

**Cabinet Resolution No. (29) of 2020 on the Executive Regulations of Federal Law No. (4) of 2015 on Private Health Facilities**

**The Cabinet:**

- Upon Consideration of the Constitution;
- Federal Law No. 1 of 1972 on the Mandates of Ministries, Powers of Ministers and its amendments;
- Federal Law No. (4) of 2015 on Private Health Facilities;
- And in accordance with the presentations made by the Minister of Health and Prevention and approval of the Cabinet;

**Has decided the following:**

**Article (1)**

**Definitions**

The definitions mentioned in Article (1) of Federal Law No. (4) of 2015 on Private Health Facilities shall apply in this Resolution.

**Terms of Establishing and Operating a Private Health Facility**

**Article (2)**

1. The application for obtaining the license whereby a natural or legal person is permitted to establish, operate and manage a private health facility shall be submitted to the health authority as per the form approved at the health authority in this regard, attaching thereto all papers and documents determined by the health authority.
2. The health authority shall examine the request referred to in Clause (1) of this Article and its annexes, and shall take a decision to reject the application or to grant the initial approval for the applicant. In case of granting the approval for the applicant, he/ she must complete the rest of the licensing requirements within one year from the date of being granted the approval, and the health authority may extend this time limit for similar periods, based on written request submitted thereto by the applicant.
3. A private health facility is prohibited from providing any medical or support services within the period referred to in Clause (2) of this Article, until it obtains a license in accordance with the provisions of this resolution.

**Article (3)**

1. To complete obtaining the license, the following shall be required:
  - a. Submit all documents that prove the completion of construction works and match designs with engineering plans and standards approved by the concerned authority in coordination with the health authority;

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- b. Provide the authorized health and professional staff, in accordance with the legislation in force in this regard;
  - c. Appoint a director for the private health facility, in accordance with the provisions of Article (9) of this Resolution;
  - d. Submit a statement of the registered medical devices and equipment;
  - e. Submit a certificate that the facility has passed the requirements of public safety and security and environment;
  - f. Provide a copy of the policies and procedures approved by the facility to receive and to treat patients;
  - g. Submit a copy of the insurance contracts concluded with one of the licensed insurance companies in the Country, in accordance with the legislation in force in this regard;
  - h. Submit a copy of the medical waste disposal contract;
  - i. Submit a copy of a valid commercial license issued by the concerned authority;
  - j. Fulfill the fees prescribed for the private health facility;
  - k. Any other conditions and requirements determined by the health authority or the concerned authority.
2. The health authority issues its decision to grant the license after performing on-site inspection and auditing of the facility, and verifying that all conditions and requirements for obtaining the license are fulfilled, after coordination with the concerned authority.
  3. A private health facility may not engage in any activity or specialization except within the limits of the license granted thereto.

#### **Article (4)**

The health authority determines the license validity period, which shall not be less than one year and not more than three years, renewable for similar periods based on an application submitted thereto before the expiry of the license period, in accordance with the requirements it sets, including the requirements related to ensuring the achievement and sustainability of the international health accreditation

#### **Article (5)**

##### **Types and Activities of Private Health Facilities**

The Table contained in the Annex attached hereto determines the types and classification of private health facilities and the scope of their activities.

This Table may be modified by a decision of the Minister in coordination with health authorities

**Article (6)**

1. Without prejudice to the legislation regulating free zones in the Country, owners of private health facilities must be UAE citizens;
2. As an exception of the provision of Clause (1) of this Article, and according to the legislation in force in the Country, a non-UAE natural or legal citizen may own or participate in the ownership of a private health facility as per the following conditions and controls:
  - a. Public hospitals: Provided that their capacity is not less than (50) beds;
  - b. Specialized hospitals: Provided that their capacity is not less than (50) beds, within the scope of specialties determined by the health authority according to its needs;
  - c. Centers of rare specialization: According to the specialties determined by the health authority according to its needs;
  - d. Clinics of hotels, foreign community schools, and major construction companies: Ownership of these clinics is allowed for the owner of such hotel, school, or company.

**Article (7)**

1. Subject to the provisions of Federal Law No. (5) of 2019 on the Practice of the Human Medicine Profession and the local legislations related to licensing the practice of professional activities, if an owner or shareholder of a private health facility dies, its ownership or share therein shall be transferred to the legal heirs within six months from the date of death, based on a written request submitted by the heirs or their legal representative to the health authority, provided that the following shall be attached thereto:
  - a. Death certificate of the owner or shareholder of the private health facility, duly certified by the concerned authority;
  - b. Duly certified legal proof of death and legitimate succession, issued by one of the competent judicial authorities inside or outside the Country;
  - c. Legal power of attorney for the person authorized to sign on behalf of the heirs, certified by the concerned authority.
2. The Minister, head of the health authority or their authorized representative may extend the time limit referred to in Clause (1) of this Article for similar periods in either of the following cases:
  - a. There is a legal dispute between the heirs over the ownership of the health facility;
  - b. Any other reasons that prevent the heirs from obtaining the legal certificate of proof of death and legitimate succession.

