

KARNATAKA JUDICIAL OFFICERS (MEDICAL ATTENDANCE) RULES, 2009

Gd—rv-A 142 a30d&d), d)\$öd, adde U, yooo nt5, d8 dd€ o€ao) Law, Justice & Human Rights Secretariat NOTIFICATION No. LAW 67 LAC 2007, Bangalore, Date: 7th January, 2010 do. Whereas, the draft of the Karnataka Judicial Officers (Medical Attendance) Rules, 2009. which Che Government of Karnataka proposes to make, was published as required by clause (a) of sub-section (1) of section 3 read with section 8 of the Kamataka State Civil Services Act, 1978 (Karnataka Acl 14 of 1990) in LAW 67 LAC 2007 - dated 1511' December, 2009m ParCIV-A(No.936) of Karnataka Gazette dated 1511' December 2009 inviting objections and suggestions from persons likely [o be affected thereby within 15 days from the date of publication of Draft in the Official Gazette. Whereas, the said Gazette was made available to the public on 15.12.2009. And, whereas no objections or suggestions have been received by the State Government. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990), the Government of Karnataka makes the following Rules, namely:- RULES 1. Title and commencement.- (1) These rules may be called the Karnataka Judicial Officers (Medical Attendance) Rules. 2009 (2) They shall be deemed to have come into force with effect from the 1 gl day of November 1999

2. Definitions:- In these rules unless the context otherwise requires:- (a) "Authorised medical attendant" means:- (ii) (iii) in the case of Judicial Officers residing in places where there are Government hospitals, dispensaries, the medical officers, whether Gazetted or Non-Gaze[ted, in-charge of such hospitals or dispensaries or the Doctors or the hospitals for the time being notified under the Karnataka Legislature (Member's Medical Attendance) Rules.1968; and in the case of Judicial Officers residing in places where there are no Government hospitals or dispensaries, the medical officers. whether Gazetted or non-Ga'/.etled. in- charge of local fund dispensaries, health units or health centers, at such places: in the case of Judicial Officers suffering from Tuberculosis and receiving treatment at the Karnataka Health Institute Ghataprabha or any Health Institute recognized by the Government of Karnataka, the Chief Medical Officer of the said Institute: Provided that honorary specialist, honorary' medical officers, part-time specialists and part-time medical officers shall not be deemed to be authorized medical attendants; (b) "Controlling Officer" means.- (ii) (iii) tne officers who are empowered to countersign their T.A Bills in the case of judicial officers in service; in case of an officer under sub-clause (ii) of clause (e) the Principal District Judge or District Judge, as the case may be, of the place where the officer is working or in case he is retired the place opted €0 settle ; and in the case of retired Judicial Officers, the Principal District Judge or District Judge, as the case may be, of the place where the retiree has opted to settle as notified vide G.O. No. LAW 262 LAC 2005 dated 13.10.2006. (c) "Form " means a form appended to these rules; (d) "Medical attendance" means attendance at a Government hospital or dispensary including such pathological, bacteriological, radiological or Other methods of examination for the purpose of 143 diagnosis, as are available in the Government hospital and notified hospital and are congldered necessary by the authorized medical attendant and such consultation with a specialist in Government employment within the State or other medical officer similarly in Government employment within the State, specialists and doctors in the private hospitals as the authorized medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorised medical attendant. determine: (e) "Judicial Officer" means.- (i) an Officer appointed under article 233 and 234 of the Constitution of India, whether working as such or working in any Civil Services of the State on deputation or transfer in public interest; and (ii)an officer appointed under article 233 and 234 of the Constitution of India, who is transferred to any Civil Service under the State and whose pensionable service after such tmnsfer is passed in such civil services provided such transfer is made in the interest of public service; and includes an officer who has retired from any of the service mentioned above. (f)"Member of the family" means husband, wife, son, unmarried daughter, father and mother and in case of female Judicial Officers, in addition to the above, their mother-in-law and father-in-law, who are dependents: (g) "Padent" means a Judicial Officer or any member of the family of the Judicial Officer; (h) "Treatment" means use of all medical, X-ray and surgical facilities available at the Government Hospital or Dispensary or Local Fund Dispensary or Private Hospitals in which a patient is treated and includes:- (i) the employment of such pathological, bacteriological, radiological or other

