

# **ORDINANCE FOR THE MEDICAL CARE ON SEAGOING VESSELS\***

*The Ordinance for the Medical Care on Seagoing Vessels dated 25th April 1972 (BGBl.[Federal Law Gazette] I p. 734) came into force on 1st May 1972 and was amended by the Amendment Ordinance of 8th December 1987 (BGBl. I p. 2553) and by the Amendment Ordinance of 22nd April 1996 (BGBl. I p. 631). It is now valid as amended by Article 1 of the Third Amendment Ordinance of 5th September 2007 (BGBl. I p. 2221).*

*The Ordinance for the Medical Care on Seagoing Vessels, including its appendices, is reproduced here in the version currently valid.*

## SECTION ONE

### **GENERAL REGULATIONS**

#### **§ 1 General Obligation to Provide Facilities**

Merchant vessels flying the German flag and their lifeboats, rescue boats, inflatable liferafts and inflatable boats approved for use as lifeboats shall be equipped with medicines, medical devices and other aids for the care of the sick in compliance with the regulations of this Ordinance and its appendices.

#### **§ 2 Responsibility**

(1) The shipowner and, insofar as there is a need to restock during the voyage, the master shall be responsible for the proper supply of medicines, medical devices and other aids on board according to the Appendix, parts A and B.

(2) The ship's doctor or, on ships without a ship's doctor, the master or the ship's officer in charge of the proper care of the sick shall be responsible for the storage of the medicines, medical devices and other aids and for compliance with the provisions to be observed for the dispensing of medicines and medical devices and for the labelling of the medicine packages.

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\* This is not an officially sanctioned translation.

(3) The shipowner shall ensure that the certificate of proficiency of the master or ship's officer in charge of the proper care of the sick in the sense of Para 2 was first issued no more than five years ago, or that the master or responsible ship's officer has within the last five years participated in a refresher course in medical training that is approved by the responsible authority according to national law (hereinafter referred to as "the Authority").

### **§ 3 Reporting to the Master and the Authority**

(1) The ship's doctor or ship's officer in charge of the proper care of the sick shall report to the master on health-related conditions on board, and shall present the medical logbook to the master on request.

(2) After every voyage, the master shall report to the Authority on all circumstances of relevance for the health conditions. The duty of the ship's doctor and of the master to submit reports according to other regulations is not affected by this requirement.

### **§ 4 Official Inspection**

(1) When the ship is commissioned, the shipowner shall arrange for the rooms and facilities for the care of the sick to be inspected by the See-Berufsgenossenschaft, and for the supply of medicines, medical devices and other aids to be checked by the Authority. At intervals not exceeding 12 months, the shipowner shall arrange for further inspections by the Authority of the rooms, their facilities and their equipment.

(2) Inspection of the medicines, medical devices and other aids specified in lists A 1 and A 2 of the Appendix, part B, shall be carried out on board by a doctor assigned by the Authority. For checking the equipment according to lists A 1 and A 2 of the Appendix, part B, a pharmacist may be called in, but a pharmacist shall always be called in when checking according to No. 5 (ships with ship's doctor) of the Appendix, part A.

(3) The first-aid boxes for lifeboats, rescue boats, inflatable liferafts and inflatable boats shall be checked by the Authority and sealed with a lead seal stamped with the year on delivery and on the occasion of the annual inspection of the ship's dispensary, and the first-aid boxes in inflatable liferafts shall be so inspected and sealed when undergoing the prescribed servicing.

(4) After any deficiencies have been remedied, an inspection certificate shall be issued, stating the list against which the check has been carried out. The certificate shall be kept by the master and shall be presented to the authorities on demand.

(5) Where a ship is commissioned outside the area in which these regulations have legal force, or where twelve months have elapsed since the last inspection of the ship and the ship is not due to arrive for the next six months in the area in which these regulations have legal force, the master shall arrange for the supply of medicines, medical devices and other aids to be checked by a responsible German consulate. Paragraphs 2 and 4 apply correspondingly. § 12 is not affected.

