AKTA 586: PERATURAN-PERATURAN KPJKS (PENGKOMPAUNAN KESALAHAN) 2017

AUDITORIUM MUTIARA
INSTITUT PENGURUSAN KESIHATAN
BANGSAR

28 FEBRUARI 2018
KANDUNGAN

LATAR BELAKANG

PENGKELASAN UNDANG-UNDANG DI MALAYSIA

UNDANG-UNDANG KESIHATAN DAN PERUBATAN

AKTA 586

AKTA & PERUNDANGAN SUBSIDIARI

PENGKOMPAUNAN KESALAHAN

RUJUKAN

Q&A
**Classifications of Laws in Malaysia**

### National Laws

**Public**
- Constitutional Law: Defines the structure of the principal organs of government & their relationship to each other, and determine their principal functions and the rights of individual under government.
  - Executive, Legislature, Judiciary

**Private**
- Administrative Law: Regulates the duties and exercise of powers by administrative authorities.
  - General Order, Treasury Order
- Criminal Law: Deals with acts or omissions which are offences against the State and for which the offender is liable to be tried and if found guilty, will be punished according to the law. This includes quasi-criminal and medico-legal categories.

### International Laws / Conventions
- Laws / Conventions on diplomatic ties:
  - Minamata Convention
  - Geneva Convention
  - Chicago Convention
  - Framework Convention on Tobacco Control (FCTC)
  - Committee on the Rights of the Child (CRC)
  - International Health Regulations (IHR)

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*Medical Practice Division, MOH*
# CIVIL VERSUS CRIMINAL LAWS

## CIVIL LAW

- Law deals with the **disputes** between individuals, organizations, or between the two, using private laws, in which compensation is awarded to the victim.

- Case filed by **private party/individual**

- **Standard of proof**: “Preponderance of evidence”. **Claimant** must produce evidence beyond **balance of probabilities** (*pertimbangan kebarangkalian*).

- **Burden of proof**, **Claimant** must give proof however the burden may shift to the defendant in situations of **Res Ipsa Loquitur** (The thing speaks for itself).

- **Type of punishment**: **Compensation** (usually financial) for injuries or damages, or an injunction in nuisance.

## CRIMINAL LAW

- Law deals with **crime** and the legal punishment of criminal offences, using criminal laws, between individuals and the Government.

- Action taken by the **Government** (individuals have no power).

- **Standard of proof**: beyond reasonable doubt (*tanpa keraguan munasabah*)

- **Burden of proof**: “Innocent until proven guilty” The **prosecution** must prove defendant guilty.

- A guilty defendant is subject to **non-custodial punishment** (fines or community service) or **custodial** (imprisonment) or in certain cases, **cane strokes**, and **death penalty**.
1. To date, there are **801 Principal Act** have been gazetted in Malaysia (with **1563 Amending Acts**) [http://www.federalgazette.agc.gov.my](http://www.federalgazette.agc.gov.my)

