

Choosing suitable premises for your hospital or healthcare centre in Dubai and Abu Dhabi, UAE

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DHA and DoH

While hospitals and healthcare centres outside free zones are governed by different authorities in Dubai and Abu Dhabi (the Dubai Health Authority ('DHA') and the Department of Health - Abu Dhabi ('DoH') respectively), the regulations in relation to the location and building type for a hospital or healthcare centre are quite similar in both Emirates, and are overlaid by federal laws, including the Federal Unified National Standards for Hospitals of 2018 ('Federal Standard').

By way of background, the difference between a hospital and a healthcare centre, in both Dubai and Abu Dhabi, is determined on the services that will be provided. Generally, if inpatient services are provided, the operator must apply for a hospital licence; if not, then the operator must apply for a licence in their specialist area or areas.

Federal - Ministry of Health and Prevention

Under the Federal Standard, all hospitals in the UAE must be located in a freestanding facility, on a main road. Access to the building must be easy and convenient to people using both public transportation and private vehicles.

Dubai

The DHA guidelines stipulate the types of buildings that must be used for hospitals and healthcare centres, and lay down the further location and design requirements for these buildings, supplementing the Federal Standard.

Hospitals

As part of the licensing process the DHA will consider the plans for the premises and will also inspect the premises. If the premises do not meet the criteria set out in the Federal Standards and DHA guidelines, as well as the Dubai Universal Design Code and the Planning and Building sections of the Dubai Municipality, then the licence to operate will not be granted.

Healthcare centres

Unlike a hospital, a healthcare centre, such as ambulatory care facilities, can have its premises at either an

independent facility (such as a villa if it has been designated for commercial use), or in a mixed-use commercial building.

Abu Dhabi

Guidelines issued by the DoH (the 'DoH Guidelines') provide detailed information as to how different healthcare facilities are to be licensed. The DoH Guidelines also provide information as to how the hospital or healthcare centre should be designed and fitted-out. When applying to the DoH for a healthcare licence part of the application process involves an examination by DoH inspectors of the plans and drawings for the hospital or healthcare centre for compliance with the Federal Standard and DOH Guidelines (defined above). The DoH inspectors will assess the building and consider the fit-out design. Finally, the DoH inspectors will inspect the premises to ensure that the premises meets all the standards set out in the DoH Guidelines.

Hospitals

Similarly to the position in Dubai, a hospital in Abu Dhabi must have its premises in an independent building. Until several years ago, a hospital in Abu Dhabi could be located within a mixed-use building. Frequently such mixed-use buildings would contain residential apartments or commercial offices in addition to hospitals. The DoH now prohibits this.

Healthcare centres

Similar to the position in Dubai, a healthcare centre may use a villa as its premises, provided the villa has been granted permission to be converted from a residential villa to a villa allocated for commercial use. For such conversion to commercial use, it is necessary to obtain approval from the relevant local Municipality (there are three operating in Abu Dhabi: Abu Dhabi City Municipality, Al Ain City Municipality and Al Dhafra Municipality (the 'Municipalities')).

Following the implementation in Abu Dhabi of Administrative Resolution No. 78 of 2020 (regarding permits to practise economic activities in buildings located in commercial hubs) ('Resolution No. 78'), the Municipalities may allow residential villas to be used for specific healthcare uses. Annex 3 to Resolution No. 78 lists various categories of healthcare activities that, with consent from the Municipalities, may in some cases be carried out from villas located in residential neighbourhoods. These villas must generally have a direct frontage onto a major street to enable easy access. If, after a detailed assessment, the Municipalities consider that the villas are suitable, they may be designated as commercial hubs ('Commercial Hubs'). Some permitted healthcare activities that may be carried out from Commercial Hubs, after consents are obtained, include: dental surgeries; paediatric clinics; cardiology clinics; diabetes clinics; physiotherapy centres; ophthalmology clinics; and care homes for the elderly or disabled. It is essential to bear in mind, however, that even if the Municipalities designated a residential villa as a Commercial Hub, approval would still be required from the DoH for the proposed healthcare activity. From our recent experience, the DoH maintains stringent requirements that must be satisfied before approving the use of a Commercial Hub for healthcare purposes. We, therefore, recommend that healthcare providers engage at an early stage with the relevant Municipality, and with the DoH, if planning to operate from a Commercial Hub. Dubai Municipality ('DM') (and Trakhees for certain areas) is responsible for planning and zoning in Dubai. For each plot of land, DM issue an affection plan that shows the land plan and states the permitted use of it and any application for request to change the permitted use must be submitted to the Planning Department of DM. Once the application is approved, the DM charges a fee and issues an updated affection plan with the new usage.

Naming a healthcare company

It is not permitted to have a company with the word 'hospital' in its name if the company will not be using the premises as a hospital. The Abu Dhabi Department of Economic Development requires that the activity of the company be reflected in the name; thus, if the facility is not licensed as a hospital, it can not use that term. Instead, it will need to state 'medical centre', for example, if its activity is that of a medical centre. This may mean that before applying for a commercial licence and approval as a medical facility, a company may need to change the name intended to be used. As the Department of Economic Development in both Abu Dhabi and Dubai have regulations in place that state that the name of the company should reflect the activity it is undertaking, it would be prudent for companies in Dubai to consider this as well.

Conclusion

In both Dubai and Abu Dhabi, if a healthcare company wishes to establish a hospital, it must ensure that its premises are in an independent building. A healthcare centre however can be located in either an independent building or a villa; however, if a villa is to be used it must be converted from residential to commercial use.

For further information, please contact healthcare@tamimi.com.