

Section 11(a) and (b)

Section 12

Section 15(3)

25 Section 16(1) and (4)

Section 17(1), (2) and (3)

Section 18(1) and (2) and section heading

Section 20(1) and (2)(a)

Section 23(1) and (6)

30 Section 30(1).



## (8) The Infectious Diseases Act 1976 is amended —

(a) by inserting, immediately after the words “advice to the Director-General” in paragraph (a)(i) of the definition of “appropriate Minister” in section 2, the words “of Public Health”;

5

(b) by deleting the definitions of “Director” and “Director-General” in section 2 and substituting the following definitions:

““Director-General of Health” means the Director-General of Health and includes a Deputy Director-General of Health;

10

“Director-General of Public Health” means the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act 1987;”;

15

(c) by deleting the definition of “Health Officer” in section 2 and substituting the following definition:

““Health Officer” means a Health Officer appointed by the Director-General of Public Health, the Director-General, Food Administration or the Director-General of Health, under section 4;”;

20

(d) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the words “Director-General of Health”:

25

Section 2 (paragraph (b)(iii) of the definition of “infectious disease”)

Section 3(1), (3) and (4)

Section 4(1) and (2)

Section 5

30

Section 6(1), (2), (3) and (4)

Section 7(1), (2), (3) and (4)

Section 8(1), (3) and (4)

Section 9

Section 10(1) and (4) and section heading

Section 12(1), (3) and (4)

Section 13(1), (2), (3) and (4)

5

Section 14(1)

Section 15(1), (2), (3), (4)(b) and (5)

Section 16(1), (2), (3) and (4)

Section 17(3), (6) and (7)

Section 17A(7)

10

Section 18(1), (2), (3), (4), (5), (6) and (7)

Section 19(1), (2), (3), (4), (5), (6), (7) and (8)

Section 19A(1), (3) and (4)

Section 20(1), (2), (3), (5) and (6)

Section 21(1) and (3)

15

Section 21A(5)(b) and (6)

Section 21B(1)(a) and (b), (2) and (3)

Section 22(1)

Section 25(1)(k)

20

Section 25A(1), (5), (6), (10) and (11) and section heading

Section 27(1)

Section 32(1) and (2)

Section 44(1) and (2)

Section 45(1)(b), (3), (4) and (5)

25

Section 45A(1)

Section 47(1), (2) and (4)

Section 48(2)(b)(i)

Section 49

Section 50(1), (3) and (4)

30

Section 55(1), (2), (3), (4), (8) and (9) and section heading

Section 55A(1)	
Section 55B(3)	
Section 56(1), (2), (3), (4), (7) and (8)(a) and (b)	
Section 57(1) and (2)	
Section 57A(1), (2) and (3) and section heading	5
Section 57B(1) and (2) and section heading	
Section 58(1)	
Section 59A(1), (2), (3), (4), (5), (6), (7)(a) and (b) and (8) (definition of “national public health research”)	
Section 63(1) and (2)	10
Section 67A(b)	
Section 68(1)	
Section 69(1)	
Section 73(4)(a)	
Third Schedule, item 1(a);	15
(e) by deleting the words “the Director or the Director-General” in paragraph (b) of the definition of “isolation” in section 2 and substituting the words “the Director-General of Health or the Director-General of Public Health”;	20
(f) by inserting, immediately after the words “this Act, the Director-General” in section 3(2), the words “of Public Health”;	
(g) by inserting, immediately after the words “exercised by the Director-General” in section 3(3), the words “of Public Health”;	25
(h) by inserting, immediately after the words “is a reference to the Director-General” in section 3(4), the words “of Public Health”;	

(i) by inserting, immediately after the words “The Director-General” in the following provisions, the words “of Public Health”:

Section 4(1) and (2)

5 Section 29(1)

Section 42(1) and (2)

Section 45(4) and (5)

Section 68(2);

