**Registration – Transfer Guidelines**

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| Health service establishments OFFICIAL |

## When must an application for transfer of registration be made?

The proprietor of a registered health service establishment may apply for the variation of registration of the establishment. The Department of Health (the department) assesses an application for the variation of registration in accordance with the criteria detailed in section 93 of the *Health Services Act 1988* (the Act).
A variation of registration can be made for:

* change of the kind of establishment to which the registration applies; or
* transfer of the certificate of registration to another person who intends to become the proprietor of the establishment; or
* variation of any condition to which the registration is subject; or
* an alteration in the number of beds to which the registration relates; or
* variation of the kinds of prescribed health services that may be carried out at or from the premises; or
	+ variation in the number of beds that may be used for specified kinds of prescribed health services.

### These guidelines are specifically for the transfer of registration certificate to another person.

Should the application relate to any other kind of variation, please refer to the Guideline for Application for Variation of Registration, available on the <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>.

## Assessing an application for transfer of registration

An assessment of an application for transfer of registration to an incoming proprietor is undertaken in accordance with any section of Part 4 of the Act. This includes, among other things, assessment of the -

* Suitability of the design and construction of the premises for the particular kind of establishment.
* Suitability of the fittings and equipment of the premises for the particular kind of establishment.
* Fitness and propriety of the incoming proprietor.
* Financial capacity of the incoming proprietor.
* Suitability of the management and staffing arrangements proposed by the incoming proprietor.
* Arrangements for maintaining and improving the quality of health services provided.

**After considering the relevant criteria under Part 4 of the Act, the Secretary or delegate must decide whether to approve or refuse the application.**

## How to complete an application for variation of registration

### Current (outgoing) proprietor

#### 1. Schedule 6 form and prescribed fee

Please note that only the registered proprietor (recorded on the current certificate of registration) can make an application for transfer of registration.

Applicants are required to complete Schedule 6 - Application for Variation of Registration of a Health Service Establishment (available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>) and include the information outlined below.

Email privatehospitals@health.vic.gov.au with the completed Schedule 6 to request an invoice for payment of the prescribed fee. (refer to Private Hospitals – fees <https://www.health.vic.gov.au/private-health-service-establishments/fees-for-private-health-service-establishments> for the current prescribed fee).
**Payments must be made electronically**

### Proposed (incoming) proprietor

#### Suitability of the design, construction, fittings and equipment

The department may conduct a site inspection to assess the patient care areas, staff and other clinical support spaces to ensure the private hospital or day procedure centre is physically suitable to provide the particular health.

The assessment will be made against the requirements of the Australasian Health Facility Guidelines (AusHFG) which were mandated in 2018. The department may bring a member of the architect panel to assist with the review. The costs incurred by the architect will be charged to the applicant.

If the department assesses that the building does not comply with the AusHFG for the type of clinical services proposed, the application for transfer of registration may not be approved by the delegate until the facility is made compliant.

#### Entity information

The Act requires the Secretary to the department (the Secretary) to ensure proposed proprietors of health service establishments are fit and proper persons to operate such a facility. The following documents must be provided for the person or entity who is likely to be the proprietor of the health service establishment. This includes sole proprietors, partnerships, all company directors and/or board members.

#### Natural person (sole trader or partnership)

 ASIC current business name extract showing business name holder details obtained in past 30 days.

#### OR

#### Company

ASIC current business name extract showing business name holder details obtained in past 30 days.

ASIC company extract search showing company office details and listing all directors and office holders obtained in past 30 days.

If a subsidiary company, a company structure chart.

Director, Board or Office Bearer form for AIP (available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).

#### OR

#### Other body corporate

Director, Board or Office Bearer form for AIP and any requested attachment
(available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>.

Certificate of incorporation or other document as evidence of the status of the incorporated association or body corporate.

The most recent annual report or annual return.

## Probity

In order to assess the fitness and propriety of the proposed proprietor, the department requires the following documents for each person:

* A completed Statutory Declaration-Fitness and Propriety (available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).
	+ A National Police Record Check issued within the past twelve (12) months (see Note 1 and Note 2).

Note 1: The department will only accept a National Police Record Check (certified copy only) from any of the following agencies:

* Victoria Police.

Note: If the police check application is lodged through Victoria Police, they will only do checks for Victorian residents.

* Australian Federal Police.

Note: If there are directors or board members residing in other states, they must apply for their police check with that State or through a national accredited agency.

* A police force of another Australian State; or
	+ It is recommended that police check applications are lodged on-line through a nationally accredited agency (e.g., http://www.fit2work.com.au/)

Note 2: Certification of the National Police Check can be carried out by a Justice of the Peace, registered nurse, accountant, bank manager, barrister, solicitor, police officer, registered pharmacist, medical practitioner, dentist, chiropractor, physiotherapist, veterinary surgeon or optometrist.

#### 4. Financial capacity of the incoming proprietor

When deciding to transfer the registration to another person or entity, the Secretary (or Delegate) must consider whether the proprietor has, and is likely to continue to have, the financial capacity to carry on the establishment.

Please arrange for an appropriately qualified independent certified practicing accountant (CPA) or associate chartered accountant (ACA) to review the proposed proprietor’s financial records and its capacity to operate the proposed health service establishment.

Generally, registration of a health service establishment is for two (2) years unless otherwise decided by the Secretary. The assessment of financial capacity should be made on the basis of the period of registration being two (2) years.

