

## HEALTHCARE REGULATIONS 2022

Regulations to apply certain health sector laws of the Emirate of Abu Dhabi in the Abu Dhabi Global Market and to make provision for connected purposes.

Date of Enactment: 2 January 2023

The Board of Directors of the Abu Dhabi Global Market, in exercise of its powers under Article 6(1) of Law No. 4 of 2013 concerning the Abu Dhabi Global Market, as amended, issued by His Highness the Ruler of the Emirate of Abu Dhabi, hereby enacts the following Regulations.

### 1. General prohibition

- (1) The practice of any activity in the Health Sector in or from the Abu Dhabi Global Market is a Controlled Activity if it is carried on by way of business.
- (2) No person may practice any activity in the Health Sector in or from the Abu Dhabi Global Market, or purport to do so, unless that person is a Health Professional or a Health Facility.

### 2. Application of Applicable Health Sector Laws

- (1) The Applicable Health Sector Laws, apply and have legal force in, and form part of the law of, the Abu Dhabi Global Market:
  - (a) In so far as they are applicable to the circumstances of the Abu Dhabi Global Market;
  - (b) Subject to such modifications as those circumstances require and as approved by the Board from time to time; and
  - (c) Subject to any amendment thereof (whenever made) pursuant to any ADGM Regulations.
- (2) In the event of any conflict or inconsistency between any provisions of the Applicable Health Sector Laws applicable in the Abu Dhabi Global Market by virtue of section 2(1) and any provision of the ADGM Regulations, the former shall prevail.
- (3) In relation to any Applicable Health Sector Laws, unless the context otherwise requires or unless specified otherwise in these Regulations:
  - (a) Any reference in such Applicable Health Sector Laws to the State, the United Arab Emirates, UAE, the Emirate of Abu Dhabi or the Emirate means a reference to the Abu Dhabi Global Market, and related expressions will be construed accordingly, except where such references are used:
    - (i) To describe or refer to the nationality of a natural person;
    - (ii) In the context of matters within the jurisdiction of the Federal Authority for Identity, Citizenship, Custom and Port Security, including, but not limited to, residency, visas and entry permits;

(iii) To describe or refer to the jurisdiction, powers and/or responsibilities of the Ministry of Health, the Department of Health or any other person having regulatory or supervisory authority in the United Arab Emirates or the Emirate of Abu Dhabi;

or

(iv) To describe or refer to the coverage of health insurance schemes in the Emirate of Abu Dhabi, in which case such references will mean a reference to the Emirate of Abu Dhabi , including the Abu Dhabi Global Market.

(b) Any reference in any other ADGM Regulations to such Applicable Health Sector Laws means a reference to such Applicable Health Sector Laws as applied and having legal force in, and forming part of the law of, the Abu Dhabi Global Market by virtue of these Regulations;

(4) The Board may, in any manner it thinks fit, publish copies of the Applicable Health Sector Laws which apply and have legal force in, and form part of the law of, the Abu Dhabi Global Market, reflecting such revisions as are made by these Regulations.

(5) Any disputes arising out of the application and implementation, in the Abu Dhabi Global Market, of the Applicable Health Sector Laws shall be resolved by the competent court in accordance with the Applicable Health Sector Laws.

### **3. Procedure for issuing commercial licences for Health Facilities**

(1) The process to obtain a commercial licence in the Abu Dhabi Global Market for a Health Facility is:

(a) The Registrar will consider applications from applicants for the issuance, renewal or modification of commercial licences for Health Facilities in the Abu Dhabi Global Market (the **Application**);

(b) If the Registrar agrees to process the Application, the Registrar will refer the Application to the Department of Health for technical pre-approval and request that the Department of Health consider the Application (and any other documents it requires in accordance with the requirements, standards and conditions applicable to the Department of Health) for technical pre-approval; and

(c) Following the issuance of the technical pre-approval by the Department of Health, the Registrar will finalise the processing of the Application and grant the commercial licence.

(d) Following the issuance of the commercial license, the Registrar will refer the applicant to the Department of Health to obtain the final license to practice the activity in the Health Sector.

(2) Applicants must not practice any activity in the Health Sector in or from the Abu Dhabi Global Market unless:

(a) The Registrar issues a commercial licence; and

(b) The Department of Health issues a final license in respect of the Application.

