

New Healthcare Regulations in Dubai

Andrea Tithecott - Partner, Head of Regulatory and Healthcare - Commercial / Regulatory / Legislative Drafting / Sustainability focused Corporate Governance / Sustainable Finance / Sustainable Business / Sustainable Sourcing / Climate Change & Energy Transition

a.tithecott@tamimi.com - Abu Dhabi

Christina Sochacki - Senior Counsel - Corporate / Mergers and Acquisitions

c.sochacki@tamimi.com - Jeddah

May 2016

This year, the Dubai Health Authority issued nine healthcare regulations which address developments in the delivery of healthcare in Dubai. While six of these regulations are new, others provide much needed updates to existing regulations in order to create a more robust and comprehensive regulatory framework to govern the licensing, practice, and delivery of healthcare services in Dubai.

According to the latest Dubai Health Authority (“DHA”) report, total healthcare spending in Dubai for 2014 was AED 12.77 billion, up from AED 10 billion in 2012. Thirty percent was funded by the Dubai government, forty-five percent through private sector employers and corporations, and twenty-five percent by households, being families and individuals. As demand for cosmetic and aesthetic procedures grows, both with residents and medical tourists, further guidelines are needed for investors seeking to fulfil demand. The following recently issued regulations seek to improve quality standards in healthcare facilities and ensure continuous development of Dubai’s health and medical professionals.

Comprehensive Oncology Regulation

This new regulation seeks to be a comprehensive base for the assessment of oncology services – medical oncology, radiation oncology, and surgical oncology. The provision of oncology services is limited to hospitals, or a unit attached to a hospital, day surgical centres, and cancer treatment centres. As with other healthcare services, the provision of oncology services is subject to licensure under the DHA. These requirements apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas.

As a part of a comprehensive oncology treatment plan, the regulation promotes the incorporation of palliative care as part of the care plan provided by the health facility. Detailed in the regulation are facility licensure requirements, general facility design considerations, oncology service delivery standards, healthcare professional staffing and licensure requirements, and patient care and assessment standards.

Hyperbaric Oxygen Therapy Service Standards

This new standard applies to healthcare facilities providing hyperbaric oxygen therapy (“HBOT” and “HBOT Standard”) services. HBOT treatment is defined under the HBOT Standard as “a treatment in which the patient is placed in a chamber and breathes near 100% oxygen or special mixed gases at higher than local atmospheric pressure”. The demand for this treatment has grown as the prevalence of diabetes has increased in the Emirate. The provision of HBOT services is limited to hospitals, day surgical centres, and outpatient care facilities with certain specialities. As with other healthcare services, the provision of HBOT services is subject to licensure by the DHA. In addition to governing the delivery of HBOT services, the HBOT Standard stipulates the requirements of licensure, professionals carrying out the HBOT care, facility location and configuration, and patient care delivery. These requirements apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas, except facilities regulated

by the Dubai Healthcare City Authority.

Laser and IPL Hair Reduction Standards

This standard (“IPL Standard”) revises and updates the previous standard on the topic, which was implemented in 2011. The IPL Standard sets out the minimum requirements for health facilities (hospitals, day surgical centres, and outpatient care facilities) providing light amplification by stimulated emission of radiation (“laser”) and intense pulsed light (“IPL”) services for hair reduction. These minimum standards are a prerequisite to obtaining and maintaining licensure by the DHA for such activities. The scope of the standards includes laser and IPL treatment for hair reduction but does not include the application of laser treatment in any other type of procedure. These requirements apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas, except the facilities regulated by the Dubai Healthcare City Authority.

Sleep Laboratory Guidelines

The number of sleep laboratories in the Emirate has grown over the past few years due to a growth in the demand for these services. This guideline (“Sleep Guidelines”) outlines the basic mandatory requirements to ensure that health facilities and healthcare professionals provide a certain basic level and quality of care to patients with sleep disorders. The Sleep Guidelines covers sleep studies performed at a sleep laboratory, such as polysomnogram (“PSG”), multiple sleep latency tests (“MSLT”), and maintenance of wakefulness test (“MWT”). Such studies can be performed health facilities licensed as hospitals and outpatient care facilities with certain twenty-four hour services. The Sleep Guidelines enumerate the requirements for facility licensure, general facility design considerations, healthcare professional staffing and licensure, and patient care and safety. These requirements apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas, except the facilities regulated by the Dubai Healthcare City Authority.

Hair Transplant Service Standards

This standard (“Hair Transplant Standards”) outlines the basic mandatory requirements for a health facility (hospitals, day surgical centres, and outpatient care facilities) to be licensed and to maintain such licensure to provide hair transplant services. The Hair Transplant Standards defines hair transplantation as a surgical method of hair restoration. Such methods of hair transplantation include follicular unit hair transplantation and mini-micro-grafting transplantation. As with other healthcare services, the provision of hair transplant services is subject to licensure under the DHA. Enumerated in the Hair Transplant Standards are requirements for facility licensure, general facility design considerations, healthcare professional staffing and licensure, patient selection, preoperative counselling and informed consent, and patient care and assessment. The Hair Transplant Standards apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas, except the facilities regulated by Dubai Healthcare City Authority.

Colon Hydrotherapy Guidelines

These guidelines (“Colon Hydrotherapy Guidelines”) outline the basic mandatory requirements for a health facility (specialty clinic or polyclinic with certain specialties) to be licensed, and to maintain such licensure, to provide colon hydrotherapy services. Enumerated in the Colon Hydrotherapy Guidelines are requirements for facility licensure, general facility design considerations, healthcare professional training and licensure, and patient care.

