

ASSAM HEALTH ESTABLISHMENTS (AMENDMENT) ACT, 2006

Registered No. 768/97 THE ASSAM GAZETTE EXTRA ORDINARY BY AUTHORITY 186 frxT9F, 18 2006, 27 xTtēCT, 1928 No. 186 Dispur, Friday, 18th August, 2006, 27th Sravana, 1928 (S.E.) GOVERNMENT OF ASSAM ORDERS BY THE GOVERNOR LEGISLATIVE DEPARTMENT LEGISLATIVE BRANCH NOTIFICATION The 17th August, 2006 No. LGL. 85/2003/39. -- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information. ASSAM ACT NO. IX OF 2006 (Received the assent of the Governor on 11th August, 2006) THE ASSAM HEALTH ESTABLISHMENTS (AMENDMENT) ACT, 2006. ACT further to amend the Assam Health Establishments Act, 1993. Whereas it is expedient further to amend the Assam Assam Preamble Health Establishments Act, 1993. hereinafter referred to Act. XVII as the principal Act in the manner hereinafter appearing ; of 1993 It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows : Short title. extent and commencement 1. Amendment of section 3 2. (1) This Act may be called the Assam Health Establishments (Amendment) Act, 2006. (2) It shall have the like extent as the principal Act. (3) It shall come in to force at once save and except the provisions of clause (f) of sub-section (3) of section 9 which shall come into force on such date as the Government may, notification in the Official Gazette, appoint. In the principal Act, the existing section 3 shall be renumbered as section 3(a) and after clause (a) so renumbered, the following clause shall be inserted as clause (b), namely:- 1310 THE ASSAM GAZETTE EXTRAORDINARY AUGUST 18 2006 Amendment of section 9 Amendment of section 10 3. 4, "(b) If any Health Establishment is found functioning without a license granted under this section at any point of time, the Inspecting Officer shall be competent to seal the Health Establishment forthwith and without any notice." In the principal Act, in section 9, sub-section (1) shall be renumbered as sub- (i) section (1)(a) add after clause (a) so renumbered, the following clause (b) shall be inserted, namely (ii) "(b) Every application for registration and grant of license shall be accompanied by full particulars of doctors serving in the Health Establishment with a declaration stating specially that no doctor in the Health Establishment in respect of which the registration has been applied for under this Act, is in Government service : "Provided that no doctor who is in government service shall be engaged by any Health Establishment during his official duty hours and that too without prejudice to emergency call duties of such doctor(s). in sub-section (3), after clause (e), the following clause shall be inserted , namely "(f) the Health Establishment is proposed to be establishment within a radius of five kilometers from any existing government hospital in case of Guwahati Metropolitan district and within a radius of three kilometers of any government hospitals in any other district : Provided that in regard to private Health Establishments providing Superspeciality care, the above condition shall not apply." In the principal Act, in for the existing clause (a), the following shall be substituted, namely :- "(a) that Health Establishment shall not be used for immoral and illegal acts or purposes : Provided that no Health Establishment shall carry out Pre-natal sex- determination tests and shall strictly comply with the provisions of Central (ii) the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994." for the existing clause (c), the following shall be substituted, namely :- Act No.57 of 1994 THE ASSAM GAZETTE EXTRAORDINARY AUGUST 18 2006 1311 (iii) (v) "(c) that adequate arrangement shall be made for proper disposal of garbage, bio-medical waste, other chemical wastes and such other materials, equipments and appliances which have become unfit for further use, in accordance with the procedure prescribed for the purpose as per the provisions of the relevant laws/rules in force in this regard" in clause (cc) in sub-clause (iii), for the existing proviso, the following provisions shall be substituted, namely "Provided that the number of qualified resident doctors, qualified staff nurses and other nurses, equipments including. lifesaving devices, para-medical and other staff shall. be such as may. be specified under the condition license and as may be notified by the Health Authority from time to time : Provided further that the Health Establishments shall prescribe duty hours for doctors and other para-medical to be displayed at a conspicuous place of the Health Establishment." in clause (cc), for (vii). the following. shall be substituted, namely - "(vii) that the Health Establishment shall have adequate parking place (Or vehicles, doctors. patients, visitors and hospital. The Health Establishment shall also provide Ambulance and make adequate arrangements. for fire fighting as may be specified by the District Fire Services; Electrical Installations shall have to be certified by the Chief Electrical Adviser;" in clause (cc), after sub-clause

(viii), the following sub-clauses (ix) and (x) shall be inserted, namely "(ix) every nursing home shall maintain a Morgue ; and (x) every nursing home and Charitable Health Establishment shall participate in National Health Community Health Programmes as required by the Government from time to time"

1312 THE ASSAM GAZETTE, EXTRAORDINARY. AUGUST 18. 2006 Amendment of section 14 "Appointment of Inspecting Officers and their powers"

5. In the principal Act, for section 14, the following shall be substituted, namely 14. District Magistrate such officer as authorized by him and Sub-divisional Magistrate and the Joint Director of Health Services of the district shall be Inspecting Officers within their respective jurisdiction and shall be competent to take any action as authorized under the provisions of this Act provided that the Joint Director of Health Services of the district or any Health Officer not below the rank of Sub-divisional Medical and Health Officer as authorized by him shall assist the District Magistrate his authorized officer and the Sub-Divisional Magistrate as may be required from time to time for carrying out the provisions of this Act." M. K, DERA, *Sew. to the Govt. of Assam, Legislative Department, Dispur. GUWAHATI - Printed and published by the Dy. Director(P&S) Directorate of Ptg. and Sty., Assam Guwahati-21 (Ex-Gazette) No.