(6) The Authority is entitled, outside the scope of these inspections, to enquire into the condition of the rooms and the facilities and into the supply of medicines, medical devices and other aids.

### **§ 5 Definition of Terms**

For the purposes of this Ordinance, the term "persons" used in conjunction with a number shall mean the total number of persons who may be on board in compliance with the Safety Equipment Certificate or the Passenger Ship Safety Certificate. The term "employee" refers to any person who performs a professional activity on board, with the exception of harbour pilots and non-seafaring personnel who perform work on board a ship lying at the quay.

### **§ 6 Range of Trade, Fishing Limits**

The definitions specified in § 2 Para 5 No. 5 and 7 to 13 of the Ordinance for the Safety of Seagoing Ships in the edition of 1st July 1997 shall continue to be applied for the purposes of this Ordinance.

SECTION TWO

**ROOMS, EQUIPMENT**

**§ 7 Treatment Room**

(1) Ships in intermediate and long-distance trade as well as ships whose construction, according to the classification certificate, is adequate for these trade ranges shall have a special treatment room. The same applies to fishing vessels carrying more than 45 persons and to ships engaged in great and small coastal trade and carrying more than 75 persons.

(2) Other ships with a gross tonnage of 500 GT or more, with 15 employees or more on board, and whose sea voyages last longer than 3 days, shall provide a room in which the medical care can be performed under satisfactory hygienic conditions.

(3) The treatment room on ships according to Para 1 shall comply with the generally accepted technical requirements for rooms used for medical purposes; these also include unanimously adopted guidelines of the Working Group of the Coastal States for Ship's Hygiene that have been approved by the See-Berufsgenossenschaft. Entrance, examination couch, illumination, ventilation, heating, water supply and water disposal shall be arranged so that proper treatment is ensured. The treatment room shall be provided with communication facilities permitting a radio link for direct consultation with a doctor during the care of the sick.

(4) A spare key shall be kept in a glazed cabinet next to the entrance door.

(5) Insofar as there is no patients' room in accordance with § 8 Para 5, the treatment room shall also be suitable for the brief accommodation and care of sick persons. The examination couch shall be free-standing on three sides with at least one metre of space, and shall be equipped with a safety device to prevent the patient from falling out. A WC for the exclusive use of the sick person shall be provided in the treatment room or in its immediate vicinity.

**§ 8 Patients' Room**

(1) Ships in intermediate and long-distance trade, ships whose construction, according to the classification certificate, is adequate for these trade ranges, fishing vessels with a gross tonnage of 500 GT or more, and passenger ships with more than 75 persons whose voyages last for more than 12 hours shall be provided with a patients' room; its location, entrance, beds, illumination, ventilation and heating shall be such that proper care for sick persons is ensured. Inner rooms of the ship shall not be used as patients' rooms. The patients' room shall be available immediately whenever required.

(2) The patients' room shall be easy to clean and to disinfect; its arrangement and fittings shall be compatible with its use as a patients' room. Each bed shall have at least twelve m<sup>3</sup> of air space or at least ten m<sup>3</sup> of air space if there are more than two beds. A calling system shall be provided which actuates visual and acoustic signals on the bridge and in the alleyway outside the patients' room; this requirement shall be regarded as fulfilled if the patients' room is included in a general calling system with the same functions. The entrance shall be wide enough to enable a sick person to be carried in on a stretcher. A spare key shall be kept in a glazed cabinet next to the entrance door.

(3) The patients' room shall be provided with least one bed on ships carrying up to 30 persons and with at least two beds on ships carrying from 31 to 75 persons. Beds and bedding shall be of the type used in hospitals. They shall be equipped with a safety device to prevent the patient from falling out. At least one bed per room shall be free-standing on three sides with at least one metre of space. Where the height of the patients' room is at least 210 cm and the number of beds is greater than two, the third and further beds may be fitted as upper berths. The lower berth shall be at least 50 cm above the floor and the upper berth shall be located midway between the lower berth and the underside of the deck beams or their covering. The distances shall be measured from the upper edge of the bed frame. It shall be possible to fold up the upper berth. The underside of the upper berth and the ceiling shall be smooth. Projecting edges shall be rounded and padded.

