

**THE MEDICAL ATTENDANCE TO THE EX-MEMBERS OF
THE LEGISLATIVE ASSEMBLY RULES, 1988**

[Issued in G.O.(Ms.) No.256/GAD date 1st August, 1988)

(As amended by G.O.(Ms.) No.494/92/GAD dated 27-11-1992,

G.O.(Ms.) No.2/2009/PAD dated 19-11-2009)

G.O.(Ms.) No.09/2017/PAD dated 1-11-2017 and

G.O.(Ms.) No.10/2017/PAD dated 1-11-2017)

G.O.(Ms) No.1/2021/PAD dated 2-2-2021

RULES

1. *Short title and commencement.*—(1) These rules may be called the Medical Attendance to the Ex-Members of the Legislative Assembly Rules, 1988.

2. They shall come into force at once.

2. *Definitions.*— In these rules unless the context otherwise requires,—

(a) "Ex-Member of the Legislative Assembly" means a member as defined in sub-section (1) of Section 2 of the Kerala Payment of Pension to Members of Legislative Assembly Act, 1976 (46 of 1976) "and includes the spouse of such person."

(b) "Authorised Medical Attendant" means all Medical Officers of Government Hospitals in the Allopathic, Ayurvedic and Homeopathic Systems of Medicine, of and above the rank of the Assistant Surgeons and Medical Officers equivalent thereto.

Note:—(1) The Medical Officers who are Authorised Medical Attendant as mentioned above will not be considered as Authorised Medical Attendants during the period of their leave (except Casual Leave) since during this period they are not discharging usual functions in their official capacity.

(2) The Authorised Medical Attendant of an Ex-Member of Legislative Assembly shall be determined with reference to the place where the Ex-Member of Legislative Assembly falls ill, and not where he takes treatment.

(c) "Government Medical Institutions" shall include all Government Hospitals, Government Ayurveda and Homoeo Institutions, Primary Health Centres, Public Health Laboratories and Institutions, like T.B. Hospitals, Leprosy Hospitals and Mental Health Centres maintained by Government for providing medical relief.

(d) "Medical Attendance" means attendance in a Government Hospital or at the residence of an Ex-Member of Legislative Assembly or at the consulting room maintained by the Authorised Medical Attendant by arrangement with him and includes:-

(i) such pathological, bacteriological, radiological and other methods of examination for the purpose of diagnosis as are available in any Government Hospital or Laboratory and are considered necessary by the Authorised Medical Attendant;

(ii) such consultation with any other Medical Officer or Specialist in the State Government Services as the Authorised Medical Attendant certifies to be necessary to such extent and in such manner as the Medical Officer or the specialist may, in consultation with the Authorised Medical Attendant, determine; and;

(iii) medical attendance in the consulting room maintained by the Authorised Medical Attendant. Any fee for consultation and the cost of medicines prescribed in the consulting room shall be reimbursable.

The maximum consultation fee shall be Rupees One hundred and fifty without any differentiation between specialists and other medical officers. The consultation fee shall be allowed only for alternative consultation, having at least ten day's gap.

(e) "Nurse" means a qualified nurse holding a certificate or diploma recognised by the Director of Health Services of the State or a registered nurse in a state in which there is statutory provision for the registration of nurse.

(f) "Treatment" means the use of all medical and surgical facilities available at the Government Hospital in which the Ex-Member of the Legislative Assembly is treated and includes,—

(i) The employment of such pathological, bacteriological, radiological or any 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 Government Hospitals in the State but excluding:—

(a) such preparations which are not medicines but are primarily used as food, tonic, toilet or disinfectant; and

(b) such costly drugs, tonic, laxatives and other elegant and proprietary preparations (for which drugs of equal therapeutic value are available);

(iii) the supply of such medicines, vaccines, sera or other therapeutic substances not ordinarily so available 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 Ex-Member of the Legislative Assembly;

(iv) such accommodation as is ordinarily provided in the hospital to which the Ex-Member of the Legislative Assembly is admitted and its suited to his/her status.