2. There are more than **50 laws** are related to medical and health, direct or indirect. It may be divided into:

   i. Laws regulating healthcare *providers, facilities and services*
   
   ii. Laws relating to healthcare *facilities which are not under MOH*
   
   iii. Laws imposing a *duty on doctors*
   
   iv. Laws for the *control of disease*
   
   v. Laws with provisions relating to *health in general*
   
   vi. Laws relating to *healthcare financing*
   
   vii. Legal provisions for *healthcare costs*
<table>
<thead>
<tr>
<th>HEALTHCARE PROFESSIONAL/Para Professional</th>
<th>HEALTHCARE FACILITIES AND SERVICES</th>
<th>PRACTICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEDICAL DOCTORS</td>
<td>Radioactive material, nuclear material/prescribed substance</td>
<td>Psychiatric services</td>
</tr>
<tr>
<td>DENTISTS</td>
<td>Land, Certificate of Completion and Compliance of buildings or equivalent &amp; signboard approval</td>
<td>Consent and Causing miscarriage</td>
</tr>
<tr>
<td>PHARMACISTS</td>
<td>Steam Boiler, Unfired Pressure Vessel + machinery equipments</td>
<td>Poisons Act 1952 (Revised 1989) [Act 366]</td>
</tr>
<tr>
<td>OPTICIAN &amp; OPTOMETRIST</td>
<td>Safety for fire exit</td>
<td>Drugs &amp; Medicines</td>
</tr>
<tr>
<td>NURSES</td>
<td>Environmental safety and clinical waste</td>
<td>Hydrogen Cyanide (Fumigation) Act 1953 (Revised 1981) [Act 260]</td>
</tr>
<tr>
<td>MIDWIVES</td>
<td>Estate workers</td>
<td>Dangerous Drugs Act 1952 (Revised 1980) [Act 234]</td>
</tr>
<tr>
<td>MEDICAL ASSISTANTS</td>
<td>Medical devices</td>
<td>Sale of Drugs Act 1952 (Revised 1989) [Act 366]</td>
</tr>
<tr>
<td>HOSPITAL ESTATE ASSISTANTS</td>
<td>Pathology laboratory</td>
<td>Advertisements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Medicines (Advertisements and Sale) Act 1956 (Revised 1983) [Act 290]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Theraeutic, medical education and research</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Human Tissues Act 1974 [Act 130]</td>
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<tr>
<td></td>
<td></td>
<td>Infectious Diseases Control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Destruction of Disease-Bearing Insects Act 1975 [Act 154]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prevention and Control of Infectious Diseases Act 1988 [Act 342]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Food safety</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Food Act 1983 [Act 281]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Health Promotion Programmes and Activities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Malaysian Health Promotion Board Act 2006 [Act 651]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Practise telemedicine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Telemedicine Act 1997 [Act 564]</td>
</tr>
</tbody>
</table>

**HEALTHCARE FACILITIES AND SERVICES**

- **Radioactive material, nuclear material/prescribed substance**
  - The Atomic Energy Licensing Act 1984 [Act 304]
- **Land, Certificate of Completion and Compliance of buildings or equivalent & signboard approval**
  - Uniform Building By-Laws 1984 By Local Authorities
- **Steam Boiler, Unfired Pressure Vessel + machinery equipments**
  - Factories and Machinery Act, 1967 [64/1967] By Department of Occupational Safety and Health
- **Safety for fire exit**
  - Fire Services Act 1988 [Act 341] By Fire Department
- **Environmental safety and clinical waste**
  - Environmental Quality Act 1974 [Act 127] By Department of Environment
- **Estate workers**
  - Workers' Minimum Standards of Housing and Amenities Act 1990 [Act 446]
- **Medical devices**
  - Medical Device Act 2012 [Act 737]
- **Pathology laboratory**
  - Pathology Laboratory Act 2007 [Act 674]
- **Private Aged Healthcare Facilities and Services Act 2017**
  - Companies Act 2016 [Act 777] (replaced 1965 – Act 125)
- **Artificial Reproductive Technology (ART) Bill**
  - Society - Society Act 1966 [Act 335]
- **Organ and Tissue Transplantation (OTT) Bill**
  - Sole proprietor - HCP Acts i.e. Act 50, 51, 14, 436
- **Personal Data Protection Act 2010 (Act 709)**
  - Partnership – Act 50

**PRIVATE HEALTHCARE FACILITIES AND SERVICES ACT 1998 [Act 566] and its SUBSIDIARY LEGISLATIONS on PHFS CROSS-REFER TO...**

**HEALTHCARE PROFESSIONAL/Para Professional**

- **MEDICAL DOCTORS**
- **DENTISTS**
- **PHARMACISTS**
- **OPTICIAN & OPTOMETRIST**
- **NURSES**
- **MIDWIVES**
- **MEDICAL ASSISTANTS**
- **HOSPITAL ESTATE ASSISTANTS**
- **ALLIED HEALTH PROFESSIONALS**
- **TCM PRACTITIONERS**
- **FOOD ANALYSTS**
- **TECHNICAL STAFF**
- **PERSONAL CARE AIDES ETC**
# POLICY ON FOREIGN EQUITY

