

**No. 124**

**9 November 2012**

**KWAZULU-NATAL DEPARTMENT OF HEALTH**

**KWAZULU-NATAL HOSPITAL BOARDS REGULATIONS, 2012**

I hereby make the Regulations contained in the Schedule hereto, under section 74(1)(b) of the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009), to regulate Hospital Hoards in the Province.

Given under my Hand at Pietermaritzburg, this 4<sup>th</sup> day of **July** Two Thousand and Twelve.

**DR SM DHLOMO**

Member of the Executive Council of the Province of KwaZulu-Natal  
responsible for Health

## SCHEDULE

### Definitions

1. In these Regulations, "the Act" means the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context indicates otherwise –

"**Board**" means a hospital board established by notice published in accordance with section 36 of the Act;

"**Chairperson**" means the Chairperson of the Board; and

"**hospital**" means a hospital as defined in section 1 of the National Health Act.

### Duties of Board

2. In order to carry out the powers and functions contemplated in section 37(1) of the Act, the Board must –

- (a) acquaint itself with the operation of the hospital;
- (b) make representation for equitable access to services for all community members;
- (c) liaise with other organizations with the view to assist patients and staff in areas of special needs;
- (d) contribute to the strategic plan drawn up by a hospital;
- (e) provide expert advice and input to hospital management as required;
- (f) provide a visible presence at the hospital on a regular basis to build relations with the staff and gain an understanding of hospital working conditions;
- (g) be responsible for receiving and perusing regular management reports;
- (h) conduct visits to the hospital voluntarily or upon request from management of the hospital;
- (i) act as a conduit between the community and the hospital and receive feedback from the community;
- (j) support the hospital in tracing families and relatives of destitute patients;
- (k) monitor the implementation by hospital management of all decisions taken at previous meetings of the hospital board;
- (l) liaise with national and provincial organisations concerned with health care or the rendering of health care services; and

(m) exercise any power, perform any functions and execute any duty conferred on it by the Act, these Regulations or any other law.

#### **Vacancies on Board**

3.(1) Every vacancy on a Board arising from circumstances referred to in section 38(4) of the Act must be filled by the responsible Member of the Executive Council following the procedure contemplated in section 40 of the Act.

(2) Members appointed in terms of subregulation (1) hold office for the unexpired portion of the period for which the vacating member was appointed.

#### **Meetings of Board**

4.(1) In addition to the power to determine the date, place and time of any meeting as contemplated in section 41 of the Act, the Chairperson may convene a special meeting of the Board at any time –

- (a) upon written request by the Chairperson;
- (b) upon request by hospital management; or
- (c) within ten calendar days of receipt of a written request signed by at least one third of the members of the Board.

(2) A written request, as contemplated in subregulation (1), must state clearly the purpose for which the meeting is convened.

#### **Quorum, procedure at meetings and decision-making**

5.(1) A quorum of any meeting of the Board is one half of the total number of members plus one.

(2) The Board must determine the procedure to be followed at its meetings.

(3) The Board must, at its first meeting, elect a Deputy Chairperson.

(4) At all meetings of the Board the Chairperson or, in his or her absence, the Deputy Chairperson must preside.

(5) The decision of the majority of the Members of the Board present at any meeting thereof constitutes a decision of the Board and, in the event of an equality of votes, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote.

(6) A decision taken by the Board or an act performed under the authority of the Board is not invalid merely by reason of an interim vacancy on the Board.

(7) The Board may co-opt any person to attend and participate in its deliberations on any matter, but such person may not vote on any matter.

(8)(a) A Member of the Board who has any interest, whether direct or indirect, in any matter being considered or to be considered by the Board, must disclose the nature of his or her interest to the Board.

(b) The disclosure contemplated in paragraph (a) must be recorded in the minutes of the meeting.

(c) The Member contemplated in paragraph (a) must be recused by the Chairperson and may not be present during, or participate in, any deliberation or decision of the Board relating to that matter.

