

Do you need to register with us?

Before you submit an application to register with Healthcare Inspectorate Wales (HIW) you need to decide whether the service you are looking to provide or manage requires you to submit an application to us.

When deciding which independent health care services are required to register with us, we must take into consideration the Care Standards Act 2000¹ and The Independent Health Care (Wales) Regulations 2011². We also consider the National Minimum Standards for Independent Health Care Services in Wales³.

The Act, the regulations and the National Minimum Standards can be accessed via our website www.hiw.org.uk

HIW registers providers and managers of the following types of independent health care services **based in Wales**:

- Independent hospitals
- Independent clinics
- Independent medical agencies

HIW also registers providers and managers of private dental practices. Separate guidance is available on our website for providers and managers of private dental practices www.hiw.org.uk

Regulations 3, 4 and 5 of The Independent Health Care (Wales) 2011 Regulations describe the exceptions to registration. Providers are advised to refer to the legal and standards framework above that govern independent health care services in Wales when intending to provide services.

To carry on or manage a registerable independent health care service without being registered with HIW is an offence under section 11 of the Care Standards Act 2000. Failure to register when required may result in legal action being taken against you.

¹ <https://www.legislation.gov.uk/ukpga/2000/14/contents>

² <http://www.legislation.gov.uk/wsi/2011/734/body/made>

³ <https://gov.wales/national-minimum-standards-independent-health-care-services-wales-2011-no16>

The information in this section is provided as a general guide only. Health care services are provided in a number of different ways and by a variety of health care professionals. Where there is any doubt that registration may be required, providers are advised to contact HIW for advice by completing and submitting a [Registration Query Form](#) to the HIW Registration Team.

Independent hospitals and independent clinics

To be classed as an independent hospital or independent clinic, services must be provided from an **establishment**. HIW consider an 'establishment' to be a physical premises that has a degree of permanence and organisation.

Examples:

- A laser tattoo removal service that is provided Monday to Friday between 9:00am – 5:00pm in a leased retail unit or owned salon suggest permanent and organised arrangements are in place. Therefore an establishment exists.
- The same service provided on an ad hoc basis in a number of different retail units or in people's own homes may not suggest permanent and organised arrangements are in place. Therefore an establishment may not exist.

The service also has to be provided **regularly**. HIW considers services to be provided 'regularly' if they are provided at least monthly.

Independent Hospital

The Care Standards Act 2000 describes an independent hospital as:

- a) *an establishment*
 - i. *the main purpose of which is to provide medical or psychiatric treatment for illness or mental disorder or palliative care; or*
 - ii. *in which (whether or not other services are also provided) any of the listed services are provided;*
- b) *any other establishment in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983.*

The Care Standards Act 2000 and the Independent Health Care (Wales) 2011 describe 'listed services' as:

- Medical treatment under anaesthesia or intravenously administered sedation
- Dental treatment under general anaesthesia

- Obstetric services and, in connection with childbirth, medical services
- Termination of pregnancies
- Cosmetic surgery (other than ear and body piercing, tattooing, the subcutaneous injection of a substance or substances into the skin for cosmetic purposes and the removal of hair roots or small blemishes by the application of heat using an electric current)
- Treatment using prescribed techniques or prescribed technology (including treatment using Class 3B or 4 laser equipment, treatment using an intense pulsed light, circumcision of male children by a health care professional, haemodialysis or peritoneal dialysis, endoscopy, hyperbaric therapy and in vitro fertilisation techniques).

Generally, HIW considers non NHS establishments **in Wales** that provide any of the following services:

- Medical or psychiatric treatment or palliative care together with inpatient (overnight) beds
- **Listed services** (regardless of whether inpatient beds are provided)
- Treatment or nursing (or both) for persons liable to be detained under the Mental Health Act 1983.

to be **independent hospitals** which require providers and managers **to submit an application to register with us.**

Examples include:

- Private hospitals that provide a range of inpatient and outpatient health care services similar to those available in NHS hospitals
- Hospices
- Mental health hospitals
- Beauty salons that use Class 3B or 4 laser equipment for tattoo removal and/or treating other skin conditions
- Clinics providing circumcision of male children by a health care professional
- Clinics providing IVF.

Please note: Whilst the service may not be an independent hospital, registration may still be necessary as an independent clinic or independent agency (see below)

Independent clinics

The Care Standards Act 2000 describes an independent clinic as:

an establishment of a prescribed kind (not being a hospital) in which services are provided by medical practitioners (whether or not any services are also provided for the purposes of the establishment elsewhere).

But an establishment in which, or for the purposes of which, services are provided by medical practitioners in pursuance of the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 is not an independent clinic.

A **medical practitioner** is defined in The Independent Health Care (Wales) Regulations 2011 as a registered medical practitioner. A registered medical practitioner is defined in Schedule 1 of the Interpretation Act 1978 as "a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practice under that Act".

A person registered under the Medical Act 1983 is a doctor registered with the General Medical Council (GMC).

HIW considers **medical services** to be those services that require a medical practitioner to be registered with the General Medical Council in order to provide such services.

Generally, HIW considers establishments **in Wales**:

- Where private **only** medical services are provided regularly by **medical practitioners**

to be **independent clinics** which **require providers and managers to submit an application to register with us.**

Examples include:

- A consulting room where private GP services are provided
- A clinic where patients are seen by a consultant surgeon prior to and following cosmetic surgery procedures at a private hospital.

Please note: Whilst the service may not be an independent clinic, registration may still be necessary as an independent agency (see below).

Services provided in establishments in Wales by other **health care professionals** (not registered with the General Medical Council) do not usually require HIW registration, unless a listed service is being provided.

Other health care professionals include:

- Nurses registered with the Nursing and Midwifery Council (NMC)
- Optometrists and dispensing opticians registered with the General Optical Council (GOC)
- Osteopaths registered with the General Osteopathic Council (GOC)
- Chiropractors registered with the General Chiropractic Council (GCC)
- Pharmacists registered with the General Pharmaceutical Council (GPC)
- Chiropodists, podiatrists, physiotherapists, dieticians, hearing aid dispensers, occupational therapists, paramedics and psychologists registered with the Health and Care Professions Council (HCPC)⁴.

Independent Medical Agency

The Care Standards Act 2000 describes an independent medical agency as:

an undertaking (not being an independent clinic or an independent hospital) which consists of or includes the provision of services by medical practitioners.

But if any of the services are provided for the purposes of an independent clinic, or by medical practitioners in pursuance of the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, it is not an independent medical agency.

As a general rule, HIW considers **any** undertaking (business):

- Where private **only** medical services are provided regularly by **medical practitioners**, either individually or on behalf of a company, **based in Wales**

to be **independent medical agencies** which **require providers and managers to submit an application to register with us.**

In the case of medical agencies, there **does not have to be an establishment** (i.e a physical premises that has a degree of permanence and organisation) where patients are seen by **medical practitioners.**

⁴ For full list of professions see <https://www.hcpc-uk.org/>

Examples include:

- Online private GP services within pharmacies where the online provider company and or the doctor is based in Wales
- Services for people with a drug or alcohol dependency where treatment (medicine) is prescribed by a doctor in Wales and delivered in peoples' own homes.