(v) the services of such nurses as are ordinarily employed by the hospital to which the Ex-Member of the Legislative Assembly is admitted;

(vi) such special nursing 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 Ex-member of the Legislative Assembly having regard to the nature of the disease; and

(vii) the medical attendance described in sub-clause (ii) of clause (d) but does not include diet, or provision at the request of the Ex-Member of the Legislative Assembly of accommodation superior to that described in sub-clause (iv); and

(viii) treatment for stones in kidney that may be availed of at the place where the stones are first noticed or at place where the trouble suddenly occurs.

3. *Medical Attendance by Authorised Medical Attendant:*—(1) An Ex-Member of the Legislative Assembly shall be entitled, free of charge, to medical attendance by the Authorised Medical Attendant.

(2) Where an Ex-Member of the Legislative Assembly entitled under sub rule (1) free of charge of medical attendance, any amount paid by him on account of such medical attendance shall, on production of certificate in writing by the Authorised Medical Attendant in this behalf, be reimbursed to the Ex-Member of the Legislative Assembly. The authority competent to reimburse the claims shall be Secretary, Legislature Secretariat, provided that the Secretary, Legislature Secretariat shall reject any claim if he is not satisfied with its genuineness on facts and circumstances of each case, after giving an opportunity to the

claimant of being heard in the matter. While doing so, the Secretary, Legislature Secretariat shall communicate to him the reasons, in brief for rejecting the claim and the claimant may submit an appeal to the Government within forty five days of the date of communication of the order rejecting his claim.

(3) The claims in this respect should be preferred within six months from the last date of treatment and submitted to the Authorised Medical Attendant. He will, as soon as possible, scrutinise the bills and return them to the party with his certificate.

4. *Travelling Allowance:*—(1) When the place at which an Ex-Member of the Legislative Assembly falls ill is not the headquarters of the Authorised Medical Attendant,

(a) he/she be entitled to Travelling Allowance for journey to and from such head quarters; or

(b) if the Ex-Member of the Legislative Assembly, is too ill to travel, the Authorised Medical Attendant shall be entitled to Travelling Allowance for the journey to and from the place where the Ex-Member of the Legislative Assembly has fallen ill:

Provided that an Ex-Member of the Legislative Assembly shall not be entitled to Travelling Allowance for a journey for attendance by a Dentist or an oculist.

(2) A claim for Travelling Allowance under sub-rule (1) shall be accompanied by a certificate in writing by the Authorised Medical Attendant stating that medical attendance was necessary and, if

the claim is under clause (b) of the sub rule, that the Ex-Member of the Legislative Assembly was too ill to travel.

(3) The travelling allowances admissible under this rule shall be at such rates as are applicable to the Members of Legislative Assembly for journeys undergone on public business as per Schedule III to the Payment of Salaries and Allowances Act, 1951 (XIV of 1951) from time to time.

5. Medical Attendance by person other than Authorised Medical attendant:—(1) If the authorised Medical Attendant is of the opinion that the case of an Ex-Member of the Legislative Assembly is of such a serious or special nature as requiring medical attendance by some persons other than himself, he may,—

(a) send the Ex-Member of the Legislative Assembly to the nearest specialist or other medical officer as provided for in clause (d) of rule 2, by whom, in his opinion, medical attendance is required for the Ex-Member of the Legislative Assembly; or

(b) if the Ex-Member of the Legislative Assembly is too ill to travel, summon such specialist or other medical officer to attend on him.

(2) Where an Ex-Member of the Legislative Assembly is sent to a specialist or other medical officer under clause (a) sub rule (1), he shall, on production of a certificate in writing by the Authorised Medical Attendant in this behalf, be entitled to Traveling Allowance for the journey to and from the headquarters of the specialist or other medical officer.

(3) A specialist or other medical officer summoned under clause (b) of sub rule (1) shall on production of a certificate in writing by the Authorised Medical Attendant in this behalf, be entitled to Travelling Allowance for the journey to and from the place where the Ex-Member of the Legislative Assembly has fallen ill.