(9) The Chairperson must keep an attendance register in which he or she must enter the names of all the members attending each meeting as well as the names of members absent with or without leave.

(10) The hospital must provide secretarial services to the Board.

#### **Duties of Chairperson**

6. The Chairperson of the Board must –

(a) ensure that the Board exercises its powers, performs its functions and carries out its duties as contemplated in the Act and complies with the relevant provisions of the Act, these Regulations and any other law; and

(b) disclose to the Board all material facts and information which, in any way, may influence the decisions or actions of the Board.

#### **Short title**

7. These Regulations are called the KwaZulu-Natal Hospital Boards Regulations, 2012.

**No. 124**

**9 November 2012**

**KWAZULU-NATAL DEPARTEMENT VAN GESONDHEID**

**KWAZULU-NATAL REGULASIES OP HOSPITAALRADE, 2012**

Hiermee maak ek die Regulasies soos vervat in die meegaande Bylae, kragtens artikel 74(1)(b) van die KwaZulu-Natal Wet op Gesondheid, 2009 (Wet No. 1 van 2009), ten einde Hospitaalrade in die Provinsie te reguleer.

Gegee onder my Hand te Pietermaritzburg hierdie **4th** dag van **July**, Twee-duisend-en-twaalf.

**DR SM DHLOMO**

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu  
verantwoordelik vir Gesondheid

## BYLAE

### Omskywings

1. In hierdie Regulasies beteken "die Wet" die KwaZulu-Natal Wet op Gesondheid, 2009 (Wet No. 1 van 2009) en enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is dra die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken –

**“hospitaal”** 'n hospitaal soos omskryf in artikel 1 van die Wet op Nasionale Gesondheid;

**“Raad”** 'n Hospitaalraad ingestel deur kennisgewing gepubliseer in ooreenstemming met artikel 36 van die Wet; en

**“Voorsitter”** die Voorsitter van die Raad.

### Pligte van Raad

2. Ten einde die magte en pligte bedoel in artikel artikel 37(1) van die Wet uit te voer, moet die Raad –

- (a) homself vergewis van die bedryf van die hospitaal;
- (b) voorleggings maak vir billike toegang tot dienste vir alle lede van die gemeenskap;
- (c) met ander organisasies skakel met die doel om pasiënte en personeel by te staan op die gebied van spesiale behoeftes;
- (d) bydra tot die strategiese plan opgestel deur 'n hospitaal;
- (e) deskundige advies verskaf en insette lewer aan die bestuur van die hospitaal soos benodig;
- (f) 'n sigbare teenwoordigheid handhaaf by die hospitaal, op 'n gereelde basis, ten einde bande met personeel te versterk en begrip te ontwikkel vir die hospitaal se werksomstandighede;
- (g) verantwoordelik wees vir die ontvangs en sorvuldige bestudering van gereelde bestuursverslae;
- (h) vrywillige besoeke aflê by die hospitaal, of soos versoek deur die bestuur van die hospitaal;
- (i) optree as 'n voerbuis tussen die gemeenskap en die hospitaal en terugvoer ontvang vanuit die gemeenskap;

- (j) die hospitaal ondersteun in die opsporing van familielede en naasbestaandes van pasiënte wat agtergelate is;
- (k) die bestuur van die hospitaal se implementering van alle besluite geneem by die vorige vergaderings van die hospitaalraad monitor;
- (l) skakel met nasionale en provinsiale organisasies wat betrokke is by gesondheidsorg of die lewering van gesondheidsorgdienste, en
- (m) enige mag uitvoer, enige funksie verrig en enige plig uitvoer soos toegeken deur die Wet, hierdie Regulasies of enige ander wet.

### **Vakatures op Raad**

3.(1) Elke vakante posisie op 'n Raad wat voortspruit uit omstandighede verwys na in artikel 38(4) van die Wet moet gevul word deur die verantwoordelike Lid van die Uitvoerende Raad volgens die prosedure bedoel in artikel 40 van die Wet.