10 (j) by inserting, immediately after the words “advice to the Director-General” in section 5, the words “of Public Health”;

(k) by inserting, immediately after the word “Director-General” wherever it appears in the following provisions, the words “of Public Health”:

15 Section 28(1)

Section 36

Section 45(1)(b) and (3)

Section 69(2);

20 (l) by inserting, immediately after the words “requirement of the Director-General” in section 29(2), the words “of Public Health”;

25 (m) by deleting the words “Director-General’s written permission” in section 40(1) and substituting the words “written permission of the Director-General of Public Health”;

(n) by inserting, immediately after the words “order of the Director-General” in section 42(3), the words “of Public Health”;

30 (o) by inserting, immediately after the words “discretion of the Director-General” in section 42(4), the words “of Public Health”;

- (p) by inserting, immediately after the words “assistance as the Director-General” in section 44(1), the words “of Public Health”;
- (q) by inserting, immediately after the words “the safety of the Director-General” in section 44(2), the words “of Public Health”;
- (r) by deleting the section heading of section 44 and substituting the following section heading:
- “Master, etc., of vessel to assist Director-General of Public Health, etc.”;**
- (s) by deleting the words “Director’s opinion” in section 47(4) and substituting the words “opinion of the Director-General of Health”;
- (t) by inserting, immediately after the words “by the Director-General” in the following provisions, the words “of Public Health”:
- Section 55A(1)
- Section 56(2)
- Section 57(1) and (2)
- Section 63(1) and (2);
- (u) by inserting, immediately after the words “under the hand of the Director-General” in section 63(2), the words “of Public Health”;
- (v) by inserting, immediately after the words “signature of the Director-General” in section 63(2), the words “of Public Health”;
- (w) by deleting the words “the Director, the Director-General,” in section 67 and substituting the words “the Director-General of Health, the Director-General of Public Health,”; and

- (x) by deleting the section heading of section 69 and substituting the following section heading:

**“Fees, etc., collected by Director-General of Health and Director-General of Public Health”.**

- 5 (9) The Medical Registration Act 1997 is amended —

- (a) by deleting paragraph (a) of section 4(1) and substituting the following paragraph:

“(a) the Director-General of Health;”;

- 10 (b) by deleting the words “Director of Medical Services” in the following provisions and substituting in each case the words “Director-General of Health”:

Section 4(3)

Section 18(2); and

- 15 (c) by deleting the words “the Director may” in section 4(3) and substituting the words “the Director-General of Health may”.

- (10) The Medical (Therapy, Education and Research) Act 1972 is amended —

- 20 (a) by deleting the definition of “Director” in section 2 and substituting the following definition:

““Director-General” means the Director-General of Health, and includes the Deputy Director-General of Health and such designated officer of an approved hospital or such public officer as is authorised by the Director-General of Health in writing to act on behalf of the Director-General of Health;”;

25

- (b) by deleting the words “Director of Medical Services” in section 2A and substituting the word “Director-General”; and
- 30

- (c) by deleting the word “Director” in the following provisions and substituting in each case the word “Director-General”:

Section 12

Section 15.

(11) The Mental Health (Care and Treatment) Act 2008 is amended — 5

- (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 2(1) (definition of “designated medical practitioner”) 10

Section 5(1)(c) and (2)

Section 16(1)

Section 30(1);

- (b) by deleting the definition of “Director” in section 2(1) and substituting the following definition: 15

““Director-General” means the Director-General of Health;” and

- (c) by deleting the words “*Director of Medical Services*” in Form 6 of the Schedule and substituting the words “*Director-General of Health*”. 20

(12) The National Council of Social Service Act 1992 is amended by deleting the words “Director of Medical Services” in section 5(1)(j) and substituting the words “Director-General of Health”. 25

(13) The National Registry of Diseases Act 2007 is amended —

- (a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Section 2 (definitions of “agent of the Registry”, “Registrar” and “Registry officer”) 30

Section 3(1), (2) and (3)

Section 8(1) and (2)

Section 9(1)(b)

Section 10(1), (2), (3), (4), (5) and (6)

Section 12(5)

5 Section 13(1) and (2)

Section 17(1)

Section 20(1); and

(b) by deleting the definition of “Director” in section 2 and substituting the following definition:

10 ““Director-General” means the Director-General of Health;”.