6. Hospital at which treatment may be received and reimbursement therefore,—

(1) An Ex-Member of the Legislative Assembly shall be entitled to treatment free of charge,—

(a) in such Government hospital in the station or district where he falls ill as can in the opinion of the Authorised Medical Attendant, provide the necessary and suitable treatment; or

(b) If there is no such hospital as is referred to in clause (a), in such hospital other than a Government hospital in that station or district as may, in the opinion of the Authorised Medical Attendant, provide the necessary and suitable treatment; or

(c) if there is no such hospital as is referred to in clauses (a) and (b) in such hospital in the State as may, in the opinion of the Authorised Medical Attendant, provide the necessary and suitable treatment:

Provided that wherein any exceptional case the Authorised Medical Attendant is of opinion that the necessary and suitable treatment is available only in a hospital outside the State (but within India) he may, with the approval of the Director of Health Services/Director of Indian Systems of Medicine/Director of Homoeopathy, as the case may be which shall be obtained before hand unless the delay involved may entail danger to the health of the Ex-Member of the Legislative Assembly sent the Ex-Member of the Legislative assembly for treatment in such hospital.

(2) Where an Ex-Member of the Legislative Assembly is entitled under sub section (1), free of charge, to treatment in a hospital, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the Authorised Medical Attendant in this behalf, be reimbursed to the Ex-Member of the Legislative Assembly by the Government.

(3) If an Ex-Member of the Legislative Assembly has to proceed to a station other than at which he falls ill for the purpose of treatment under sub rule (1) he shall, on production of a certificate in writing from the Authorised Medical Attendant in this behalf, be entitled to Traveling allowance for the journey to and from the place at which such treatment is received. Such Traveling Allowance shall also be admissible for an attendant, if the Authorised Medical Attendant certifies in writing that it is unsafe for the patient to travel unattended and that an attendant is necessary to accompany the patient to the place of treatment and back.

7. *Treatment at residence.*—(1) If the Authorised Medical Attendant is of opinion that owing to the absence or remoteness of a suitable hospital or to the severity of the illness the Ex-Member of the Legislative Assembly cannot be given treatment as provided in sub rule (1) of rule 6, he may receive treatment at his residence.

(2) Where an Ex-Member of the Legislative Assembly receives treatment at his residence under sub rule (1) he shall be entitled to receive towards the cost of the treatment by him a sum equivalent to the cost of such treatment as would have been entitled to be received free of charge, under these rules if he had not been treated at his residence.

(3) A claim for any amount admissible under sub rule (2) shall be accompanied by a certificate in writing by the Authorised Medical Attendant stating—

(a) his reasons for the opinion referred to in sub rule (1):

(b) the amount of the cost of similar treatment referred to in sub rule (2)

Note:—Any certificate issued by the Authorised Medical Attendant regarding the absence/remoteness of a suitable hospital, shall have to be countersigned by the Director of Health Services/ Director of Indian System of Medicine/ Director of Homeopathy as the case may be and such a certificate shall be accepted by the audit authorities.

8. *Charges for services other than medical attendance to be paid.*—(1) Any charges for services rendered in connection with, but not included in the medical attendance on, or treatment of the Ex-Member of the Legislative Assembly when he is entitled free of charge in a Government Medical Institution under these rules, shall be determined by the Authorised Medical Attendant and paid by the Ex-Member of the Legislative Assembly.

(2) If any question arises as to whether any service is included in medical attendance or treatment, the same shall be referred to Government whose decision thereon shall be final.

Note:- The fees paid for administering injection and to nurses for attending to the Ex-Member of the Legislative assembly at his/her residence are not admissible.

9. *Countersignature of certificate for reimbursement of Traveling Allowance.*—Any certificate required by these rules to be given by the Authorised Medical Attendant for the purpose of Travelling Allowance of an Ex-Member of the Legislative Assembly shall be countersigned by the District Medical Officer of the Medical branch concerned. No countersignature is required when the treatment is rendered by the District Medical Officer himself.

