

Jordan steps up Private Healthcare: Private Hospital draft regulation

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The new Private Hospitals draft regulation (“Draft Regulation”) proposes to repeal the current Regulation of Private Hospitals No. 85 of 1980, in order to tighten health regulations by creating a committee tasked with overseeing all applications for private hospital licenses (“Committee”). This proposed legislation aims to fill existing gaps in current healthcare regulations, serving as a stepping stone towards enacting a medical accountability law. However, specific procedures relating to services like in vitro fertilization are yet to be targeted by regulation, and no unified regulations exist for standardizing operating rooms. The proposed legislation intends to contribute towards remedying these issues by improving private hospital regulations in terms of construction, quality of layout and staff management systems in order to increase the quality of Jordanian healthcare standards. Its application will be immediate for all new private hospitals, and retrospective for any private hospitals already established.

As in the current regulation, two distinct types of private hospitals are recognized under Art. 15 of the Draft Regulation:

1. General Hospital: Contains all the possible medical facilities to treat patients in various specialisations of foundational medicine, namely at least: surgery, gynaecological surgery, obstetrics, internal diseases and infant-specific illnesses.
2. Specialist Hospital: Contains all possible facilities for the treatment of patients, either in a specialised field of medicine or in dentistry.

Application Procedures

Those intending to build new private hospitals will be required to apply through the Committee for licensing and registration. The Committee will be invested with a variety of powers including the ability to review license applications, to conduct periodic investigations and monitor compliance levels with the terms of the license and to investigate all complaints referred to it by the Minister of Health.

The following categories will be accepted as applicants for private hospital licenses (Art. 5):

1. A licensed physician or dentist.
2. An ordinary company or a private joint stock company, provided that one of the partners is a licensed physician or a licensed dentist in any one of them where appropriate.
3. A Jordanian public shareholding company.
4. A Union or association registered in the Kingdom in accordance with enforced legislation.

Site plans, building plans and engineer reports must be submitted with any application, which will then either be accepted or rejected by the Minister of Health within one month of the day of submission. Once obtained, licenses must be renewed regularly every five years (Art. 30) and any amendments regarding specialization must receive the approval of the Minister.

The Improvement of healthcare through construction and services requirements

The Draft Regulation strongly focuses on the quality of construction and layout of any new private hospitals being built. The infrastructure must be designed to support all required hospital facilities by constructing water tanks, fuel tanks, back power generators, ventilation, lighting, a sewage network for discharging waste amongst others, which must be adequate to the needs of a private hospital. The building itself must stand independently of any other surrounding buildings.

In addition, different rooms such as operating rooms, kitchens, bathrooms and patient rooms (themselves subdivided into different classes) are given precise measurements in terms of width and height depending on their functionality. These minimal requirements are aimed at ensuring that new medical facilities are of a higher standard. Essentially, this legislates for the creation of rooms larger than those provided for in the current regulation.

Furthermore, General private hospitals must comply with the requisite minimum number of services available; there must be at least 40 general beds – four of which must be equipped with intensive care equipment, two operating rooms, a radiology department, a pharmacy and one ambulance. Specialised private hospitals are additionally required to provide the following:

1. At least 20 family beds
2. The required hardware and equipment needed for the hospital's particular specialization
3. X-ray services
4. Intensive care units with at least two beds

A hospital specializing in obstetrics will similarly have its own minimum requirements under Art. 18. Marginal improvements can be seen as compared to the current regulation through an increase in basic requirements (such as the number of hospital beds).

Specific provisions relating to employment and prohibitions

The Draft Regulation also provides details as to the minimum categories of staff that must be employed, their relative duties and internally created professional committees tasked with overseeing them (e.g. doctors, nurses, pharmacists). Internal systems must also be organized in order to increase staff efficiency and aid with regulating all hospital activities.

Certain prohibitions are also enacted in the Draft Regulation; there is a requirement that 80% of employed doctors and non-medical staff must be Jordanian. This contrasts with the current regulation which required 75% of doctors and 50% of non-medical staff to be Jordanian. Additionally, public sector staff are prohibited from performing operations or any other medical work in private hospitals without the explicit prior approval of the Minister. The Draft Regulation also provides for advertising prohibitions forbidding the advertising of services and treatment unless the Minister's approval has been obtained. Finally, no medical experiments can be performed on human subjects, except in strict accordance with existing legislation on the matter.