(14) The Nurses and Midwives Act 1999 is amended by deleting the words “Director of Medical Services” in section 3(2)(a) and substituting the words “Director-General of Health”.

15 (15) The Optometrists and Opticians Act 2007 is amended —

(a) by deleting the definition of “Director” in section 2; and

(b) by deleting the word “Director” in section 4(1)(d) and substituting the words “Director-General of Health”.

20 (16) The Prisons Act 1933 is amended by deleting the words “Director of Medical Services” in the following provisions and substituting in each case the words “Director-General of Health”:

Section 45(2)

Section 46(1).

25 (17) The Private Hospitals and Medical Clinics Act 1980 is amended —

(a) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

30 Section 2 (paragraphs (a) and (b) of the definition of “authorised officer”)

Section 3(1), (2), (3), (4) and (5)



Section 5(1), (3) and (4)(b)

Section 6(1), (2), (3), (4), (5) and (6)(a)

Section 7(5)

Section 8

Section 9(1), (2) and (3)

5

Section 10(1)(a) and (b)

Section 11(2) and (4)

Section 12(1), (2), (3) and (4)(a)

Section 13(1) and (2)

Section 14(1) and (2)

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Section 17 and section heading

Section 18

Section 20(1);

(b) by deleting the definition of “Director” in section 2 and substituting the following definition:

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““Director-General” means the Director-General of Health;” and

(c) by deleting the word “Director’s” in section 9(2)(a) and substituting the word “Director-General’s”.

(18) The Protection from Harassment Act 2014 is amended by deleting the words “Director of Medical Services” in the definition of “appointed psychiatrist” in section 13B(24) and substituting the words “Director-General of Health”.

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(19) The Sale of Drugs Act 1914 is amended by deleting the words “Deputy Director of Medical Services (Health)” in section 14 and substituting the words “Deputy Director-General of Health”.

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(20) The Singapore Red Cross Society Act 1973 is amended by deleting the words “Director of Medical Services” in section 9(2) and substituting the words “Director-General of Health”.

(21) The Termination of Pregnancy Act 1974 is amended —

(a) by deleting the words “Director of Medical Services” in section 11(2)(a) and substituting the words “Director-General of Health”; and

5 (b) by deleting the words “the Director may” in section 11(2)(a) and substituting the words “the Director-General may”.

(22) The Voluntary Sterilisation Act 1974 is amended —

10 (a) by deleting the words “Director of Medical Services” in section 13(2)(a) and substituting the words “Director-General of Health”; and

(b) by deleting the words “the Director may” in section 13(2)(a) and substituting the words “the Director-General may”.

## 15 **Saving and transitional provisions**

**29.**—(1) Despite section 8, the Director-General may, under section 11B of the principal Act as in force on or after the relevant date, grant —

20 (a) for a person who immediately before the relevant date holds a licence to provide a Phase 1 service that specifies any premises — an approval to provide the Phase 1 service at those premises as permanent premises;

25 (b) for a person who immediately before the relevant date holds a licence to provide a Phase 1 service that specifies any conveyance — an approval to provide the Phase 1 service using the conveyance;

30 (c) for a person who, immediately before the appointed day for a licensable healthcare service, holds a valid licence under the Private Hospitals and Medical Clinics Act 1980 to use any premises as a private hospital or medical clinic and provides the licensable healthcare service at those premises — an approval to provide the licensable healthcare service at those premises as permanent premises; and

(d) for a person who, immediately before the appointed day for a licensable healthcare service, holds a valid licence under the Private Hospitals and Medical Clinics Act 1980 to use any conveyance as a medical clinic and provides the licensable healthcare service using the conveyance — an approval to provide the licensable healthcare service using the conveyance,

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even though an application for the approval has not been made by that person.