(2) Lede aangestel ingevolge subregulasie (1) beklee die amp vir die onverstreke gedeelte van die tydperk waarvoor die uittredende lid aangestel is.

### **Vergaderings van Raad**

4.(1) Bykomend tot die mag om die datum, plek en tyd van enige vergadering te bepaal, soos bedoel in artikel 41 van die Wet, mag die Voorsitter te enige tyd 'n spesiale vergadering van die Raad belê –

- (a) op skriftelike versoek van die Voorsitter;
- (b) op versoek van die bestuur van die hospitaal; of
- (c) binne tien kalenderdae van ontvangs van 'n skriftelike versoek onderteken deur minstens een derde van die Lede van die Raad.

(2) 'n Skriftelike versoek, soos bedoel in subregulasie (1), moet die doel waarvoor die vergadering belê word duidelik uiteensit.

### **Kworum, prosedure by vergaderings en besluitneming**

5.(1) 'n Kworum van enige vergadering van die Raad bestaan uit een helfte van die totale getal lede plus een.

(2) Die Raad moet die prosedure bepaal wat gevolg moet word by sy vergaderings.

- (3) Die Raad moet, tydens sy eerste vergadering, 'n Ondervoorsitter verkies.
- (4) By alle vergaderings van die Raad moet die Voorsitter of, in sy of haar afwesigheid, die Ondervoorsitter voorsit.
- (5) Die beslissing van die meerderheid van die Lede van die Raad teenwoordig by enige vergadering van die Raad vorm 'n besluit van die Raad en, in die geval van 'n staking van stemme, het die persoon wat by die betrokke vergadering voorsit, 'n beslissende stem bykomend tot sy of haar beraadslagende stem.
- (6) 'n Besluit geneem deur die Raad of 'n handeling uitgevoer onder die gesag van die Raad is nie ongeldig bloot op grond van 'n tussentydse vakature op die Raad nie.
- (7) Die Raad mag enige persoon koöpteer om beraadslagings oor enige saak by te woon en deel te neem daaraan, maar so 'n persoon mag nie stem oor enige aangeleentheid nie.
- (8)(a) 'n Lid van die Raad wat enige belang het, hetsy direk of indirek, by enige aangeleentheid wat oorweeg word of wat deur die Raad oorweeg sal word, moet die aard van sy of haar belang aan die Raad openbaar maak.
- (b) Die openbaarmaking bedoel in paragraaf (a) moet genotuleer word.
- (c) Die Lid bedoel in paragraaf (a) moet verskoon word deur die Voorsitter en mag nie teenwoordig wees tydens, of deelneem aan, enige beraadslaging of besluit van die Raad met betrekking tot daardie aangeleentheid nie.
- (9) Die Voorsitter moet 'n bywoningsregister byhou waarin hy of sy die name van alle lede teenwoordig by elke vergadering, asook die name van lede afwesig met of sonder verlof, aanteken.
- (10) Die hospitaal moet sekretariële dienste aan die Raad verskaf.

### **Pligte van Voorsitter**

6. Die Voorsitter van die Raad moet –

- (a) verseker dat die Raad sy magte uitoefen, sy funksies verrig en sy pligte uitvoer soos bedoel in die Wet en voldoen aan die toepaslike bepalings van die Wet, hierdie Regulasies en enige ander wet;
- (b) aan die Raad alle wesenslike feite en inligting openbaar maak wat, op enige manier, die besluite of handeling van die Raad mag beïnvloed.

### **Kort titel**

7. Hierdie regulasies word die KwaZulu-Natal Regulasies op Hospitaalrade, 2012 genoem.



**No. 124**

**9 kuLwezi 2012**

**UMNYANGO WEZEMPILO WAKWAZULU-NATALI**

**IMITHETHONQUBO YAMABHODI EZIBHEDLELA YAKWAZULU-NATALI, 2012**

Ngalokhu ngisungula iMithethonqubo equkethwe oHlelweni olungezansi, ngokwesigaba 74(1)(b) soMthetho wezeMpilo waKwaZulu-Natali, 2009 (uMthetho No. 1 ka 2009), ukuze kulawulwe amabhodi ezibhedlela esiFundazweni.

