

Medical Law

Healthcare Services Act: Licensing Framework for Hospital and Ambulatory Care Services & Changes to Regulatory Framework wef 26 June 2023

Introduction

On 26 June 2023, the Healthcare Services Act 2020 ("**HCSA**") was amended to implement the following key changes:

1. Transitioning existing licensees offering hospital and ambulatory care services and specified services under the Private Hospitals and Medical Clinics Act ("**PHMCA**") to HCSA ("**Phase 2 implementation of HCSA**");
2. Enhancing the regulatory regime governing healthcare services; and
3. Ensuring greater clarity and transparency in healthcare services advertising.

By way of background, the HCSA was enacted in 2020 to replace the PHMCA to ensure that healthcare regulations remain relevant in the changing healthcare landscape in Singapore. Under the PHMCA, healthcare providers were licensed based on the different types of physical premises where health services are provided. Given the evolving healthcare service environment in Singapore, the provision of healthcare services is no longer confined within the walls of physical brick-and-mortar premises of clinics and hospitals. The HCSA addresses this by providing a more adaptable approach in the regulation of Singapore's healthcare system from a premises-based to a services-based framework.

The HCSA is being implemented progressively with licensees coming onboard HCSA in three phases, with: (1) Phase 1 implemented for clinical support services (e.g. laboratory, radiological) in January 2022; (2) Phase 2 implemented for various hospital and ambulatory care services and specified services (e.g. liposuction, endoscopy) on 26 June 2023; and (3) Phase 3 to be implemented for long-term care services and other specialised and new services (e.g. preventive health) by the end of 2023.

The second and third phases set out above are introduced in the Healthcare Services (Amendment) Act 2023 ("**Amendment Act**") which was passed in Parliament on 27 March 2023. The Amendment Act refines the HCSA to address developments which have an impact on the healthcare industry since the HCSA was enacted in 2020.

This Update provides a summary of the changes to the HSCA that have taken effect on 26 June 2023.

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Phase 2 Implementation of HCSA

Pursuant to the Phase 2 implementation of HCSA, the majority of the services currently regulated under the PHMCA is now regulated under the HCSA. These include acute and community hospital, outpatient medical and dental, assisted reproduction, ambulatory surgical centre, human tissue banking, nuclear medicine and outpatient renal dialysis services.

In addition, the following healthcare providers who deliver medical or dental services from premises apart from clinics, including those that deliver services via teleconsultation, must hold a HCSA licence on 26 June 2023. These healthcare services were not previously licensed under the PHMCA:

- (a) Home medical or dental and home palliative care service providers;
- (b) Medical or specialist clinics that engage or employ doctors to offer teleconsultation services;
- (c) Telemedicine platform companies that engage or employ doctors to provide teleconsultation services;
- (d) Individual doctors who offer teleconsultation services in their own professional capacity;
- (e) Doctors or dentists who offer home medical/dental care in their own professional capacity; and
- (f) Medical or dental practitioners who provide services outside of permanent clinic settings, e.g. workplaces, community clubs, ad-hoc tentages.

Enhancements to Regulatory Regime for Healthcare Services

The key changes introduced by the Amendment Act relating to the regulatory regime for healthcare services include the following:

- (a) **Approval of service delivery modes for each licensable healthcare service ("LHS").** The Amendment Act seeks to regulate the different modes by which a LHS under the HCSA is to be provided in the face of emerging non-brick-and-mortar care models for patients. Under the Amendment Act, licensees that are providing a LHS may only provide that LHS through the following prescribed service delivery mode **if it is approved** by the Director-General of Health: (i) at permanent premises; (ii) at any premises other than permanent premises; (iii) using a conveyance; or (iv) by remote provision.
- (b) **Approval for the provision of specified services.** The Amendment Act requires a licensee for the provision of a LSH to seek **additional approval** before it is allowed to provide delivery of certain specified services. Previously, HCSA licensees were only required to notify the Ministry of Health ("MOH") before providing such services.

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- (c) **Appointment of Clinical Governance Officers.** The Amendment Act mandates a licensee authorised to provide a LHS or granted approval to provide a specified service, to appoint a suitable qualified individual as Clinical Governance Officer ("CGO") to oversee the clinical or technical matters relating to the LHS or specified service. Unlike the previous set-up where a licensee was required to notify the MOH of the appointment of a CGO within a prescribed period after the appointment, the licensee must now seek the Director-General's approval **prior** to the appointment of a CGO.