**Autonomous Liberalisation 2012**

<table>
<thead>
<tr>
<th>No</th>
<th>Type of Facility</th>
<th>Foreign Interest</th>
<th>Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Not Allowed (0%)</td>
<td>Minority (≤ 49%)</td>
</tr>
<tr>
<td>1</td>
<td>Private Hospital</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>Specialist Medical Clinic</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>Specialist Dental Clinic</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4</td>
<td>Ambulatory Care Centre</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>5</td>
<td>Nursing Home</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>6</td>
<td>Haemodialysis Centre</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>7</td>
<td>Hospice</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>8</td>
<td>Psychiatric Nursing Home</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>9</td>
<td>Community Mental Health Centre</td>
<td>-</td>
<td>✓</td>
</tr>
<tr>
<td>10</td>
<td>Medical Clinic (GP)</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>11</td>
<td>Dental Clinic (GP)</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>12</td>
<td>Blood Bank</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>13</td>
<td>Maternity Home</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>Psychiatric Hospital</td>
<td>✓</td>
<td>-</td>
</tr>
<tr>
<td>15</td>
<td>Pathology Laboratory</td>
<td>✓</td>
<td>-</td>
</tr>
</tbody>
</table>

**Effective Date:** 29 July 2015

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CKAPS, Medical Practice Division, MOH
**ACT 586**

**OBJECTIVES**

1. Impose and ensure *minimum standards* in the private healthcare facilities and services.
2. Ensure *integrity* among healthcare professionals.
3. Ensure *professionalism* among all healthcare professions.
4. Ensure *quality* of healthcare facilities and services e.g. Quality Assurance, Mortality Review etc.
5. Address *social and national interest*.

**MAIN FOCUS:**

**TO SAFEGUARD PATIENTS’ INTEREST & ENSURE PATIENTS RECEIVE SAFE TREATMENT**

**BASIC PRINCIPLES ACT 586**

**3 IMPORTANT WORDS**

1. Healthcare Facilities (Including equipments)
2. Healthcare Services
3. Healthcare Personnel – all healthcare & healthcare related professional, para-professional & technical etc.

The competence or skilled expected of a professional
Act 586
Private Healthcare Facilities & Services Act 1998 & its subsidiaries legislation

3 IMPORTANT WORDS
1. Healthcare Facilities (Including equipment)
2. Healthcare Services
3. Personnel – all healthcare & healthcare related professional, para-professional & technical etc.
**ACT 586 & SUBSIDIARY LEGISLATIONS**

1. Private Healthcare Facilities & Services (Private Medical Clinics or Private Dental Clinics) Regulations, 2006 [P.U. (A) 137/2006]
   - 14 Parts with **109 Regulations & 7 Schedules (1 May 2006)**

   - 29 Parts with **434 Regulations & 13 Schedules (1 May 2006)**


Akta 586
Suatu Akta untuk mengadakan peruntukan bagi pengawalseliaan & pengawalan KPJKS & kemudahan dan perkhidmatan lain yang berhubungan dengan kesihatan & bagi perkara-perkara yang berkaitan dengannya

19 Bhg
122 Seksyen

Tarikh warta: 27 Ogos 1998
Tarikh kuatkuasa: 1 Mei 2006
Section 4, Act 586 Subjected to the Registration Procedures

Section 3, Act 586 SubJECTED to the Licensing Procedures

TYPE OF PHFS: SELANGOR
31 JANUARI 2018

- Medical Clinic
  - 2012 (27%)
- Dental Clinic
  - 687 (32%)
- Psychiatric Hospital
- Haemodialysis
- 7 +1 Maternity Home
- 3 Blood Bank
- Hospice
- 2 Nursing Home
- 31
- 32 + 8
- 108 + 23
- 32% (2012)
- 27% (2012)
- 8 (2012)

JANUARI 2018

CKAPS, Medical Practice Division, MOH
## Certificate Holder/Licensee versus Facility (S. 6 & 7) (Applicant)