Sikhishwe ngaphansi kwesandla sami eMgungundlovu ngalolu suku mhla zi **4th** ku **July**, oNyakeni weziNkulungwane eziMbili neShumi naMbili.

**DKT. SM DHLOMO**

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali elibhekele ezeMpilo

## UHLELO

### Izincazelo

1. Kule Mithethonqubo, "uMthetho" kushiwo uMthetho wezeMpilo waKwaZulu-Natali, 2009 (uMthetho No. 1 ka 2009), futhi noma iliphi igama noma isisho esincazelo yaso ikhona eMthethweni sinaleyo ncazelo esinikezwe yona, ngaphandle uma ingqikithi isho okwehlukile

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"iBhodi" kushiwo ibhodi yesibhedlela esungulwe ngesaziso esishicilelwe ngokuhambisana nesigaba 36 soMthetho;

"uSihlalo" kushiwo uSihlalo weBhodi; kanti

"isibhedlela" kushiwo isibhedlela njengoba sichazwe kwisigaba 1 soMthetho wezeMpilo kaZwelonke.

### Amajoka eBhodi

2.(1) Ukuze kufezekiswe amandla namajoka ahlongozwe esigabeni 37(1) soMthetho, iBhodi kumele –

- (a) izijwayeze izindlela zokusebenza kwesibhedlela;
- (b) iqinisekise ukuthi usizo lutholakala ngendlela elinganayo kuwona wonke amalungu omphakathi;
- (c) isebenzisane nezinye izinhlangano ngenhloso yokusiza iziguli nabasebenzi ezindaweni ezinezidingo ezikhethekile;
- (d) ifake isandla ekuhlelweni kwamasu okusebenza okwenziwa yisibhedlela;
- (e) ihlinzeke ngezeluleko zobungoti futhi isize abaphathi besibhedlela njengoba kungadingeka;
- (f) ihlale itholakala njalo emagcekeni esibhedlela ukuze yakhe ubudlelwane nabasebenzi futhi ikwazi ukubona izimo zokusebenza zesibhedlela;
- (h) yamukele futhi ihlole zikhathi zonke imibiko yezokuphatha;
- (i) ivakashele isibhedlela ngokuzithandela noma uma icelwa abaphathi besibhedlela;
- (j) isebenze njengomxhumanisi phakathi komphakathi nesibhedlela futhi yamukele izimvo zomphakathi;
- (k) yeseke isibhedlela emizamweni yokuthola imindeni nezihlobo zeziguli ezingenabani;
- (l) iqaphe ukusetshenziswa kwazo zonke izinqumo ezithathwe emihlanganweni edule yeBhodi yesibhedlela nabaphathi besibhedlela;

(m) ibonisane nezinhlangano zikazwelonke nezesifundazwe ezithintekayo kwezokwelapha noma ezihlinzeka ngemisebenzi yezokwelapha; futhi

(n) isebenzise noma imaphi amandla, yenze noma imiphi imisebenzi futhi ifezekise noma imaphi amajoka ewanikezwe yilo Mthetho, yile mithethonqubo nanoma imuphi omunye umthetho.

### **Izikhala kwiBhodi**

3.(1) Zonke izikhala kwiBhodi ezivela ngenxa yezizathu okukhulunywe ngazo esigabeni 38(4) soMthetho kumele zigcwaliswe yiLungu loMkhandlu oPhethe ngokulandela inqubo ehlongozwe esigabeni 40 soMthetho.

(2) Amalungu aqokwe ngokwesigatshana somthethonqubo (1) ayoba sesikhundleni isikhathi esisasele salelo lungu elishiyile kuleso sikhundla.