(2) In subsection (1) —

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“appointed day” means an appointed day within the meaning of section 56(4) of the principal Act that is on or after the relevant date;

“approval” means an approval granted under section 11B of the principal Act as in force on or after the relevant date for any permanent premises, conveyance or service delivery mode, as the case may be;

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“Phase 1 service” means any of the following within the meaning of the First Schedule to the principal Act as in force immediately before the relevant date:

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- (a) blood banking service;
- (b) clinical laboratory service;
- (c) cord blood banking service;
- (d) emergency ambulance service;
- (e) medical transport service;
- (f) nuclear medicine assay service;
- (g) nuclear medicine imaging service;
- (h) radiological service;

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“relevant date” means the date that section 8 comes into force.

(3) Despite section 19 and subject to paragraph 4(1) of the Healthcare Services (Exemption) Order 2021, section 29 of the principal Act as in force immediately before the date of

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commencement of section 19 continues to apply in relation to a term or name used by a licensee immediately before that date, for so long as the licensee continues to use that term or name.

5 (4) Any reference to the Director of Medical Services in any written law, contract, document or licence is to be read as a reference to the Director-General of Health.

(5) Any reference to the Deputy Director of Medical Services in any written law, contract, document or licence is to be read as a reference to the Deputy Director-General of Health.

10 (6) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Healthcare Services Act 2020 (the Act) —

- (a) to introduce an approval framework for service delivery modes and specified services;
- (b) to remove the concept of a special licensable healthcare service;
- (c) to subject the appointment of Clinical Governance Officers to the approval of the Director-General of Health (the Director-General);
- (d) to restrict the use of names and terms associated with a speciality by a licensee unless a relevant specialist is employed or engaged by the licensee;
- (e) to regulate the advertisement of non-licensable healthcare services under the Act;
- (f) to impose restrictions on the use of the title “Doctor” in advertisements of healthcare services;
- (g) to redesignate the Director of Medical Services to the Director-General of Health; and
- (h) to make miscellaneous amendments for the better administration of the Act.

The Bill also makes consequential and related amendments to certain other Acts.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce new definitions of “approved conveyance”, “approved permanent premises”, “approved specified service”, “permanent premises”, “remote provision”, “service delivery mode” and “specified service”, and to delete definitions of “licensed conveyance”, “licensed premises” and “special licensable healthcare service”. The definition of “Director” is also amended to “Director-General” as the designation of Director of Medical Services is amended to Director-General of Health.

Clause 3 repeals and re-enacts section 4 to amend the purpose of the Act, so that the regulation of service delivery modes and the advertisement of any healthcare service (including those not regulated under the Act) are also included.

Clause 4 repeals and re-enacts section 9 to prohibit licensees from providing a licensable healthcare service at any permanent premises, using any conveyance or by any other service delivery mode, unless it is approved for the provision of that licensable healthcare service.

Clause 5 inserts a new section 9A to empower the Minister to prescribe a service of a medical or healthcare nature that is part of a licensable healthcare service as a specified service for the licensable healthcare service.

The new section 9A also prohibits a licensee from providing a specified service for a licensable healthcare service despite holding a licence for the provision of the licensable healthcare service, unless the licensee is granted approval under the new section 11D (inserted by clause 8) for the provision of the specified service.

Clause 6 amends section 10 to update the particulars required for an application for a licence to include the prescribed details of applications for approval of service delivery modes and specified services.

Clause 7 amends section 11 to delete matters that are no longer relevant to the consideration of whether the Director-General should grant a licence, and to insert that whether an applicant has been granted or is likely to be granted approval for at least one permanent premises, conveyance or other service delivery mode as one of the relevant matters.

