

CHHATTISGARH STATE UPCHARYAGRIHA TATHA ROGOPCHAR SAMBANDHI STHAPNAYE ANUGYAPAN ADHINIYAM, 2010

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medical practitioner registered in tiny State in India under any law the lime being in the registration of medical practitioners. "Qualified DentiSt" means a person possessing qualification recognized by the Dental Council Act. "Radiologist" means a medical practitioner that deals with the study and application of imaging technology like X-ray and radiation to diagnose and treat disease related therewith. "Qualified Midwife" means a midwife oran auxi)igcy nursezmidwife who. pb'sesses any of the qualifcatiOns included in section B or C, as the case may be, of part I ot' the Schedule to-the Indian Nursing Council Act. 1947 (48 of 1 947), and who is enrolled as a mid-wife Or as an nurse-midwifu in a State. ' •Qualifieq Nurse" means a person who possesses the qualifications included in section A of Part I of the. Schedule to the Indian Nursing Council Act 1947 (48 of 1947) and who is enrolled as a nurse. "Register" means a register maintained under this Act and the expression "registered" and "registration" shall be construed accordingly. "Supervisory Authority" means the person or authority appointed by the State Government by notification to perform all or any Of the [unctions Of the super- vising authority as specified under this Act. "Notifiable disease" means a disease which a Registered Medical Practitioner is required to notify to the Chief Medical and Health Officer his area under the law for the time being in force. "Trained Nurse" means nurses who have taken training or six months duration at government recognize institutions. She will only work under the supervision of qualified nurse as above defined. CHAPTER-11 3. 4. 5

6. Any person, company, corporate body or association/partnership lirm who intend to setup a nursing home or a clinical establishment as defined in this Act shall apply to the supervisory authority along with the details as may prescribed.The supervisory authority shall grant license to the nursing home or a clinical establishCment as the case may be if it is satisfied that the eligibility norms ror obtaining the license are: fulfilled by the applicaot. Provided further that all nursing homes or clinical establishment which are already in existence on the date of commencement of this Act, shall apply to supervi- sory authority within 90 days of commencement of this Act. The supervisory authority shall grant them license if it is satisfied that the applicant fyltills the norrms prescribed in this regard. Whoever runs a nursing home or a clinical establishment as defined in thisAct without obtaining a license shall be bunishable with a fine ot' Rs. 20.000. Every application for license made to the supervisory authority, shall contain such par- ticulars, informationand shall be accompanied by such tee as may be prescribed in (his regard. On the basis Of the examination O.f the application for license, the supervisory ity. shall grant license to the applicant or reject the application if it is found That the applicant, or any person employed hy him at the nursing home or (he (a) 510 (12) (b) (c) (d) fr8Éi 23 2010 clinical establishment. is not a fil person. whether by reason of expertise quali- fléatton or otherwise to carry on or to be L.uuployed at the home or the clinical establishments 01' such a description as the nursing home Or clinical establislunent named in the application: or That the applicant or the nursing home or the clinical establishment does not fullil the conditions which have been prescribed under this ACI or any rule made there under-. or That the real object Of the applicant is 10 use. or allow the clinical establishment be used. [or antisocial/unlawful or inunoral purposes or both'. or In case of nursing honte other than a maternity home, that the nursing home is not or will not be under the charge 01' a qualified medical practitioner resi- dent therein and thal the nursing Of persons received and accotn1P0dated therein is not or will nol he under Lhe Superintendence ot' a qualified nurse resident therein', or 'In the case or a maternity home that such maternity home is not or will noi be under the charge ova qualified midwilQ. • and that the attendance on every woman before. at or after child birth or on any child horn is not or will not he under superintendence of a qualified midwife resident therein:or That for reasons connected with the situation, constructions, accommodation. staffing or equipment, the nursing home or clinical estuhlshnrncl is nol lil to he used u nursing home or clinical establishment such a description as the nursing home or the clinical es(ablishment Inentioned in (he application. and shall in every case. where the application is rejecu-'d. record the grounds or rejection. Every license granted under section 6 (a) Shall he upon lerns as rriay be pfe- scribed and such terms 'MAY, inter alia, require (a) (b) (c) Such precautions 10 be observed safe guarding that •the nursing hotne or the clinical establishment is not used for unlawful/anti-social or immoral pur- poses or both'. Such sanitary and hygienic measures to he taken and such accotnmodation 10 he provided as may he specified hy the supervisory authority; Such minimum equipment to be provided as may be speéified by the supervi- sory authority in this behalf; Every licensed nursing home •shall maintain such records as may be prescribed and shall produce these records for inspection and examination to the super- visory authority or any other officer duly empowered by him under this act or rules made there under. Apart from these

