

Medical Law

## Changes to Healthcare Services Act Passed in Parliament to Enhance Regulatory Framework

The Healthcare Services (Amendment) Bill ("**Bill**"), introduced in Parliament on 6 February 2023, was passed on 6 March 2023. The Bill amends the Healthcare Services Act 2020 ("**HCSA**") to, *inter alia*, enhance the regulatory regime governing healthcare services and ensure greater clarity and transparency in healthcare services advertising. We covered the key features of the Bill in our Legal Update titled "Changes to Healthcare Services Act Introduced in Parliament to Enhance Regulatory Framework" (link [here](#)). The HCSA amendments under the Bill are targeted for implementation in mid-2023, together with Phase 2 of the implementation of HCSA, with two exceptions. First, the redesignation of the Director of Medical Services to Director-General of Health ("**Director-General**") will be implemented within two months. Second, the restrictions on employing individuals discussed in (c) below will be implemented at the end of 2023 when the screening process for the prospective employees would be operationalised.

To recap, the HCSA was enacted in 2020 to replace the Private Hospitals and Medical Clinics Act. The HCSA is being implemented progressively in three phases, with Phase 1 completed in January 2022. The implementation of the HCSA will be completed in end-2023.

### Enhancements to Regulatory Regime for Healthcare Services

- (a) **Approval of service delivery modes for each licensable healthcare service ("**LHS**").** The Bill 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. 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: (i) at permanent premises; (ii) at any premises other than permanent premises; (iii) using a conveyance; or (iv) by remote provision.
- (b) **Approval for provision of specified services.** The Bill requires a licensee for the provision of a LSH to seek additional approval before it is allowed to provide delivery of certain specified services. Currently, HCSA licensees are only required to notify the Ministry of Health ("**MOH**") before providing such services.
- (c) **Flexibility to vary scope of restrictions for employees in different healthcare settings.** Currently, certain licensees may be prohibited from employing any individual who has been convicted of a prescribed offence, except with the approval of MOH. The Bill introduces flexibility for MOH to vary the scope of restrictions for selected individuals employed or engaged in different healthcare settings, based on the anticipated risk of patient harm.

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## Greater Clarity and Transparency in Healthcare Services Advertising

- (a) **Use of specialty term or name.** Currently, the HCSA prohibits a licensee from using any term or name that misleads or causes confusion, or is likely to mislead or cause confusion, as to the LSH provided by the licensee. The Bill provides specifically 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 doesn't employ or engage the relevant specialist to practise in that specialty.
- (b) **Advertisement of healthcare services.** The Bill introduces a new Part in the HCSA to govern the advertisement of healthcare services.
- *Prohibited advertisement.* 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.
  - *Restriction on use of the title "Doctor" or any abbreviation or derivative thereof.* 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. If that person has a medical or dental qualification but does not hold a valid practising certificate, the advertisement must also state this fact. 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.

Click on the following links for more information:

- [Healthcare Services \(Amendment\) Bill](http://www.parliament.gov.sg) (available on the Parliament of Singapore website at [www.parliament.gov.sg](http://www.parliament.gov.sg))
- [Opening Speech for Second Reading of Healthcare Services \(Amendment\) Bill by Dr Janil Puthuchery, Senior Minister of State, Ministry of Health, 6 March 2023](http://www.moh.gov.sg) (available on the MOH website at [www.moh.gov.sg](http://www.moh.gov.sg))
- [Closing Speech for Second Reading of Healthcare Services \(Amendment\) Bill by Dr Janil Puthuchery, Senior Minister of State, Ministry of Health, 6 March 2023](http://www.moh.gov.sg) (available on the MOH website at [www.moh.gov.sg](http://www.moh.gov.sg))

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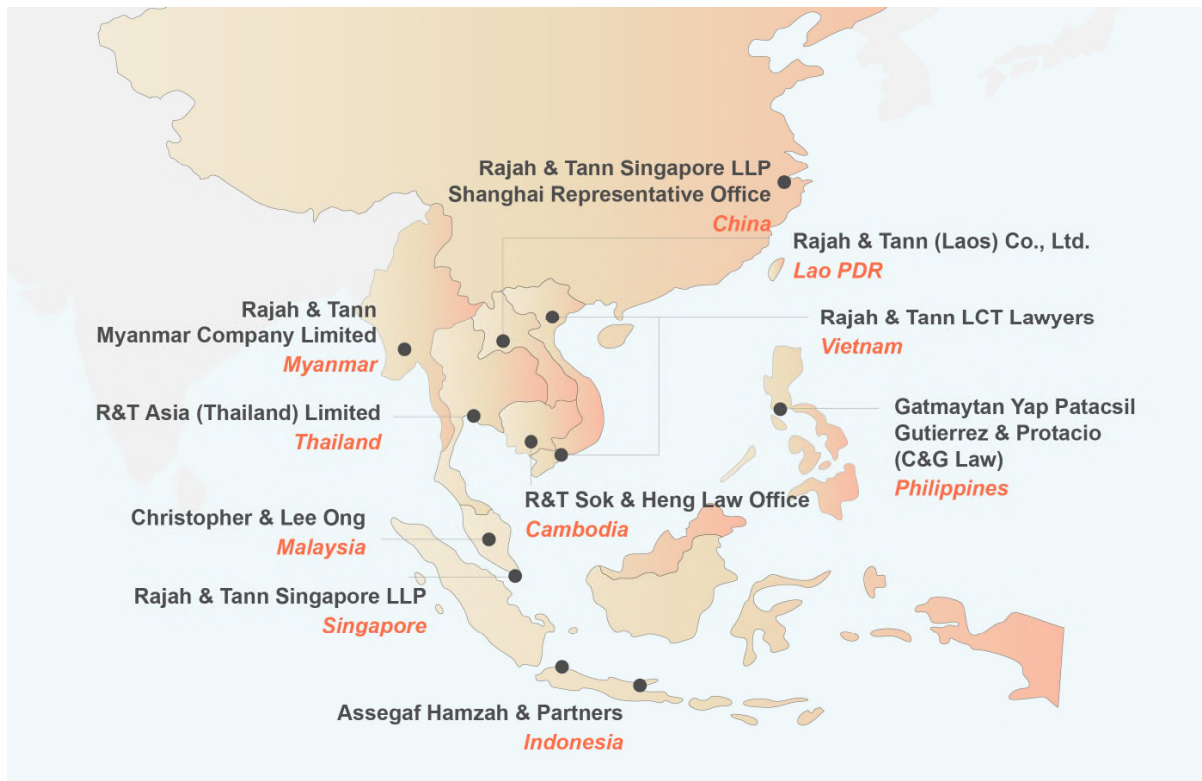
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