The license shall be renewed upon its expiry until the two reasons mentioned in Clause (2) of this Article cease to exist.

#### **Article (8)**

Subject to the provisions of Article (7) of this Resolution, it is not permissible to assign the license granted to a private health facility to any other entity, except after obtaining written approval from the health authority

#### **Article (9)**

1. The private health facility shall be managed by any of the following, as per the classification of the facility:

##### **First: Hospitals**

- A physician authorized by the health authority to practice the medical profession in one of the specializations included in the health facility activity;
- Or an administrator holding a university degree in hospital or health care administration from a university recognized in the Country

##### **Second: External health care facilities, health diagnostic centers and specialized units:**

- A physician authorized by the health authority to practice the medical profession in one of the specializations included in the health facility activity;
- Or a specialized professional with an accredited educational qualification in the same field of activity of the facility.

##### **Third: Traditional, complementary and alternative medicine centers and support health services centers:**

- A specialized professional with an accredited educational qualification in the same field of activity of the facility.

##### **Fourth: Long-term health maintenance organization**

- A specialized professional with an accredited educational qualification in the same field of activity of the health organization
2. The health authority may specify any requirements, expertise or other qualifications necessary in the person to be in charge of the private health facility.
  3. The technical director may take over the management of more than one private health facility in accordance with the controls and conditions determined by the health authority.



#### **Article (1 )**

1. If the position of director of a private health facility becomes vacant, the owner of the facility must assign an alternative director, and notify the health authority of the name of the new director who has replaced the previous one within two weeks from the date of vacancy of the position, or to temporarily close the facility until appointing a director for it.
2. The owner of a private health facility or its representative shall be responsible for providing all papers and documents required by the health authority that grants the license or any other concerned authorities.
3. The owner of the private health facility or its representative must ensure its facility's commitment to best medical practices, and that all health personnel in its facility are licensed and insured in accordance with the legislation in force in the Country

#### **Article (11)**

1. A private health facility may not change or amend its activity, change its operational plans or change its location except after obtaining the approval of the health authority granting the license and in accordance with its controls and procedures established in this regard;
2. A private health facility must notify the health authority granting the license of changing its name, within the period specified by the health authority for this purpose.

#### **Article (12)**

The health authority may, in the event of a danger to public health, close the private health facility in whole or in part, and cease practicing its activity until the reasons that lead to that danger cease to exist, provided that the concerned authority shall be notified of the closure decision.

### **General Controls for Operating a Private Health Facility**

#### **Article (13)**

A private health facility shall have the necessary staff for its operation as per the nature and scope of its activity, in accordance with the regulations specified by the health authority granting licenses in this regard.

#### **Article (14)**

1. Without prejudice to the legislation in force in the Country, a private health facilities must keep the records and files of patient treatment for a period that commensurate with the need for data and information to provide the health service in the future for the concerned person, provided that the period of keeping such records and files shall not be less than 25 (twenty five) years from the date of the last health procedure that has been taken in this regard, and the health authority determine which entity should maintains those records and files of patient treatment in the event that the private health facility is closed or stops practicing its activity.

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2. All patient treatment files and records related to health services provided to persons are considered confidential, and they may only be viewed by or disclosed to anyone in the cases determined by the relevant legislation in the Country.

#### **Article (15)**

A private health facility shall carry out maintenance for the medical devices within the prescribed dates and according to the manufacturer's instructions. It shall also do the following:

1. Keep a record of the medical devices existing in the facility;
2. Keep the medical device periodic maintenance reports;
3. Keep the medical device maintenance contracts;
4. Perform vital tests on all medical devices within the specified times and according to the manufacturer's instructions.

#### **Article (16)**

A private health facility shall give vaccinations for its health personnel within the dates prescribed for that and keep the vaccination record therewith.

#### **Article (17)**

A private health facility must provide the necessary emergency supplies according to the standards and requirements in force in the Country and conduct periodic training on the implementation of the emergency plan.

#### **Article (18)**

It is not permissible to operate any private health facility in case of absence of its sterilization equipment or the absence of any alternative procedure that guarantees the provision of sterilization services, and the facility should abide by the sterilization controls and conditions and infection control in force by the health authority.

#### **Article (19)**

A private health facility may only allow unlicensed health personnel or visiting physicians to work therein after obtaining the approval of the health authority granting the license.