(4) On ships with more than 75 persons, the number of patients' rooms and their equipment will be determined by the See-Berufsgenossenschaft in agreement with the Authority.

(5) On ships carrying up to 30 persons, the necessity for a patients' room according to Para 1 can be waived if each person has an own cabin with a separate sanitary/bath unit with washbasin, shower and WC as well as a calling system according to Para 2 clause 3 or a telephone installation is present.

(6) From their tenth birthday, sick persons shall be accommodated separately according to their sex.

## **§ 9 Operating Theatre**

Ships which are required by § 15 to have a ship's doctor shall be equipped with, besides the treatment room, a special operating theatre having a floor area of at least ten m<sup>2</sup>. The equipment of the operating theatre shall be compatible with its purpose, and the operating theatre shall meet the generally accepted technical requirements for rooms used for medical purposes.

## **§ 10 Sanitary Arrangements**

- (1) Each patients' room shall be provided with a ventilation facility, shower or bathtub, a washbasin and a lavatory with a wall-mounted device for dispensing disinfectant solutions. The water fittings shall not be self-locking.
- (2) The lavatory shall be directly accessible from the patients' room and shall be fitted with a calling system as per § 8 Para 2. It shall meet the generally accepted technical requirements for rooms used for medical purposes.

## **§ 11 Air Conditioning System**

On ships carrying more than 75 persons, the treatment rooms, patients' rooms, operating theatres, washrooms and lavatories shall be fitted with an air conditioning system. On other ships, these rooms shall be connected to the air conditioning system, if such a system is provided.

## **§ 12 Approval of the Construction and Layout Plans**

- (1) Whoever orders the building of a ship
  1. shall, before the construction of the ship is started, submit together with details of the ship's complement and range of trade, construction plans of the ship showing the location of the rooms intended for the care of the sick; and
  2. shall, before the construction of these rooms is started, submit plans showing in particular the proposed application of each room, layout of its appointments, the nature and arrangement of the ventilation, illumination, heating, air-conditioning and water-supply systems and the disposition of the sanitary arrangements to the See-Berufsgenossenschaft and shall obtain approval for these plans. The See-Berufsgenossenschaft thereby acts in consultation with the Authority.
- (2) Para 1 No. 2 applies in a similar manner where substantial modifications are to be made to the rooms and facilities used for the care of the sick.
- (3) The actual construction of the ship may not depart from the plans without the consent of the See-Berufsgenossenschaft.

## **§ 13 Exceptions**

(1) In individual cases, the See-Berufsgenossenschaft may authorize exemptions from the requirements of § 7 (treatment room), § 8 (patients' room), § 10 Para 2 (location of the lavatory) and § 21 Para 1 clause 1 (dimensions and arrangement of the dispensary), and may exempt the Authority responsible for the port of registry from the requirements of the Appendix, parts A and B, provided that it is guaranteed that this will not jeopardize the care of the sick.

(2) For exceptions from the requirements of § 21 Para 1 clause 1, the arrangement principle of the stowage plan according to the Appendix, part F, shall be observed.

(3) Ships for which the Federal Minister of Transport - acting in accordance with § 10 of the Law of the Flag in the version of the publication of 26th October 1994 (BGBl., I, p.3140), last amended by Article 326 of the Ordinance of 31st October 2006 (BGBl. I p. 2407) in the respective current version - has given authorization for the flying of the German flag during the initial voyage of conveyance to another port, are required, in compliance with directions issued by the See-Berufsgenossenschaft and agreed in consultation with the authorities, to comply with the provisions of these regulations regarding the rooms and facilities for the care of the sick and the supply of medicines, medical devices and other aids only to the extent that is necessary to ensure adequate care of the sick during the voyage of conveyance.

## **§ 14 Consultation**

Before arriving at a decision in the cases mentioned in § 13 Para 1, the See-Berufsgenossenschaft shall obtain views of the Working Group of the Coastal States for Ship's Hygiene. It need not obtain these views if, in reaching a decision, it complies with guidelines which have been unanimously agreed by the Working Group.