<table>
<thead>
<tr>
<th>CATEGORY OF APPLICANTS</th>
<th>Registration</th>
<th>Approval &amp; Licensing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate Holder/Licensee</td>
<td>Medical Clinic</td>
<td>Hospice &amp; Haemodialysis</td>
</tr>
<tr>
<td></td>
<td>Dental Clinic</td>
<td>Hospital, Ambulatory Care Centre, Psychiatry Facilities, Blood Bank</td>
</tr>
<tr>
<td>Registered Medical Practitioner (RMP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Registered Dental Practitioner (RDP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Registered Nurse (RN)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Registered Midwife (RM)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Partnership (+ ≥ 1 RMP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Body Corporate (Companies Act 1965) (+ BOD ≥ 1 RMP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Body Corporate (Companies Act 1965) (+ all BOD RDP)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Society (Societies Act 1966)</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
TANGGUNGJAWAB PEMEGANG “LESEN” & “PERAKUAN PENDAFTARAN”

Sepertimana peruntukan di bawah Akta 586 berkaitan dengan Penubuhan, Penyenggaraan, Penyediaan dan Pengendalian (Akta 586 dan peraturan-peraturannya)

Contoh:

1. Memastikan KPJKS mempunyai Orang yang bertanggungjawab

2. Memastikan orang yang diambil bekerja (healthcare professional & para professional including Personel care aides) mempunyai kelayakan, latihan, pengalaman dan berdaftar dengan Majlis atau Lembaga yang berkenaan.

3. Menubuhkan Lembaga Pengurusan (BOM) dan Jawatankuasa Penasihat (Advisory Committee) mengikut jenis KPJKS berlesen

4. Memastikan policy statement (section 35) tersedia cth staff identifications, billing procedures, patients rights etc

5. Memastikan contract dengan MCO selaras dengan peruntukan undang-undang

6. Response to Director General of Health i.e. Show Cause Notice, investigation, maklumat tambahan (dimana berkenaan)

# PROCEDURES

## LICENSING

<table>
<thead>
<tr>
<th>BEFORE OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No objection on location (Zoning Approval)</td>
</tr>
<tr>
<td>2. Approval to establish (Form 1)</td>
</tr>
<tr>
<td>3. Licence to operate (Form 3) = New Licence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DURING OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Extension or alteration of the licensed healthcare facility (Form 5)</td>
</tr>
<tr>
<td>2. Renewal of Licence (Form 3) – every 2 years</td>
</tr>
<tr>
<td>3. Amendment of an Approval or Licence (In writing)</td>
</tr>
<tr>
<td>4. Transfer of an Approval or Licence (Form 8)</td>
</tr>
<tr>
<td>5. Duplication of an Approval or Licence (In writing)</td>
</tr>
<tr>
<td>6. Submission of Incident Reporting &amp; Assessable Death Notification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TO END THE ESTABLISHMENT/OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Disposal of an Approval or Licence (Form 9)</td>
</tr>
</tbody>
</table>

## REGISTRATION

<table>
<thead>
<tr>
<th>BEFORE OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Registration (Form A)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DURING OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amendment of a Certificate of Registration (In writing)</td>
</tr>
<tr>
<td>2. Transfer of a Certificate of Registration (Form D)</td>
</tr>
<tr>
<td>3. Duplication of a Certificate of Registration (In writing)</td>
</tr>
<tr>
<td>4. Submission of Incident Reporting &amp; Assessable Death Notification</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TO END THE ESTABLISHMENT/OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Disposal of a Certificate of Registration (Form E)</td>
</tr>
</tbody>
</table>
Example of Responsibilities: Section 31, Act 586

31. (1) A **licensee** or a **holder of a certificate** of registration in respect of a licensed or registered private healthcare facility or service **shall**—

(a) ensure that the licensed or registered private healthcare facility or service is **maintained** or **operated** by a **person in charge**;

(b) inspect the licensed or registered private healthcare facility or service in such manner and at such frequency as may be prescribed;

(c) ensure that persons employed or engaged by the licensed or registered private healthcare facility or service are **registered under any law regulating their registration**, or in the absence of any such law, hold such qualification and experience as are recognized by the Director General; and

(d) comply with such other **duties** and **responsibilities** as may be **prescribed**
Example of Responsibilities: Section 77, Act 586
Board of Management (BOM)

S.2, BOM means a board of trustee or directors or any other governing body in whom the **ultimate authority** and **responsibility for the conduct** of the PHFS specified in Part XIV are vested.