periodical information in respect 01 births. deaths, miscarriages, (Medical, Termination of' Pregnancy) notified disease and any other information shall be submitted to the supervisory authority as and when required or prescribed

8. Conditions Renewal or license. Notwithstanding anything contained in this Act or any rules made there under, the license granted under section (6) of this Act, shall have an initial validity of 5 years. After every five years this license shall be put up for renewal before the supervisory authority, who may renew or otherwise the license by following the procedure as may be prescribed.

23 2010 510 (13) Suspension license. Appeal. Inspection nursing homes clinical establishment. Penalties under Fine, (2) (3) any time, it is found by the supervisory authority that— A licensed nursing home or clinical establishment has contravened or not complied with any this Act or any rule made thereunder or any condition specified at the time of licensing: or A licensed nursing home or clinical establishment has been convicted and punishable under this Act, he may after giving, the nursing home or a clinical establishment, reasonable opportunity or being heard, cancel or suspend the license, Notice to be given before cancellation of license— Notwithstanding any- notice to the nursing home clinical establishment whose license is sought to be cancelled or suspended. The notice shall contain the reason and ground on which the license is sought to be cancelled or suspended. If the noticee so requests, a personal hearing may also be granted to hear (the defence of the noticee. If after the above mentioned procedure and hearing the case (the noticee, the supervisory authority decide to cancel or suspend the license, he shall pass a speaking order to this effect which shall contain the reasons for such cancellation or suspension of license. Any person aggrieved by an order or the supervisory authority refusing, cancelling or suspending the license may, within a period of days after the date of such order may file an appeal to the State Government.

11. 12. (a) (A) The State Government shall hear the appeal through an authority duly empowered by it in, this regard. Notwithstanding anything contained in this Act, no appeal shall lie in any court against the order of the State Government in this behalf. Subject to the provisions of the rules made under Act, any officer duly authorized by the state Government in this behalf may (b) Enter at any time by night or by day, with or without notice, any place or establishment, which he has reason to believe is being used as a nursing home or clinical establishment. Make examination of the place or establishment and inspect any equipment, article or document found therein and seize and take out there from any such equipment, article or document, as he deems necessary [for the purpose of examination, analysis, investigation or evidence and retain them for such reasonable period as he thinks necessary. Make such inquiries, and put such question to any person found in such/ place or establishment as he deems necessary in order to ascertain whether the place or (the establishment is being used as a nursing home or clinical establishment or not. Provided further that, if any person obstructs the lawfully empowered authority in discharge of their duties, it shall be punishable under the relevant section of the Indian Penal Code (No. 45 of 1860), (1) CHAPTER-III Whoever Contravenes the provision made with regard to licensing under this Act or any rules made there under, shall be punishable With a fine of Rs. 13,000. (4. (14) (A) (B) (C) (D) (2) (2) (3) 23 2010 If a nursing home or a clinical establishment does not fulfill the eligibility norms as prescribed in this Act or rules made there under, it shall be punishable with a fine of Rs. 20,000. If a nursing home or a clinical establishment fails to submit records or information which are lawfully required to be submitted under this Act or rules made there under, it shall be punishable with a fine of Rs. 5000, for each offence. Conviction for offence under this Act —if a nursing home or a clinical establishment commits an offence under section 12 (A), shall be punishable with prescribed fine only for the first offence. Provided further that, if a nursing home or a clinical establishment is convicted of an offence under section 12 (A) for the second time, it shall be liable for the imprisonment up to three years, or with fine of Rs. 50,000, or With both. If any act of willful negligence is committed by any Nursing Home/Clinical Establishment it shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years, and shall also be liable to fine which shall not be less than Ten Thousand rupees but which may extend to Fifty Thousand rupees. A person aggrieved by the Act of willful negligence by Nursing Home/Clinical Establishment with respect to the treatment/admission of a patient may make a complaint to the appellate authority/committee constituted under section 7 (1) of the Chhattisgarh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010 (No. 1 of 2010) in the manner as may be prescribed. The appellate authority/committee on receipt of such a complaint shall proceed to examine it and after giving both the parties, a reasonable

