

Federal Law No. (4) of 2015
Concerning Private Health Facilities

We, Khalifa bin Zayed Al Nahyan,

President of the UAE

Having reviewed the Constitution;

- UAE Federal Law No. 1 of 1972 concerning the competences of the ministries and powers of ministers, as amended;
- Federal Law No. 7 of 1975 concerning the practice of human medicine profession as amended;
- Federal Law No. 8 of 1980 concerning the organization of labor relations as amended;
- Federal Law No. 27 of 1981 concerning the prevention of communicable diseases;
- Federal Law No. 5 of 1984 concerning the practice of non-medical and pharmacologists of some medical professions;
- Federal Law No. 8 of 1984 concerning commercial companies as amended;
- Federal Law No. 3 of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. 35 of 1992 Promulgating the Criminal Procedure Law, as amended;
- Federal Law No. 15 of 1993 concerning the regulation of human organs transplant;
- Federal Law No. 14 of 1995 concerning the control of narcotic drugs and psychotropic substances as amended;
- Federal Law No. 2 of 1996 concerning private health facilities;
- Federal Law No. 10 of 2008 concerning the medical liability;
- Federal Law No. 11 of 2008 concerning the licensing of fertilization centers in the State;
- Federal Law No. 18 of 2009 concerning the organization of birth and death records;
- Federal Law No. 1 of 2011 concerning the general revenues of the State, and
- In accordance with the proposal submitted by the Minister of Health and the approval of the Cabinet and the Federal National Council and the endorsement of the Supreme Council of the Federation,

Hereby enact the following Law:

Chapter I General Provisions

Article (1)

Definitions

The following words and phrases shall have the meanings assigned thereto respectively unless the context indicates otherwise:

The State : The United Arab Emirates.

The Ministry : The Ministry of Health.

The Minister : The Minister of Health.

The Health Entity : The Ministry or any other local or federal government entity concerned with health affairs in the State, each within the limits of the competences conferred thereupon.

The Concerned Entity : Any entity directly or indirectly related to the application of the provisions of this Law and its Executive Regulation.

Private Health Facility : A private facility providing healthcare services to people, including: the areas of prevention, treatment and convalescence, whether owned or managed by a natural person or a legal person.

The Concerned Department : A department concerned with the matters of licensing and health regulation in the Health Entity.

The Committee : A committee which is formed at the Health Entity and considers violations of health facilities and their personnel.

The Competent Court : The Court of First Instance within the jurisdiction of which the Health Facility is located.

Article (2)
Applicability of Law

The provisions of this Law shall apply to all private health facilities operating in the State, including the free zones.

Chapter II

Licenses

Article (3)

1. It is prohibited for any natural or legal person to establish, operate or manage any private health facility within the State, without obtaining a license from the Health Entity beforehand pursuant to the provisions of this Law and its Executive Regulation.
2. The Executive Regulation of this Law shall set forth technical and health requirements, licensing procedures of establishing, operating and managing private health facilities, their types, their activities, and their license validity.
3. Private health facilities shall comply with the international standards set by the Health Entity and shall provide mechanisms to develop and evaluate health services offered thereby.

Article (4)

The Executive Regulation of this Law shall provide for ownership terms and conditions of private health facilities and the necessary procedures.

Article (5)

A private health facility shall be managed by whoever has the necessary qualifications. The

Executive Regulation shall provide for such qualifications according to the type and the nature of the private health facility.

Article (6)

The Concerned Department shall decide on licensing applications for establishing, operating or managing private health facilities. In case of denying a licensing application, the decision shall be justified. The applicant shall be notified. If a licensing application is not responded to within sixty days from the date of submission, it shall be deemed as denied.

Article (7)

A decision to deny a licensing application for establishing, operating or managing a private health facility may be appealed in writing to the Minister or the head of the Health Entity, as the case may be, within thirty days as of the date of notifying of the denial decision or the date of the lapse of sixty days referred to in Article 6 hereof. A decision made in regard to a grievance may be appealed at the Competent Court within thirty days as of the date of notifying the applicant of the denial decision or the lapse of sixty days after submitting a grievance with no reply.