Greater Clarity and Transparency in Healthcare Services Advertising

The Amendment Act provides greater clarity and transparency in the advertisement of healthcare services. Key amendments include the following:

- (a) **Use of specialty term or name.** The Amendment Act provides that a licensee is not allowed to use any terms or names that are associated with a defined specialty (i.e. a specialty in dentistry recognised by the Dental Specialists Accreditation Board or a specialty/sub-specialty in medicine recognised by the Specialists Accreditation Board) if it does not employ or engage the relevant specialist to practise in that specialty.
- (b) **Advertisement of healthcare services.** The Amendment Act introduces a new Part in the HCSA to govern the advertisement of healthcare services. This new Part stipulates, among others, that a person who is not a LHS licensee must not advertise any skill or service relating to the treatment of any ailment or disease so as to induce any person to seek advice or treatment from that person. It also sets out restrictions on the use of the title "Doctor" or any abbreviation or derivative thereof. For example, it provides that a person who advertises a healthcare service, and in the advertisement refers to any person who is not a "specified person" by a protected title (namely, "Doctor" or any derivative of that title) must include in the advertisement the person's educational qualification in relation to the use of the title, and a disclaimer that his educational qualification is not a medical or dental qualification. Specified persons include allied health professionals, dentists, medical practitioners, nurses, optometrists, pharmacists and traditional Chinese medicine practitioners who are (i) registered under the relevant laws and (ii) hold valid practicing certificates.

Concluding Words

The changes to the HCSA seeks to enhance the regulation of healthcare services amidst the evolving healthcare service landscape in Singapore by putting in place better governance, safeguards and clarity in the provision of health care services to the public. This will in turn enable patients to make more informed decisions and take better control of their safety and welfare. Affected parties and stakeholders must be aware of the changes brought about by the Amendment Act including the new obligations and restrictions stated therein and comply with the applicable provisions.

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The full text of the Healthcare Services (Amendment) Act 2023 can be accessed [here](#) (available on the Singapore Statutes Online portal at sso.agc.gov.sg).

For further information, please click on the following Legal Updates which we previously issued in relation to the HCSA:

- [Changes to Healthcare Services Act Introduced in Parliament to Enhance Regulatory Framework](#) (published March 2023)
- [MOH Proposes Enhancements to Healthcare Services Framework](#) (published October 2022)

If you have any queries on the above developments, please feel free to contact our team below.

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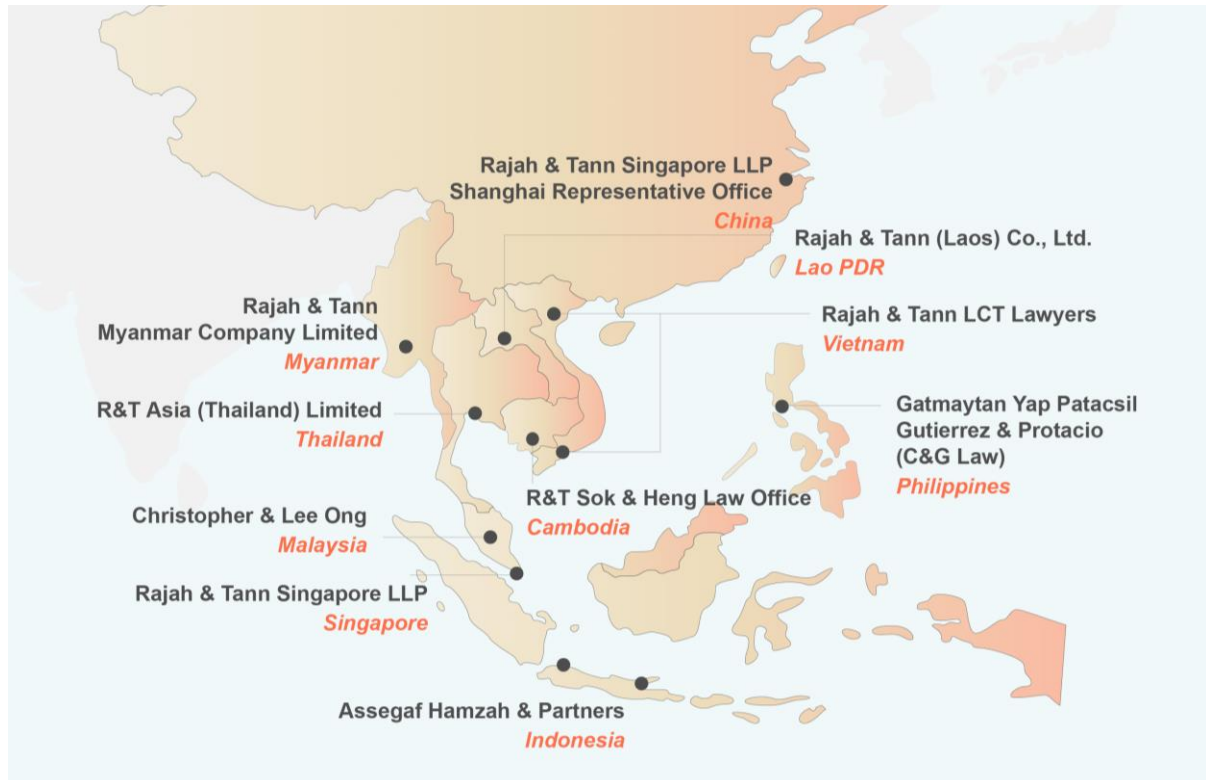
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