- S. 77 – The **licensee shall** establish a BOM of whom 2 members shall be from the **Advisory Committees** established under Section 78(b) or 79 (b), Act 586

In other word, the advisor should play advisory role and even though the Board of Management have the ultimate authority and responsibility, MOH will go after the Licensee or the Person in Charge.
Example of Responsibilities: Advisory Committee

- The **licensee** shall ensure, the establishment of the Advisory Committee whose members shall be RMP/RDP representing all RMP/RDP practising in the PHFS to advise the BOM, the licensee & PIC on all aspects relating to the medical/dental practices respectively (**patient care**).

  - Medical Advisory Committee (MAC) - Hospital
  - Medical and Dental Advisory Committee (MDAC)

- Midwifery Care Advisory Committee - Maternity Home
- Nursing Advisory Committee - Nursing Home
Example of Responsibilities  Section 35, Act 586

35. (1) A **licensee** of a private healthcare facility or service or the **holder of a certificate** of registration or the **person in charge** of a private healthcare facility or service shall make available, upon registration or admission, as the case may be, its **policy statement** with respect to the obligations of the licensee or holder of the certificate of registration to patients using the facilities or services.
TANGGUNGJAWAB
ORANG YANG BERTANGGUNGJAWAB BAGI KPJKS

4 words: Management, Control, Maintain, Operate KPJKS

 Sepertimana yang ditetapkan dalam Peraturan P.U. (A) 137/2006 bagi klinik perubatan swasta dan klinik pergigian swasta

 Sepertimana yang ditetapkan dalam Peraturan P.U. (A) 138/2006- bagi KPJKS selain klinik swasta
PERSON IN CHARGE

S.2, Act 586
• “Person in charge” means a person possessing such qualification, training and experience as may be prescribed and who shall be responsible for the management and control of the private healthcare facility or service to which a licence or registration relates.

S. 31. Responsibilities
(1)(a). A licensee or a holder of certificate of registration in respect of a licensed or registered private healthcare facility or service shall ensure that the licensed or registered private healthcare facility or service is maintained or operated by a person in charge.

S.31(2), Act 586 – not withstanding paragraph (1)(a), different persons may be appointed to manage and assume the duties and responsibilities relating to non-clinical matters including financial, administration and management of non-clinical resources.

S.32, Act 586
• (1) A person in charge of a licensed or registered private healthcare facility or service shall hold such qualification, have undergone such training and possess such experience as may be prescribed.

• (2) A person in charge shall carry out such duties and responsibilities as may be prescribed (in the regulations)

(prescribed ~ by the Minister by order or regulations made under this Act)
<table>
<thead>
<tr>
<th>Person in Charge</th>
<th>RMP</th>
<th>RDP</th>
<th>RN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Clinic</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dental Clinic</td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Nursing Home</td>
<td>Yes (policy)</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Maternity Home</td>
<td>Yes</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Ambulatory Care</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Hospital, Psy. Facilities, Blood Bank, Hospice, Hemodialysis, “Gabungan”</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Shall be **Qualified, Trained and Experiences**, in accordance to the healthcare facilities and services/specialties provided.

CKAPS, Medical Practice Division, MOH
Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Klinik Perubatan Swasta atau Klinik Pergigian Swasta) 2006

14 Bhg
109 Peraturan & 7 Jadual

Tarikh warta: 1 April 2006
Tarikh kuatkuasa: 1 Mei 2006
Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Hospital Swasta & Kemudahan Jagaan Kesihatan Swasta Lain) 2006

29 Bhg
434 Peraturan &
13 Jadual

Tarikh warta: 1 April 2006
Tarikh kuatkuasa: 1 Mei 2006

CKAPS, Bahagian Amalan Perubatan, KKM
Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Hospital Swasta & Kemudahan Jagaan Kesihatan Swasta Lain) 2006