Article (8)

A license to operate a private health facility shall be deemed as expired in the following cases:

1. The private health facility is closed for more than six months in a row without an excuse accepted by the Health Entity donating the license.
2. The private health facility is not operated for more than six months as of the licensing

date without an excuse accepted by the Health Entity donating the license.

3. Not renewing the license within six months as of its expiry date.
4. Closing the private health facility upon the request of its owner.
5. Closing the facility permanently by a disciplinary decision.
6. Closing the facility permanently by a court order.

Article (9)

In the event of death of a private health facility's owner, the heirs shall submit ownership transfer documents of the private health facility within no more than six months as of the death date extendable by a decision of the Minister or the head of the Health Entity or representative thereof. Otherwise, the license shall be deemed as expired by force of law. The Executive Regulation shall provide for the necessary procedures and conditions in this regard.

Article (10)

The place of a private health facility, its ownership, its activity or its technical requirements under which the license is issued, may not be changed, transferred or amended as well as a branch thereof may not be opened except after obtaining a consent from the Health Entity issuing the license.

Chapter III

Obligations of Private Health Facilities

Article (11)

A private health facility shall enter into insurance contracts against the risks arising from the facility buildings and equipment, covering patients, accompanying persons and personnel.

Article (12)

A private health facility shall do the following:

1. Apply all health and environmental terms and safety conditions approved at the concerned entities.
2. Provide all health data and statistics requested by the Health Entity on the dates legally prescribed.
3. Enable patients to view the prices of health services and the prices of accommodation prior to providing them with the service.
4. Ensure there is an effective communication system that removes language barriers between patients and therapists.
5. Use the Arabic language in illustrative and guiding Signboards inside and outside the facility, along with any other language deemed by the private health facility.
6. Comply with emergency and disaster plans.

Article (13)

A private health facility shall observe patients' rights set out in laws and regulations of the State.

Article (14)

It is prohibited for a private health facility owner to close it prior to obtaining consent from

the Health Entity donating the license.

Article (15)

A private health facility shall prior to the start of its activity develop a bylaw, pursuant to rules, requirements and data by which a decision is made by the Health Entity donating the license.

Article (16)

A private health facility shall provide its services according to the standards approved in the licensed specialization and as required by the health status of the service recipients.

Article (17)

It is prohibited for a private health facility to employ a doctor, a nurse or any other person specialized in health specializations other than licensed by the Health Entity.

Chapter IV

Inspection and Penalties

Article (18)

A health entity shall ensure a health facility fulfils necessary requirements legally prescribed pursuant to the provisions of this Law along with regulations and decisions made regularly in execution hereof.

Article (19)

The personnel of the Health Entity who are determined by a decision made by the Minister

of Justice by agreement with the Health Entity shall have the capacity of judicial officers for proving the violations of the provisions of this Law along with regulations and decisions made in implementation hereof.

Article (20)

Disciplinary Penalties

The Committee shall consider the facts that constitute violations of the provisions of this Law along with regulations and decisions made in execution hereof. The Committee shall notify the violator within three days, whether a private health facility owner, manager or operator employee in order to appear before it on the date determined thereby. The notice shall state the violations, subject matter of accountability. If the violator fails to appear on the specified date although being notified, the Committee may decide on the violation in absentia.

The recommendations of the Committee shall be presented to the competent authority at the Health Entity to make the appropriate decision.

Article (21)

1. In the event the Manager of the private health facility or the person in charge of its operation or management or any of its employees violate the provisions of this Law, its Executive Regulations, or the Resolutions issued for its implementation, the Health Entity may punish him with any of the following disciplinary sanctions:
 - a. Warning.
 - b. Fine that is not less than (1,000) One Thousand Dirhams and does not exceed (500,000) Five Hundred Thousand Dirhams.

