

REGULATING PRIVATE HEALTHCARE UNITS

PUBLIC LAW

In August, 2010, two ordinances were published defining the necessary regulations for certain types of private health care units, as foreseen in Decree-Law number 279/2009, October 6, which established the legal regime for the opening, functioning and modification of private health care units .

*Ordinance number 615/2010
regulates private healthcare
units that provide obstetrics
and neonatal medical
and nursing services.*

On August 3, **Ordinance number 615/2010** was published establishing the minimum requirements for the organization and functioning of private health care units in which **obstetrics and neonatal medical and nursing services are rendered**. This ordinance

also foresees the number of human resources that must be in place for those units, as well as the technical requirements for the facilities.

The above mentioned ordinance characterizes the different types of obstetrics and neonatal services according to the existence, or not, of an emergency room (ER) that is open to the general public. For the purposes of the Ordinance in question, the units without an open ER are those which are able to receive pregnant women with low risk pregnancies and with more than 34 weeks of gestation period directly referred by a private obstetrician.

The units with an open ER are authorized to receive pregnant women with more than 32 weeks gestation.

On August 23, **Ordinance number 801/2010** was published, which set out the mandatory minimum requirements for private healthcare units in which **nursing services are rendered (nursing centres)**. This ordinance also establishes the number of human resources that must be in place for those units, as well as the technical requirements for the facilities.

¹ For more information regarding Decree-Law number 279/2009, we refer to our Briefing dated November, 2009

*Ordinance number
801/2010 approves
regulation for nursing centres.*

In both cases, the ordinances specifically foresee the terms and conditions for the issuing of the necessary licenses for the medical services in question, as well as the technical requirements, namely the number of rooms and their respective areas, the identification of the equipment that is appropriate for the services that are provided and the number of staff needed.

Another important aspect is the fact that both ordinances establish that **civil and professional liability, as well as the liability derived directly from the health care activity, must be transferred to insurance companies.**

Bear in mind that the nursing centres are subject to a **simplified licensing procedure**, under the terms of Decree-Law number 279/2009, consisting of filling out a statement available in the competent Regional Health Administration (ARS and Health Regulatory Entity) ERS website, in which the petitioner states that he will comply with all the mandatory requirements for the activity he intends to pursue or is pursuing, whereas the obstetrics and neonatal units are subject to the standard licensing procedures, consisting of a request, accompanied by the necessary elements and survey, prior to the opening of the unit.

The ordinances in question came into force on day following their publication, that is to say, on August 4 and August 24, 2010, respectively.

Contact
Fernanda Matoso | fmatoso@mlgts.pt

MORAIS LEITÃO, GALVÃO TELES, SOARES DA SILVA

ASSOCIADOS
SOCIEDADE DE
ADVOGADOS

www.mlgts.pt

LISBON

Rua Castilho, 165
1070-050 Lisbon
Telephone: (+351) 213 817 400
Fax: (+351) 213 817 499
mlgtslisboa@mlgts.pt

OPORTO

Av. da Boavista, 3265 - 5.2
Edifício Oceanvs – 4100-137 Oporto
Telephone: (+351) 226 166 950
Fax: (+351) 226 163 810
mlgtsporto@mlgts.pt

MADEIRA

Avenida Arriaga, Edifício Marina Club, 73, 2º
Sala 212 – 9000-060 Funchal
Telephone: (+351) 291 200 040
Fax: (+351) 291 200 049
mlgtsmadeira@mlgts.pt

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Partnership in Brazil
Mattos Filho, Veiga Filho,
Marrey Jr. e Quiroga