methods as are considered necessary by the authorised medical attendant; (ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital or dispensary; (iii) the supply of such medicines, vaccines, sera or other therapeutic substances as the authorised medical attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient and which are not ordinarily available with the authorised medical attendant; Explanation:- For purposes of sub-clause (iii) prescription of expensive drugs, tonics, laxatives or other elegant and proprietary preparation for the use of patient when drugs of equal therapeutic value are available in the hospital or dispensary is prohibited. (iv) (v) (vi) treatment of confinement; such accommodation as is ordinarily provided in the hospital and accommodation in the ward of the highest class available at the time of admission of the patient in the hospital; in the case of an inpatient in a hospital such nursing and diet as is ordinarily provided to in-patients by the hospitals

3. Charges for Medical attendance.- (1) A Judicial Officer or member of his family shall be entitled free of charge to Medical attendance and treatment by the authorized medical attendant. (2) No Judicial Officer shall be entitled to reimbursement of fee charged by dentists or opticians except for extraction of teeth or for eye diseases requiring medical treatment and prescription of glasses. The cost of glasses shall not be borne by the Government. (3) No judicial Officer or member of his family shall be entitled to free treatment at any Government hospital or dispensary for venereal diseases or any disease brought about by his intemperance. (4) No fee shall be charged for sterilization of instruments used in connection with operations performed on the Judicial officer or member of his family

4. Special treatment in certain cases.- If an authorized medical attendant is of the opinion that the case of the patient is of such serious or special nature as to require medical attendance by some person other than himself or that the patient requires anti-rabies treatment, he may with the approval of the Director of Health Services (Which shall be obtained before hand unless the delay involve entails danger to the health of the patient) send the patient to the nearest specialist or other Medical Officer in Government employment by whom in his opinion, medical attendance is required for the patient or in the case of anti-rabies treatment, to the nearest place where such treatment is available, or if the patient is ill to travel, summon such specialist or other Medical Officer to attend such patient

5. Reimbursement of medical expenses.- (1) The refund of the cost of preparations which are not medicines, but are primarily foods, Tonics, (oil) preparations or disinfectants is not admissible under these rules. List of items for which refund is not admissible under these rules shall be issued by the Director of Health Services from time to time: Provided that the cost of any therapeutic substance included in such list, which is prescribed by the authorized medical attendant as absolutely essential for the recovery of the patient shall be reimbursed by the Government, if the Government after consultation with the Director of Health Services is satisfied that such therapeutic substance was absolutely essential for the recovery of the patient and makes an order to that effect. Sales tax while purchasing special medicines from the market is refundable. Packing and postage charges paid for purchasing special medicines from outstations are not refundable. (3) If an ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another hospital for purposes of medical examination the charges incurred on that account are refundable. (4) The cost of Ayurvedic and Unani preparations (Other than preparations specified from time to time by the Director of Health Services as inadmissible) is refundable. (5) Refund in respect of dentures, where necessary shall be allowed up to a maximum of Rs.2,000/- in each case, subject to production of a certificate by the authorized medical attendant. Where the dentures are made of special material like gold or silver, their cost shall not be refunded. (6) In respect of expenses including accommodation in diagnostic centre, hospital or dispensary incurred by a patient for the medical attendance and treatment in any diagnostic centre, hospital or dispensary maintained by the State or Central Government, or in any diagnostic centre, hospital or dispensary for the time being notified by the Government under Karnataka Government Servants (Medical Attendance) Rules, 1963 or Karnataka Legislature (Members' Medical Attendance) Rules, 1968 from time to time, such expenses shall be reimbursed. (7) In respect of expenses including accommodation where such treatment is taken, incurred by a Judicial Officer for the medical attendance and treatment obtained by him and for members of his family in any place other than in a diagnostic centre, hospital or dispensary maintained by the State Government or an hospital or dispensary for the time being notified by the Karnataka Government under Karnataka Government Servants (Medical Attendance) Rules, 1963 or Karnataka Legislature (Members'

Medical Attendance) Rules, 1968, he shall be entitled to reimbursement of the expenses incurred to the same extent as he is entitled under these rules for reimbursement of expenses incurred by him for medical attendance and treatment obtained in such hospital or dispensary