10. *Interpretation.*— If any question arises as to the interpretation of these rules, the decision of the State Government shall be final.

FORM No. 1
APPLICATION FORM FOR MEDICAL REIMBURSEMENT
CLAIMS BY EX-MLA's/ SPOUSES
(See Rule 3)

- 1.Name and Address of the applicant :
- 2.Name of patient :
- 3.Period of Treatment :
- 4.The System under which treatment
was received*:
a. Allopathy b. Ayurveda c. Homoeopathy
5. Station where the applicant fell ill and the headquarters of the Authorised Medical
Attendant of that Station.
- 6.The place/Institution with its name and address, where the treatment was received.
a. Consulting room of the Authorised Medical Attendant
b. Consulting room of the Government Medical Officer/Specialist
c. Medical Institution.
d. Residence of the patients**
- 7.If Hospitalised Outside the State :
(a)Name of Institution :
(b) Whether prior sanction of the Director
of Health Services has been obtained :
(c)If not, whether Ex-post facto sanction
of the Government has been obtained :
8. Claims on account of treatment :
(i) Cost of/charges/fee for :
(a) Medicine and other therapeutic substances
(b) Other items/materials used for treatment
(ii) Diagnostic Methods :
(a) Ordinary methods (such as lab tests,
X-ray examinations, ECG etc)
(b) Special and costly methods :
(such as scanning, ultrasonography etc.,)
(iii) Treatment methods :
(a) Surgical operations :
(b) Radiation treatment :
(c) Dialysis
(d) Any other method :
(iv) Special Nursing, Intensive care :
(v) Accommodation :
(vi) Consultation :
(viii) Any other items

* Attach certificate from the AMA as in the para 5 of the Circular No.8152/MAD1/2008/Leg.
Dated 1-7-2009

** Treatment at residence means the treatment provided at the residence of the patient, instead of at hospital, under special circumstances such as absence or remoteness of a suitable hospital and severity of the illness: vide rule 7(1)

*** Vouchers i.e. Cash bills, receipts, etc. in support of the claims are to be produced together with the application. T.A. Claims are to be preferred in Gazetted Officers T.A. Bill form (TR 47). If T.A. is claimed for the attendant also, separate T.A. Bill Forms (TR 47 Forms) are necessary for the Ex-MLA and the Attendant.

9.If T.A. is claimed state -

- (a) Whether it is for :
 - (i) the patient only :
 - (ii) the patient and the attendant :
- (b) Starting point and destination and the distance between them
- (c) Mode/Modes of conveyance and the total distance travelled in each conveyance during the onward and return journeys :
- (d) T.A. claimed for - :
 - (i) the patient
 - (ii) the attendant
- (e) Total T.A. claimed

8. Total amount claimed

9. Enclosures***

- (a) Vouchers :
- (b) Certificates :
- (c) T.A. Bills :
- (d) Affidavit of non-remarriage, attested by a Gazetted Officer/MLA/ (for Spouses) :
- (e) Any other enclosures :

Place :

Date :

Signature of the applicant

* Attach certificate from the AMA as in the para 5 of the Circular No.8152/MAD1/2008/Leg. Dated 1-7-2009

** Treatment at residence means the treatment provided at the residence of the patient, instead of at hospital, under special circumstances such as absence or remoteness of a suitable hospital and severity of the illness: vide rule 7(1)

*** Vouchers i.e. Cash bills, receipts, etc. in support of the claims are to be produced together with the application. T.A. Claims are to be preferred in Gazetted Officers T.A. Bill form (TR 47). If T.A. is claimed for the attendant also, separate T.A. Bill Forms (TR 47 Forms) are necessary for the Ex-MLA and the Attendant.