opportunity of being heard. shall submit its findings along with recommendations to the Director of Health Services. Government of Chhattisgarh. The Director of Health Services on receipt of such a report from the appellate Authority shall examine it and if he is satisfied that an act of willful negligence has been established against the Nursing Home/Clinical Establishment. shall proceed to initiate legal action against Nursing Home/Clinical Establishment as prescribed under section 13 (A). Where an offence under this Act has been committed by a company or a corporate society or association as well as every person incharge or responsible to, the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that, nothing contained in this section shall render any such person liable to any punishment provided in this Act. If he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. Notwithstanding anything contained above, where an offence under this Act has been committed by a company or society and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company. such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Provision as to willful negligence by Nursing Home/Clinical Establishment. Offences by Registered Society. 23 2010 2010. of sno (15) Registered Court to try offences under this Act. Nature of offence. Protection of action in faith. Power to make rules. Institution deemed to be this 15, 16, 18

19. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (NO.2 of 1974), no court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act, All offences under this Act shall be cognizable and bailable, (1) (2) (2) (3) (a) NO suit or other legal proceeding shall lie against the Government in respect of any loss or damage caused or likely to be caused by anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or any rule made there under. No suit, prosecution or other legal proceeding shall lie against any authority or any officer authorized in this behalf by the State Government in respect of anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or any rule made there under. The State Government may, by notification and subject to condition of previous publication make rules for carrying out the purposes of this Act, In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely (a) (b) (c) (f) (g) the form of the application to be made under section 3 the date on which such application is to be made and the fees to be paid for such license or renewal of license. The particulars which an application under section 5 shall contain and the fee with which such application shall be accompanied. The conditions, which an applicant and a nursing home or a clinical establishment shall fulfill under section 3 and the form of certificate of license. The fees to be paid for an appeal under section 10 of the Act and procedure for appeal, The of the register or registers to be maintained under this Act. The records to be kept of the patients received in a nursing home and in the case of the maternity home miscarriage, abortions or stillbirths occurring in the nursing home and of the children born therein and of the children so born who are discharged from the nursing home otherwise than to the custody or care of any parent, guardian or relative. The conditions regarding accommodation, sanitary and other facilities and minimum equipment's. Any other matter which has to be, or may be prescribed, Every rule made under this Act shall be laid as soon as may be after it is made, before the State Legislature. Any nursing home or clinical establishment administered by the Central or the State Government or any local authority, and/or 510 (16) (b) (c) RTGTa, 23 2010 Any any asylum established or licensed under the Indian Lunacy Act, 1912 (4 of 1912), Any leper asylum appointed, established or maintained under the Lepers Act, 1893 (No. 3 of 1893), shall be deemed to be licensed under this Act

20. The Chhattisgarh Upcharyagrihanatha RujopcharSarnbandhi.Sthapanaye (Registration—Repeal—Tatha Anugyapan) Adhiniyam, 1973 (No. 47 of 1973) is hereby repealed. 15