Tarikh warta: 1 April 2006
Tarikh kuatkuasa: 1 Mei 2006

29 Bhg
434 Peraturan & 13 Jadual

<table>
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<tr>
<th>J.PERTAMA</th>
<th>J.KEDUA</th>
<th>J.KETIGA</th>
<th>J.KEEMPAT</th>
<th>J.KELIMA</th>
<th>J.KEENAM</th>
<th>J.KETUJUH</th>
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<tbody>
<tr>
<td>Borang 1-10</td>
<td>Jenis Perkhidmatan</td>
<td>Fi Permohonan</td>
<td>OYB</td>
<td>IR</td>
<td>Rekod Perubatan Pesakit</td>
<td>Jagaan Peribadi</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>J.KELAPA</th>
<th>J.KESEMBILAN</th>
<th>J.KESEPULUH</th>
<th>J.KESEBELAS</th>
<th>J.KEDUA BELAS</th>
<th>J.KETIGA BELAS</th>
</tr>
</thead>
</table>
TANGGUNGJAWAB
ORANG YANG BERTANGGUNGJAWAB BAGI KPJKS

4 words: Management, Control, Maintain, Operate KPJKS

Example:
1. Staff to provide the facilities and services: healthcare professional and para professional (*Qualification, Training, Experience, skill and registration with relevant Board or Council*)
2. Policies, registers, rosters, referral, statistical returns
3. Patients Medical records
4. Patients Right, Grievance Mechanisms
5. Infection Control
6. Standards (Facilities (Infrastructure & Equipment) and Services including Emergency Services – according to scope of facilities & services licensed
7. Staff & public facilities
Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Pengkompaunan Kesalahan) 2017 [P.U.(A) 227/2017]


- Jenis kesalahan yang boleh dikompaun dinyatakan dalam Jadual Pertama, P.U. (A) 227/2017.
  - Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Klinik Perubatan Swasta atau Klinik Pergigian Swasta) 2006 [P.U. (A) 137/2006] (27)

Prosedur:
- Alternatif untuk tindakan Mahkamah
  - Borang 1, Jadual Kedua - Borang keizinan Pendakwa Raya
  - Borang 2, Jadual Kedua – Borang tawaran untuk kompaun (oleh KPK)
  - Borang 3, Jadual Kedua – Setuju terima tawaran (oleh KPJKS)
KEPERLUAN ASAS (PENGKOMPAUNAN KESALAHAN)

1. Tiada Pewakilan Kuasa bagi Seksyen 99
2. Kategori entiti yang boleh dikompaun (OKS) (Pertuduhan & Bukti):
   - pemegang lesen,
   - pemegang kelulusan,
   - pemegang perakuan pendaftaran; atau
   - orang yang bertanggungjawab.
3. Izin kompaun (bertulis) – Pendakwa Raya
4. Tawaran Kompaun
   a. Hendaklah dibuat oleh KPK
   b. Tidak melebihi 50% dari denda maksimum
   c. Sebelum apa-apa pendakwaan dimulakan

5. Prosedur seperti ditetapkan di bawah Peraturan-Peraturan Kemudahan dan Perkhidmatan Jagaan Kesihatan Swasta (Pengkompaunan Kesalahan) 2017
6. Pendakwaan boleh dimulakan pada bila-bila masa setelah tamat tempoh tawaran kompaun
SENARAI KESALAHAN

• Secara umumnya, **semua kesalahan yang melibatkan** Pemegang Kelulusan, Pemegang Lesen, Pemegang Perakuan Pendaftaran dan Orang Yang Bertanggung Jawab bagi suatu KPJKS berdaftar atau berlesen adalah boleh dikompaun **melainkan** kepada-
  - 6 kesalahan di bawah **Akta 586**
  - 2 kesalahan di bawah **P.U. (A) 137/2006**
  - 2 kesalahan di bawah **P.U. (A) 138/2006**

• Kesalahan-kesalahan tersebut **tidak termasuk 5 kesalahan** yang tidak boleh dikompaun.
RUJUKAN: PROSEDUR PERMOHONAN

- Semua prosedur permohonan, termasuk Prosedur permohonan adalah berdasarkan Akta 586 dan Peraturan-peraturannya.


- Prosedur dan Garis Panduan mengikut Jenis Kemudahan

- Senarai Semak Pelan Lantai dan Lawatan Pemeriksaan
RUJUKAN: PROSEDUR PERMOHONAN

- Prosedur dan Garis Panduan mengikut Jenis Kemudahan
- Senarai Semak Pelan Lantai dan Lawatan Pemeriksaan
- Borang Permohonan
Terima kasih

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