Clause 8 inserts new sections 11A to 11E.

The new section 11A provides for applications for approvals of permanent premises, conveyances and other service delivery modes. These must be made to the Director-General. The Director-General may refuse to consider an application that is incomplete or not made in accordance with the new section 11A.

The new section 11B deals with the matters that the Director-General has to consider when granting an approval for any permanent premises, conveyance or

other service delivery mode. The Director-General may, in granting the approval, impose conditions as well. An approval must not be granted to a person who is not a licensee. Upon the grant of the approval, the Director-General must amend the licence to state the approved permanent premises, conveyance or service delivery mode.

The new section 11C provides for applications for approvals of specified services. These must be made to the Director-General. The Director-General may refuse to consider an application for an approval of a specified service that is incomplete or not made in accordance with the new section 11C.

The new section 11D deals with the matters that the Director-General has to consider when granting an approval for a specified service. The Director-General may, in granting the approval, impose conditions as well. An approval must not be granted to a person who is not a licensee for the licensable healthcare service that the specified service is part of. Upon the grant of the approval, the Director-General must amend the licence to state the approved specified service.

The new section 11E provides that an approval granted under the new section 11B or 11D is valid for such period as may be specified in the approval unless —

- (a) earlier cancelled or suspended by regulatory action taken under the new section 20(3A);
- (b) earlier lapsed because the licensee ceases to hold a licence; or
- (c) earlier lapsed because the licensee stops providing the licensable healthcare service at the approved permanent premises, using the approved conveyance or by the service delivery mode that is approved, or stops providing the approved specified service, and the application to amend the licence under section 15 in relation to the permanent premises, conveyance, service delivery mode or specified service is approved by the Director-General.

Clause 9 amends section 12(1) to provide that a licence must state every approved permanent premises, approved conveyance, approved service delivery mode and approved specified service.

Clause 10 amends section 13(3) to provide that the Director-General may impose a licence condition prohibiting a licensee from using any approved permanent premises or approved conveyance for the provision of any service or carrying out of any activity even though that service or activity is incidental to the provision of the licensable healthcare service (and would have otherwise been permitted under section 30(1)(b)).

Clause 11 amends section 14 to provide that notice for the modification of a licence condition that applies to a class of licensees need not be given to a licensee

if the Director-General considers that the modification of the licence condition is necessary to prevent or mitigate immediate or imminent harm to patient safety.

Clause 12 amends section 15 to provide for the amendment of licences in relation to the stoppage of use of approved permanent premises, conveyances, service delivery modes or specified services. If the approved permanent premises, conveyance or service delivery mode to be stopped is the only approved mode for the provision of the licensable healthcare service to which a licence relates, the licensee is not to apply to amend the licence but must instead give notice to the Director-General under section 17.

Clause 13 amends section 17 to require a licensee to give the Director-General prior notice of the licensee's intention to wholly and permanently stop providing a licensable healthcare service or surrender the licence. Where a licensee only intends to cease providing a licensable healthcare service at, using or by one or more but not every approved permanent premises, conveyance or service delivery mode, the licensee is only required to apply to amend the licence under the amended section 15.

Clause 14 amends section 18(1) to provide for the lapsing of a licence on the date the last valid approval for any permanent premises, conveyance or other service delivery mode in respect of the licence is cancelled.

Clause 15 amends section 20 to provide that regulatory action may be taken if a licensee contravenes or fails to comply with any condition or requirement relating to any approved permanent premises, approved conveyance, approved service delivery mode or approved specified service.

Clause 16 amends section 21 to make consequential amendments arising from the amendments to section 20.

Clause 17 amends section 24 to provide that a licensee must not appoint a Clinical Governance Officer unless the Director-General has first approved the appointment. Section 24 is also amended to allow qualifications, skills and competencies to be prescribed for a Clinical Governance Officer in respect of a specified service that differ from those applicable to a Clinical Governance Officer for the licensable healthcare service.