#### **Article (20)**

A private health facility may not permit training unlicensed doctors, nurses, or any other person of health specializations unless they meet the conditions and controls set by the health authority granting the license.

#### **Article (21)**

A private health facility may only benefit from the services of health facilities located outside the Country upon the regulations prescribed by the health authority granting the license.

#### **Article (22)**

Hospitals or one-day surgery centers are only allowed to benefit from the services of doctors working in other private health facilities upon a license from the health authority granting licenses, provided that the hospital or the one-day surgery center has a consultant doctor or a specialist licensed to practice the same specialty. The health authority may prescribe any conditions or other controls to benefit from the services of doctors or to add other health facilities other than those mentioned in this Article.

#### **Article (23)**

The cadre licensed to work in a specific private health facility is not permitted to work for another health facility in addition to his original work except after obtaining the approval of the health facility in which he/ she works and obtain a license from the health authority granting licenses and in accordance with the procedures followed in this regard.

#### **Article (24)**

Health professionals licensed to work in a private health facility are permitted to work for any of its branches after notifying the health authority granting the license, without prejudice to the licensed specialties of the facility and without violating the number of the health personnel assigned thereto. In the event that the branch belongs to another health authority, it is necessary to obtain a license from that authority.

#### **Article (25)**

#### **Final Provisions**

All private health facilities existing at the date of issuing this Resolution must regularize their status in accordance with its provisions within a period not exceeding one year from the date of the issuance.

**Article (26)**

**Executive Decisions**

The Minister shall issue the necessary decisions to implement the provisions of this Resolution.

**Article (27)**

**Publication and Implementation of this Resolution**

This Resolution shall be published in the Official Gazette and shall come into force the day following the date of its publication.

**Khalifa bin Zayed Al Nahyan**

**President of the United Arab Emirates**

Promulgated by us:

On Sha'ban 22, 1441 H

Corresponding to April 15, 2020 G

### Annex

#### Attached to Cabinet Resolution No. (29) of 2020 On the Executive Regulations of Federal Law No. (4) of 2015 On Private Health Facilities

Classification of Health Facilities	Their Activity	Their Types
<b>Hospitals</b>	<p>It is a health facility of an independent building that provides health services to patients and auditors. Hospitals should fulfill the following terms:</p> <ol style="list-style-type: none"> <li>1. To provide different health services over (24) hours;</li> <li>2. They should provide accommodation services;</li> <li>3. They should provide support health services, including: clinical laboratory, radiology, pharmacy and ambulance service to transport patients and urgent or emergency cases.</li> </ol>	<p><b>General Hospital:</b> It provides a set of health services for patients and auditors, provided that it includes at least the following specialties:</p> <ol style="list-style-type: none"> <li>1. General Surgery</li> <li>2. Internal Medicine</li> <li>3. Orthopedics</li> <li>4. Obstetrics and Gynecology</li> <li>5. Pediatrics</li> <li>6. Urgent or emergency services</li> </ol>
		<p><b>Private Hospital:</b> It provides specialized health services in one or two medical specialties.</p>
		<p><b>Rehabilitation Hospital:</b> It provides health services specializing in the habilitation and rehabilitation of patients, including treatment of all types of addictions</p>
<b>External Health Care Facilities</b>	<p>An establishment that provides health care services, medical consultations and first aid. The patient's stay therein does not exceed a period of 24 hours. A sufficient number of health personnel is required to be available as per the specialization and activity of the facility as determined by the health authority</p> <p>Such facilities do not provide emergency services, and emergency cases are required to be transferred to the hospital.</p> <p>Medical diagnostic services may be provided in the centers according to the conditions prescribed by the health authority.</p>	<p><b>General medicine clinic:</b> A health facility in which one or more general practitioners receive and take care of patients.</p>
		<p><b>General dental clinic:</b> A health facility where one or more dentists receive and takes care of patients.</p>
		<p><b>Specialized clinic:</b> A health facility where one or more physicians of one medical specialty are working originally or continuously.</p>
		<p><b>A specialized dental clinic:</b> A health facility where one or more dentists of one medical specialty are working originally or continuously.</p>
		<p><b>School Clinic</b></p> <p><b>Nursery Clinic</b></p>