Form No.2

ESSENTIALITY CERTIFICATE

[See Rule 2(f)(iii) and (iv) and Rule 7 (1)]

Certified that the following medicines/vaccines/sera/other therapeutical substances prescribed to Shri/Smt/Spouse of.....Ex-MLA who was suffering from the following materials used in his/her treatment, the special nursing provided to him/her, the following diagnostic and treatment methods applied in his/her case during his/her aforementioned treatment, were essential for the recovery/ for the prevention of serious deterioration in his condition and that the medicines do not include therapeutic substances ordinarily available in the Government Hospital, the preparations which are primarily used as food, tonics, toilet or disinfectant and such costly drugs, tonics, laxatives and other elegant and propriator preparation for which, drugs of equal therapeutic value are available. Certified* also that among the fees claimed below the fees for administering injections and the fees paid to the nurses for having attended to the Ex-MLA Spouse at his/her residence are not included.

Sl.No. of Voucher**	Date of voucher	Brand Name with Chemical/ Pharmacological Name of Medicine	Price/Cost/ Fee/Charges Rs. Ps.
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(1)	(2)	(3)	(4)
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Station :

Signature, Name and Designation

Date :

of the authorised Medical Attendant

(Office Seal)

* The portion “ Certified also that..... not included”applicable only if the treatment was at the residence of the Ex-M.L.A/Spouse as contemplated in Rule 7(1)- Vide the Note under Rule 8.

** Arrange the vouchers in chronological order and assign serial number to each voucher and write the number.

Form No.3
ADVICE
CERTIFICATE*
 [See rule 6(2) and (3)]

Certified that I advised Shri/Smt.....
 Ex-MLA Spouse of..... Ex-MLA to undergo
 treatment at (Name and address of the
 institution). ** Since there is no Government/Non-government medical institution in the
 Station/District/State or *** any other medical institution at that station, in which suitable and
 necessary treatment can be provided to him/her and that he/she was under treatment hereof the period
 from to and the Director **of Health Services/Indian
 Systems of Medicine/Homeopathy has approved the advice for the treatment at that hospital. Certified
 also that it was unsafe for him/her to travel unattended and that an attendant was necessary to
 accompany him/her to travel the place of treatment and back.

*Signature, Name and Designation of
 the Authorised Medical Attendant.*

Station :

Date :

(Countersigned)

(Office Seal)

District Medical Officer

.....

(Office Seal)

* The certificate is intended for the advice to :

- (a) Government medical institution at the Station/District
 (b) Non-Government medical institution at the Station/District (c) Any
 medical Institution inside/outside the State [vide Rule 6(1)]

** The portion “ since there is no and back” is to be scored off if the treatment
 treatment was at the station. The portion “the Director
at that hospital” is to be scored off, if the treatment was inside the State.

***The words “or any other medical institution at that station” is applicable only if the treatment is
 at a non-government medical institution in the district but outside the station. The certificate portion
 “Certified also that and back” is necessary only if T.A is claimed for the
 attendant accompanied.

Form No.4

**CERTIFICATE FOR RESIDENTIAL
TREATMENT** [See rule 7 (3)]

Certified that Shri/Smt. Ex-MLA/ Spouse
of..... Ex-MLA has undergone medical
treatment at his/her residence for the period from..... to
..... since it was not possible to provide him/her hospital
treatment, owing to the absence/remoteness of a suitable hospital near his/her residence/and owing to
the risk involved in the journey to the nearest hospital because of the severity of his/her illness and that
is this treatment had been provided to him/her at the nearest hospital instead of at his/her residence, the
amount of the cost of similar hospital treatment would have been *₹

*Signature , Name and Designation
of the Authorised Medical Attendant*

Station :

Date :

(Office Seal)

Countersigned
Director of Health Service/
Indian Systems of Medicine/
Homeopathy

(Office Seal)

* In figures and words

“FORM No. 5
DECLARATION
[See Rule 3]

I, ... do hereby declare that the statements made in the
application submitted for claiming reimbursement of medical expenses incurred for me/my
spouse are true to the best of my knowledge and belief and that the medical expenditure is
incurred for me/my spouse.

I also declare that I have not claimed the medical reimbursement over the bills and vouchers
which I have submitted, along with the application, from any other institution/insurance agency.

Station:

Date:

Signature of the applicant”

By order of the Governor,

Dr.Asha Thomas IAS,

Additional Chief Secretary to Government