#### **4. Monitoring and compliance of Health Facilities and Health Professionals**

- (1) The Department of Health shall have the right to monitor, inspect and review compliance by the Health Facilities licensed in Abu Dhabi Global Market and all Health Professionals employed or engaged by them with the technical standards, requirements, conditions and procedures imposed by the Department of Health.
- (2) Health Facilities licensed in Abu Dhabi Global Market must ensure that all Health Professionals employed or engaged by them comply with the technical standards, requirements, conditions and procedures imposed by the Department of Health and that they are appropriately licensed by the Department of Health as set out in the Applicable Health Sector Laws.

#### **5. Objection to violations and judicial review**

- (1) Any Health Sector Provider or a person subject to a violation or penalty pursuant to the Applicable Health Sector Laws may object to the subject matter of the alleged violation or penalty at the Department of Health or in the competent court in accordance with the Applicable Health Sector Laws.
- (2) Nothing in these Regulations affects the jurisdiction of the ADGM Courts to review any decision, action or failure to act by the Registrar in relation to the Registrar's powers under these Regulations or other ADGM Regulations.

#### **6. Fees**

- (1) Without prejudice to the Registrar's power to collect fees and fines under other ADGM Regulations, the Registrar may set, apply and collect all fees in relation to Applications it processes under section 3 in accordance with ADGM Regulations.
- (2) The Department of Health may set, apply and collect fees and fines in relation to:
  - (a) Applications it processes in accordance with section 3;
  - (b) Its activities with respect to the monitoring and inspecting of Health Sector Providers operating in the Abu Dhabi Global Market; and
  - (c) Violations recorded pursuant to the Applicable Health Sector Laws and issued against Health Sector Providers operating in the Abu Dhabi Global Market.

#### **7. Interpretation**

In these Regulations, unless the context indicates otherwise, the defined terms listed below shall have the corresponding meanings. Any capitalised terms in these Regulations that are not defined below shall have the meanings given to them in the Interpretation Regulations 2015:

- (a) "ADGM Regulations" has the meaning given in the Interpretation Regulations 2015;
- (b) "Applicable Health Sector Laws" means any law of the Emirate of Abu Dhabi as amended from time to time and any rules, orders, decrees, resolutions, by-laws, policies, standards, circulars, guidelines, notifications or similar measures

adopted from time to time pursuant to that law which concerns a Health Sector Provider or a person practicing any activity in the Health Sector;

- (c) "Controlled Activity" is an activity (for the purposes of these Regulations) that falls within a description of activity specified as a controlled activity in rules made by the Board;
- (d) "Department of Health" means the Department of Health Abu Dhabi, as established by Abu Dhabi Law No. 10 of 2018;
- (e) "Health Facility" means any government person or private person based in the Abu Dhabi Global Market that is licensed in accordance with the Commercial Licensing Regulations 2015 to practice any activity in the Health Sector;
- (f) "Health Professional" means a natural person who is licensed by the Department of Health to practice any activity in the Health Sector in the Abu Dhabi Global Market;
- (g) "Health Sector" means the areas of health, treatment, prevention, convalescence, medical products, health insurance, public health, preventive health, health education and information, outpatient treatment, health and pharmaceutical researches by companies, hospitals, clinics, treatment centers, research centers of all specialties, pharmacies, warehouses, marketing offices, pharmaceutical consulting offices, pharmaceutical laboratories, factories for medical products, whether they are public or private, and other persons operating in the public or private health area, whether they are owned or managed by a natural or legal person in the Emirate of Abu Dhabi, including persons which provide health services or supply tools and products to the different health areas;
- (h) "Health Sector Providers" means a Health Facility and/or a Health Professional;
- (i) "Registrar" has the meaning given in the Interpretation Regulations 2015.
- (j) "Ministry of Health" means the Ministry of Health and Prevention in the United Arab Emirates.

## **8. Short title, extent and commencement**

- (1) These Regulations may be cited as the Healthcare Regulations 2022.
- (2) These Regulations shall apply in the Abu Dhabi Global Market.
- (3) During the period commencing on the effective date of Cabinet of Ministers' Resolution No. (41) of 2023 and ending on 31 December 2024, these Regulations shall not apply to any natural or legal person licensed by the Department of Health to carry out economic, commercial or professional activity in the Health Sector from a permanent establishment located within the geographical area of Al Reem Island, provided such person does not carry out an activity falling outside the scope of such licence and provided further that nothing herein shall prevent such person from applying for a licence under the Regulations. Upon the grant of the licence to such person under the Regulations, he shall cease to be exempt.

- (4) These Regulations shall come into force on the date of their publication. The Board may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Regulations as the Board thinks fit.