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		<p><b>Medical Center:</b> A multidisciplinary health facility that provides various diagnostic services and where more than one specialist doctor works in several specialties or a doctor (or more) with a professional in one of the supporting medical specialties</p>
		<p><b>One-day surgery center:</b> A health facility where selective, non-emergency one-day surgeries are performed, in which the patient's stay does not exceed (24) hours as determined by the health authority. These centers are required to have a room for performing surgeries, and they must transfer patients when complications occur during or after the operation to a nearby hospital, upon a prior agreement.</p>
		<p><b>Fertility center:</b> A center in which medical assisted reproductive techniques are performed, which include all clinical and biological interventions with the aim of helping to reproduce without normal contact.</p>
		<p><b>Dialysis Center:</b> A specialized center as an independent facility for treating kidney diseases and providing dialysis services, especially blood filtering.</p>
		<p><b>The Center for Diagnosis and Treatment of Sleep Disorders:</b> A health facility that provides specialized services in the field of sleep disorders, where one specialist (or more) is working, and it has the possibility put patients under hypnosis as determined by the health authority.</p>
		<p><b>Telehealth Center</b></p> <p><b>Oncology Center:</b> A health facility that provides diagnostic and curative services for cancer patients and does not need the patient's</p>

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		overnight stay in the facility, and includes radiotherapy and chemotherapy services.
		<b>Gastroenterology Endoscopy Center:</b> A health facility equipped to provide medical and therapeutic consultations and digestive endoscopy services, and the service is required to be provided by one physicians (or more) who is specialized in gastroenterology and is working on an original and continuous basis
		<b>Psychological treatment center:</b> A health facility specialized in providing various psychological treatment services, including electric shock therapy (ECT), which is done under full anesthesia, and it is required in such centers to provide qualified medical staff to assess medical conditions and follow up treatment.
<b>Medical Diagnostic Center</b>	A facility that provides diagnostic services supervised by a doctor specializes in the same field	<b>Medical imaging centers</b>
		<b>Medical analysis laboratories</b>
Specialized units		<b>First aid unit:</b> It is a facility that provides first aid services to an injured or sick person before providing the necessary and specialized medical care
		<b>Cord Blood and Stem Cell Storage Center:</b> According to the legislation issued in this regard.

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		<p><b>Mobile health unit:</b> It is a unit that provides a set of temporary primary health services in specific locations (rural areas/ remote areas/ schools) where a bus/ car provides the necessary resources for this service, and this service is provided by a licensed medical staff. A mobile health unit may be single or multidisciplinary and can provide the following services:</p> <ul style="list-style-type: none"> <li>- Dental treatment services</li> <li>- Optometry services</li> <li>- General/ specialized medical clinic services</li> <li>- Diagnostic medical imaging services</li> <li>- Medical laboratory services</li> <li>- Laboratory sampling collection unit.</li> </ul> <p><b>Health transfer and ambulance services center:</b> (ambulance and health transport services by ambulance/ air ambulance/ patient escort services and any other health service related to the transfer of the patient or injured)</p> <p><b>Home Health Care Service Center:</b> It is a facility that provides various health services for patients in their residence according to the regulations set by the health authority</p>
<p><b>Traditional, complementary and alternative medicine centers</b></p>	<p>Traditional, complementary and alternative medicine centers provide health services based on knowledge, skills and practices that are based on theories, knowledge and original experiences stemming from the cultural heritage. They aim to preserve health and prevent physical or psychological illnesses, diagnose or treat them, or improve the cases affected therewith. Traditional, complementary and alternative</p>	<p>Acupuncture center</p>
		<p>Traditional Indian Medicine Center</p>
		<p>Chiropractic Manual Therapy Center</p>
		<p>Orthopedic Manual Therapy Center</p>
		<p>Cupping Therapy Center</p>
		<p>Nature Therapy Center</p>
		<p>Homeopathy Center (Homeopathy)</p>
		<p>Traditional Chinese Medicine Center</p> <p>Korean Traditional Medicine Center</p>

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	<p>medicine services are among the health services that do not fall within the scope of modern traditional medicine</p> <p>These centers may include more than one specialty to provide traditional, complementary and alternative medicine services. These centers may also be within stand-alone facilities or within other health facilities.</p>	Traditional Greek Medicine Center
<b>Support Health Services Centers</b>	<p>These are health facilities that provide health services specializing in habilitation, rehabilitation and follow-up of patient treatment under the supervision of a professional cadre licensed by health authorities in the same field.</p>	Physiotherapy Centre
		Occupational therapy center
		Speech-language pathology and communication center
		Hearing center
		Orthopaedic appliances center
		Dental lab
		Optical center
		Psychology Center
		Diet and weight control center
<b>Long-term Health Care Homes</b>	<p>Provides 24-hour or more accommodation services for stable patients who are subject to treatment due to illnesses, injuries, or deformities, or any abnormal physical or mental condition, or unable to live independently to perform daily life activities, or they stay for the purpose of recovery in the post-medical treatment period. Those are in need of continuous care that does not require overnight hospitalization. These facilities do not provide emergency services and intensive care for patients</p>	Foot treatment center
		Nursing home
		Palliative Care Home
		Therapeutic and living support home

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