Clause 18 replaces section 28 with a new provision to provide that in certain cases the employment, engagement or deployment of prescribed individuals working for prescribed licensees is to be subject to the Director-General's approval if those individuals have a prior conviction for a prescribed offence.

Clause 19 amends section 29 to expand the prohibition against using "Singapore" or "National" in any other language. The amended section 29 also prohibits the use of any term or name that is associated with a speciality if the licensee does not employ or engage a relevant specialist to practise in that speciality.

Clause 20 amends section 30 to make consequential amendments as the terms “licensed premises” and “licensed conveyance” are no longer used in the Act.

Clause 21 inserts a new Part heading above section 31 to designate section 31 and the new sections 31A, 31B and 31C as the new Part 3A relating to “Advertisement of healthcare services”.

Clause 22 inserts new sections 31A, 31B and 31C.

The new section 31A prohibits the advertisement of any skill or service relating to the treatment of any ailment, disease or condition, etc., affecting the human body such that it induces a person to seek the advice of or treatment from the advertiser or the person being advertised. However, this prohibition does not apply in relation to an advertisement of a licensable healthcare service by a licensee or a person acting on the authority of a licensee. This prohibition replicates what is currently provided for in section 4 of the Medicines (Advertisement and Sale) Act 1955.

The new section 31B imposes restrictions on the use of the title “Doctor” or any abbreviation or derivative of that title, in any language when a person advertises, or causes to be advertised, a healthcare service. Where this title is used in an advertisement in relation to a person who is not a practising medical practitioner or dentist, the person’s educational qualification in relation to the use of the title must be stated in the advertisement, and a disclaimer stating that the qualification is not a medical or dental qualification must be included. If the person has a medical or dental qualification but not a valid practising certificate, then the fact that the person does not hold a valid practising certificate must also be stated in the advertisement. These restrictions do not apply to specified healthcare professionals, who are regulated under their respective professional regulatory Acts.

The new section 31C provides that the Director-General may direct a person to rectify or withdraw an advertisement that does not comply with the requirements of the new section 31A or 31B.

Clause 23 amends section 48 to provide that —

- (a) any licensee aggrieved by the refusal of the Director-General to grant an approval under section 11B or 11D may appeal to the Minister;
- (b) any licensee aggrieved by the modification of a licence condition for which notice was not given (under the new section 14(5)) may appeal to the Minister against the Director-General’s decision to modify the licence condition; and
- (c) any person who is aggrieved by the Director-General’s direction under the new section 31C(1) to rectify or withdraw an advertisement may also appeal to the Minister.



Clause 24 amends section 57 to provide that regulations may be made to prescribe the service delivery modes or types of premises or conveyances that are not permitted for the provision of a licensable healthcare service or specified service, requirements specific to the provision of a licensable healthcare service by a service delivery mode and prerequisites for applying for an approval for a specified service. The amended section 57 also allows for regulations to be made regarding the form and manner of applications for approvals under the Act.

Clause 25 makes miscellaneous amendments in the Act to change the title of “Director” to “Director-General”.

Clause 26 makes a consequential amendment to section 25(1)(cb) of the Medical and Elderly Care Endowment Schemes Act 2000 as the terms “licensed premises” and “licensed conveyance” are no longer in use. The amended section 25 of that Act refers instead to the approvals given for permanent premises, conveyances and service delivery modes.

Clause 27 makes related amendments to the Medicines (Advertisement and Sale) Act 1955 to repeal section 4 of that Act, since it is replicated in the new section 31A.

Clause 28 makes consequential amendments to various Acts resulting from the redesignation of “Director of Medical Services” to “Director-General of Health”.

Clause 29 contains saving and transitional provisions. The Minister is further empowered to make regulations of a saving or transitional nature, within 2 years after the relevant amendment comes into force.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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