### **Imihlangano yeBhodi**

4.(1) Ngaphezu kwamandla okunquma usuku, indawo nesikhathi sanoma imuphi umhlangano njengoba kuhlongozwe esigabeni 41 soMthetho uSihlalo angabiza umhlangano ophuthumayo weBhodi noma nini –

(a) uma kucela uSihlalo ngencwadi;

(b) uma kucela abaphathi besibhedlela; noma

(b) ezinsukwini eziyishumi kutholakale incwadi yesicelo esayinwe okungenani ingxenye eyodwa kokuthathu yamalungu eBhodi.

(2) Isicelo esibhalwe phansi njengoba kuhlongozwe kwisigatshana somthethonqubo (1) kumele sibeke ngokucacile inhloso yokubizwa komhlangano.

### **Isibalo sabangabamba umhlangano, inqubo yomhlangano kanye nokuthathwa kwezinqumo**

5.(1) Isibalo sabangabamba umhlangano weBhodi yingxenye yesibalo sawo wonke amalungu nelungu elilodwa ngaphezulu.

(2) IBhodi kumele inqume inqubo okumele ilandelwe emihlanganweni yeBhodi.

(3) IBhodi kumele ikhethe isekela likaSihlalo emhlanganweni wokuqala.

(4) Kuyona yonke imihlangano yeBhodi, uSihlalo noma, uma engekho, isekela likaSihlalo, kumele lengamele.

(5) Isinqumo seningi lamalungu eBhodi akhona kunoma imuphi umhlangano kuyoba yisona sinqumo seBhodi, futhi, uma kwenzeka kuba nokulingana kwamavoti, umuntu owengamele umhlangano uyokuba nevoti elingujuqu ngaphezu kwevoti lakhe elisemthethweni.

(6) Isinqumo esithathwe iBhodi noma isenzo esenziwe ngemvume yeBhodi angeke sithathwe njengesingekho emthethweni ngenxa yokuthi kunesikhala esingakagcwaliswa kwiBhodi.

(7) IBhodi ingamema noma imuphi umuntu ukuba ethamele noma abambe iqhaza ezingxoxweni zayo mayelana nanoma iluphi udaba, kodwa lowo muntu angeke avote ezindabeni zeBhodi.

(8)(a) Ilungu leBhodi, elithinteka ngqo noma ngandlela thile kunoma iluphi udaba oludingidwa iBhodi, kumele likudalule lokho kuthinteka kwalo kwiBhodi.

(b) Ukudalula okuhlongozwe endimeni (a) kumele kuqoshwe kumaminithi omhlangano.

(c) Ilungu elihlongozwe endimeni (a) kumele lihoxiswe uSihlalo emhlanganweni, futhi akumele libe khona noma libambe iqhaza kunoma iziphi izingxoxo noma izinqumo zeBhodi mayelana nalolo daba.

(9) USihlalo kumele agcine irejista yabebethamele umhlangano okumele abhale kuyona amagama abo bonke abebethamele umhlangano ngamunye, namagama amalungu aphuthile emhlanganweni ebikile noma engabikanga.

(10) Isibhedlela kumele sihlizwe ngemisebenzi yezobubhalane kwiBhodi.

### **Imisebenzi kaSihlalo**

#### **6. USihlalo weBhodi kumele –**

(a) aqinisekise ukuthi iBhodi isebenzisa amandla ayo, yenza imisebenzi yayo futhi ifeza amajoka ayo njengoba kuhlongozwe eMthethweni futhi iyahambisana nezinhlinzako zoMthetho, zale mithethonqubo nezanoma imuphi omunye umthetho; futhi

(b) adalule kwiBhodi konke okuphathekayo nolwazi okungasiza iBhodi ekuthatheni izinqumo noma izinyathelo zayo.

### **Isihloko esifingqiwe**

7. Le mithethonqubo ibizwa ngeMithethonqubo yamaBhodi eziBhedlela yaKwaZulu-Natali, 2012.