The Colon Hydrotherapy Guidelines define colon hydrotherapy as the irrigation and cleansing of the colon. Specifically prohibited is the provision of colon hydrotherapy in an independent health facility that provides only this service. Further, the Colon Hydrotherapy Guidelines require the equipment used in the provision of colon hydrotherapy to be approved by the Ministry of Health in the UAE and at least of the following international authorities: Food and Drug Administration, Health Canada, Conformité Européenne, or

Australian Register of Therapeutic Goods.

The Colon Hydrotherapy Guidelines apply to semi-governmental and private healthcare facilities, as well as those operating in free zone areas, except the facilities regulated by the Dubai Healthcare City Authority.

Areas of clinical expertise under new Scope of Practice and Clinical Responsibilities regulations:

General Practitioner	Family Medicine	Obstetrics and Gynaecology
Adolescent health	Adolescent health	Antenatal care
Cardiology	Allergy and immunology	Early pregnancy care
Dermatology	Cardiology	Maternal medicine
Emergency and urgent care	Care of the surgical patient	Management of labour
End of life care (Palliative care)	Chronic illness care	Management of delivery and intra-partum complications
Endocrinology	Dermatology	Postpartum care
ENT and eye care	Emergency and urgent care	Fetal medicine
Gastroenterology	End of life care (Palliative care)	Gynaecological care
Genetics	ENT and eye care	Urogynaecology and pelvic care
Geriatrics	Genetics	Surgical procedures and postoperative care
Gynaecology and women's health	Geriatrics	Sexual and reproductive health
Musculoskeletal	Gynaecology and women's health	Termination of pregnancy
Occupational health	Maternity care	Female sterilization and reproduction
Oncology	Men's health	Infertility
Pediatrics	Mental health	Gynaecological oncology
Public health	Musculoskeletal	
Respiratory	Neurology	
Sexual health	Nutrition	
Substance abuse	Occupational medicine	
Urology	Oncology	
Travel medicine	Pediatrics	
	Respiratory	
	Substance use disorders	
	Travel medicine	

Scope of Practice and Clinical Responsibilities - Family Medicine

This new version of the scope of practice and clinical responsibilities of family medicine sets out a more a more comprehensive framework for the family medicine physician's general scope of practice as well as

required areas of clinical expertise.

The family medicine title, issued by DHA, is awarded to physicians who meet the Professionals Qualification Requirements. Licensing is issued under one of the following titles: consultant; specialist; or specialist under supervision. Family medicine physicians licensed by the DHA may practice in a hospital, day surgical centre, outpatient care facility (including polyclinics), specialty clinics, and home healthcare facilities.

Family medicine is defined as the medical specialty which provides continuing, comprehensive healthcare for the individual and family, integrating the biological, clinical and behavioural sciences. “The scope of practice of family medicine physicians encompass all ages, both genders, each organ system and every disease entity”.

Scope of Practice and Clinical Responsibilities - General Practitioner

This new version of the scope of practice and clinical responsibilities of a general practitioner sets out a more a more comprehensive framework for the family medicine physician’s general scope of practice as well as required areas of clinical expertise.

The General Practitioner (“GP”) title, issued by DHA, is awarded to physicians who meet the Professionals Qualification Requirements. These requirements include the completion of a basic medical degree from an accredited institution and, with limited exceptions, the successful completion of the required training and clinical experience. A GP licensed by the DHA may practise in a hospital, day surgical centre, outpatient care facility (including polyclinics), general clinics, home healthcare facilities, and school clinics.

A GP, also known as general practice physician or general physician, is described as a physician who practises general medicine, which is neither limited to any particular area of medicine or specialty nor limited by age, gender, body system, disease process or service site. Part of the GP’s role is to provide “general diagnosis and treatment for patients in all aspects of general medicine within their physical, psychological, social, cultural and existential dimensions”.

Scope of Practice and Clinical Responsibilities - Obstetrics and Gynaecology

This new scope of practice and clinical responsibilities for obstetrics and gynaecology practitioners sets out a comprehensive framework for the obstetrics and gynaecology physician’s general scope of practice as well as required areas of clinical expertise.

An obstetrician or gynaecologist title, issued by DHA, is awarded to physicians who meet the Professionals Qualification Requirements. Licensing is issued under one of the following titles: consultant; specialist; or specialist under supervision. An obstetrician or gynaecologist licensed by the DHA may practice in a hospital, day surgical centre, outpatient care facility (including polyclinics or speciality clinics), and fertility centres.

The practise of obstetrics and gynaecology is described as the integrated medical and surgical care of women’s health throughout their lifespan. “The combined discipline of obstetrics and gynaecology requires extensive study and understanding of reproductive physiology, including the physiologic, pathologic, social, cultural, environmental and genetic factors that influence disease in women”. The scope of practice includes preventive health, reproductive health, gynaecological surgery, and maternal and fetal care for women of all ages.

What’s Next

As more specialist healthcare services advance across the Emirate and investors continue to bring new and innovative care delivery models to the UAE, we can expect to see the DHA continues to review, update, and add new regulations to the current healthcare regulatory framework.

As the Emirate seeks to compete on an international level, we can expect the DHA to take a tougher stance on any violations of the regulations through the issuance of warning letters, financial fines, and, in some cases, revocation of licensure.