- c. Suspension from work for a period not exceeding (6) six months.
 - d. Permanent Suspension from work.
2. In the event the private health facility violates the provisions of this Law, its Executive Regulations, or the Resolutions issued for its implementation, the Health Entity may punish it with any of the following disciplinary sanctions:
 - a. Warning.
 - b. Fine that is not less than (1,000) One Thousand Dirhams and does not exceed (1,000,000) One Million Dirhams.
 - c. Full or partial Temporary closure of the facility for a period not exceeding (6) six months.
 - d. Full or partial Permanent closure of the facility.
3. No disciplinary sanctions set out in this Article may be imposed prior to hearing the statements of the violator or its legal representative and making its defense. If the violator fails to appear or appears but does not make its defense, then disciplinary sanctions may be imposed based on the papers in the file.
4. Disciplinary sanctions set out in this Article may not violate the criminal or civil liability that may arise from the same incident, subject matter of the violation.

Article (22)

Whoever is subject to a disciplinary penalty may appeal against the same within fifteen days as of the date of being notified of the decision, and shall submit such appeal to the Minister or the head of the Health Entity, as the case may be. A decision shall be made within thirty days as of the date of submission. In case of closing the facility, an appeal shall be decided on within two weeks at the most as of the date of submission. The decision made with

regard to the appeal shall be final in all cases. A decision made in regard to an appeal may be appealed before the Competent Court within thirty days as of the date of notifying the applicant of the decision made on the appeal or the lapse of thirty days as of the date of appealing any decision with no reply.

Article (23)

Penalties

Without prejudice to any more severe penalty stipulated in any other law, there shall be punished with imprisonment for a period of not less than 6 months and/or fine of not less than AED 100,000 whoever:

1. Establishes or runs a Private Health Facility without obtaining a license for this purpose from the Health Entity;
2. Runs a Private Health Facility subject of a judgment or decision of permanent or interim closure prior to demise of reasons for closure and issuance of a decision of rerunning it;
3. Provides or submits false document or data or utilizes illegal methods with the aim of obtaining a license for establishing, running or managing a Private Health Facility;
4. employs a physician, nurse of any other person of another medical specialization who is not licensed by the Health Entity;
5. closes a Private Health Facility without obtaining the concerned Health Entity's approval.

In addition to the original penalty, the court may order closure of the Facility or revocation of its license, as the case may be.

Chapter V

Final Provisions

Article (24)

Obtaining a license for establishing, running or managing a Private Health Facility in accordance with the provisions of this Law shall not constitute exemption from obtaining other licenses required by the federal and local laws, regulations and resolutions in force.

Article (25)

A special register shall be kept by the Health Entity for registration of Private Health Facilities. This register shall be regulated and its containing data specified under a decision of the Minister or manager of the Health Entity, as the case may be.

Article (26)

In case of closure of the Private Health Facility or issuance of a closure decision against it or consideration of its license as expired in accordance with the provisions of Article (8) hereof, the Health Entity shall take the necessary measures for protection the rights of patients who were treated or under treatment at the Facility and ensure the continued provision of necessary health services to them, which interruption may pose a threat to their lives, in particular.

Article (27)

All Private Health Facilities existing in the State prior to the date of entry into force of this Law, shall adjust their conditions in accordance with its provisions and Executive Regulations hereof within the period determined by a resolution from the Cabinet, otherwise the license shall be deemed as null and void.

Article (28)

The due fees shall be specified under a Cabinet Decision in implementation of the provisions of this Law and its Executive Regulation.

Article (29)

Upon the proposal of the Minister, the Cabinet shall issue the Executive Regulations of this Law within 6 months as of the publication date hereof.

Article (30)

Any provision conflicting or contradicting with the provisions of this Law shall be repealed. In addition, Federal Law No. (2) of 1996 on Private Health Facilities shall be repealed, however its implementing decisions shall remain in force until its Executive Regulation and implementing decisions thereof are issued to the extent which does not contradict with the provisions of this Law.

Article (31)

This Law shall be published in the Official Gazette and enter into force 6 months as of its publication date.

Signed

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us in the Presidential Palace in Abu Dhabi.

On: 05 Jumada Al-Thani 1436 AH.

Corresponding to: 25 March 2015 AD.