6. Claims for reimbursement of medical charges.- (1) All claims for refund of expenses incurred on account of the purchase of special medicines shall be accompanied by the "essentiality certificate" in Form 'A' from the authorized medical attendant and countersigned by the District Surgeon or any other medical officer authorized by the Director of Health Services. The countersigning officer shall satisfy himself that the authorized medical attendant has complied with these rules, the verification of medicines being made with reference to the lists of non-reimbursable medicines specified by the Director of Health Services from time to time. (2) Claims for reimbursement for the expenses incurred in connection with medical charges shall be preferred in Form '13' and shall be sent to the Controlling Officer within a period of one year. Claims preferred after said period of one year shall be subject to pre-audit by the Accountant General. (3) There shall not be any restriction on reimbursement except to the extent of inpatient room entitlement. Further, there shall not be any ceiling on reimbursement of expenditure on expensive treatment like kidney transplant, open heart surgery, etc.. full reimbursement of actual expenses shall be (4) The State Government may specify from time to time the rates to be charged by any diagnostic centre, hospital or dispensary notified by the Government of Karnataka under the Karnataka Government Servants (Medical Attendance) Rules, 1963 or Karnataka Legislature (Members Medical Attendance) 145 Rules, 1968 and may obtain from them an undertaking that they charge the Judicial Officers or their members of the family according to the rates specified in the said notification and in case, they charge more than the specified rates, as per the Government Notification. They shall not only refund the said amount to the government, but also, that their recognition can automatically be withdrawn by the Government without further notice. Provided that the claim of the Judicial Officer on the basis of bills issued by such hospitals shall not be dishonoured on this ground, but the reimbursement be made first and thereafter, steps may be taken by the Government for recovery of excess amount charged by the hospital or dispensary

7. Payment of Advance of medical expenses.- A Judicial officer is entitled to claim advances to meet the medical expenses for treatment of himself or members of his family upto eighty percent of the estimate and the balance be paid after approving the bill when it is produced

8. Scrutiny by the Controlling Officer.- The amount to be reimbursed shall be drawn from the treasury on a salary bill duly countersigned by the Controlling Officer and supported with the necessary bills and receipts including essentiality certificate signed by the authorised medical attendant

9. Determination of medical charges.- Charges for service rendered in connection with, but not included in medical attendance or treatment of a patient entitled free of charge to medical attendance or treatment under these rules, shall be determined by the authorized medical attendant and paid by the patient. **IO. Interpretation.-** If any question arises as to whether any service is included in the medical attendance or treatment, it shall be referred to the Government and the decision thereon shall be final. I certify that Shri/Smt.-- has been under my treatment for . By order and in the name of Governor of Karnataka E. SHIVANANDA Under Secretary to Government (Admin-I) Law, Justice & Human Rights Dept. FORM •X [Vide rule — 6 Essentiality Certificate Judicial Officer/member of the family of the judicial officer. .disease from . -----at the . -----hospital/ dispensary/my consulting room and that the under-mentioned medicines prescribed by me in this connection were essential for the recovery/prevention of serious deterioration in the condition of the patient. The medicines are not stocked in the for supply to Private u Patients and do not include proprietary preparations for which cheaper substances of equal therapeutic value are available nor preparations which are primarily foods, toilets or disinfectants, Name of the Medicines No. Date: Bill No./Date Amount Signature and Designation or Authorized Medical Attendant Counter-signature or the Medical Officer 01. 02. 03. 04. 05. 06. 07 08. 09. IO. 11. 146 FORM 'B' (See rule APPLICATION FROM FOR CLAIMING REFUND OF MEDICAL EXPENSES Name and designation of the Judicial Officer Office in which employed Salary Place of duty Full residential address Name of the Patient and his/her Relationship of Judicial Officer Place at which the patient fell ill. Nature of illness and its duration Details for the amount claimed Total amount claimed List of enclosures **DECLARATION TO BE SIGNED BY THE JUDICIAL OFFICER** I hereby declare that the statements in this application are true to the best of my knowledge and belief and that the person for whom medical

expenses were incurred is a member or my family as defined under the Karnataka Judicial Officers (Medical Attendance) Rules, 2009 and is wholly dependent on me. Date: Place: No: SIGNATURE OF THE APPLICANT Sanction is accorded for the reimbursement of Medical charges amounting of (Rupees incurred by the Applicant in connection with his/her Medical expenses and the cost of reimbursement being met out of the provisions made under the Head, CONTROLLING OFFICER