Complete the ‘Registration — Statement by Accountant’ (available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).

Any disclaimer, qualification or reservation to this statement must be attached.

#### 5. Security of tenure (excludes Mobile health services)

The Secretary is required to consider whether the proprietor has security of tenure over the premises.

* If the proprietor is the owner of the land on which the private hospital or day procedure centre is conducted, then please provide a written statement to this effect.
	+ If the proprietor is not the owner of the land, then provide a written statement detailing the commercial or leasing arrangements that are in place and confirm that these arrangements will continue for the period of registration, which is ordinarily two (2) years.

#### 6. Proposed health services and bed numbers

Complete the Proposed Bed Numbers form including the type of health service establishment and the number of beds used for each of the prescribed health services (form is available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).

#### 7. Quality of health service

The department uses various sources of information to assess whether the quality of health services to be provided will be satisfactory. It is also a requirement of registration to be accredited to the National Safety and Quality Health Service Standards; or to be formally engaged in the process.

**Please provide proof of enrolment for accreditation to the National Safety and Quality Health Service Standards (except for Mobile health services.)**

#### 8. Management, staffing and quality arrangements

Please provide an outline of the proposed management and staffing arrangements of the service.

This may include an outline of the organisational structure, key staff members and their qualifications, responsibilities, and accountabilities. This information should illustrate how the management and staffing arrangements are designed for the kinds of services to be provided.

Include information about the terms of reference and membership of the Medical Advisory Committee (where appointed).

Describe how competencies will be maintained for clinical staff such as medical practitioners, Registered Nurses, and allied health professionals (for example) by recruitment, supervision, performance review and ongoing education and training.

**Provide confirmation of the following appointments:**

* Mandatory appointments (DON / DCS, complaints officer and CEO)
* Director of Nursing / Director of Clinical Services
(form is available for download from (<https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).

**Note: Not applicable to mobile health services**

* Complaints Officer
(form is available for download from (<https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).
* Chief Executive Officer or however titled (form is available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>)

#### Other appointments

* + Medical Director
	(form is available for download from <https://www.health.vic.gov.au/private-health-service-establishments/forms-checklists-and-guidelines-for-private-health-service>).

#### 9. Arrangements for maintaining and improving the quality of health services

The incoming proprietor must provide evidence of the following:-

* Health service protocols for quality and safety (by-laws)
* Medical credentialing policy Inc. scope of practice
* Admission and discharge systems Inc. patient exclusion criteria
* Clinical deterioration policy
* Complaints management policy
* Infection prevention and control policy
* Policy and procedures manual (Clinical only)
* Open disclosure policy
* Clinical risk management program including quality improvement plan
* Proof of enrolment in an accreditation program
* Evacuation policy
* Plans for patient experience and Staff safety culture surveys
* Sentinel event reporting
* Health Services Permit (if applicable)

#### 10. Health information data

Under the National Health Information Agreement and the National Health Care Agreement, health service establishments are required to submit episode level data to the department for every separation, as specified in the *Health Services (Health Services Establishments) Regulations 2013*.

All Victorian public and private hospitals, including rehabilitation centres, extended care facilities and day procedure centres report a minimum set of data for each admitted patient episode.

The (de-identified) demographic, administrative and clinical data are compiled into the Victorian Admitted Episode Dataset (VAED). <https://www.health.vic.gov.au/data-reporting/victorian-admitted-episodes-dataset>

Victorian hospitals must transmit data to the VAED via the PRS/2 system, an interface between the health service establishments’ in-house patient management system and the VAED. Services are required to test their data transmission capabilities prior to transmitting to the (live) production database.

Testing details and application forms are available in the VAED Manual located on the HDSS web site at VAED <https://www.health.vic.gov.au/publications/victorian-admitted-episodes-dataset-manual-2022-2023>

The Health Data Standards and System unit (HDSS) Help Desk is also available to assist applicants through the testing and data transmission process. Email: hdss.helpdesk@health.vic.gov.au

#### 11. Accuracy of information

It is an offence under section 151 of the Act to provide false or misleading information for the purposes of complying with the Act.

#### 12. Request to review the decision

Under section 110 of the Act, the applicant or a person whose interests are affected by the relevant decision may apply to the Victorian Civil and Administrative Tribunal for review of the delegates decision –

* + 1. To approve or refuse to approve and application; or
		2. To impose conditions on the approval of an application; or
		3. To revoke the registration of the health service establishment.

An application for review of a decision must be made within 28 days of the decision.

What happens after an application is made?

### Maximum time frame for processing applications

The Secretary (or Delegate) has 60 days after receiving an application (comprising the scheduled form and prescribed fee) to inform the applicant of a decision. If the Secretary (or Delegate) requests the applicant to provide additional information, a decision must be made within 28 days of receipt of the information last requested or within the 60-day period, whichever is later.
Applicants should keep these timeframes in mind when applying for assessment.

### Endorsement of Certificate of registration

If the Secretary (or Delegate) approves the application for variation of registration, a new Certificate of Registration or Renewal of Registration will be issued which is endorsed with the particulars of the new proprietor and the date of the transfer. Private Hospitals and Day Procedure Centres Unit staff will contact the applicant during the application process to arrange for the return of the original Certificate to the department for endorsement.

### Send the completed applications

Please email the signed and completed form to the Private Hospitals & Day Procedure Centres Unit at privatehospitals@health.vic.gov.au

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