

MENTAL HEALTH ACT -STATE MENTAL HEALTH AUTHORITY

By Soecial Messenger F.No. V.15011/09/2017-PH-I Government of India Ministry of Health & Family Welfare Nirman Bhawan, New Delhi — 110108 Dated 29.05.2018 To. The Manager, Govt. of India Press, Mayapuri, New Delhi Subject : Issue of Notification under sub-section (3) of section 1 of the Mental Healthcare Act, 2017 (10 of 2017). Sir, I am directed to enclose herewith a copy of notification of "The Mental Healthcare (State Mental Health Authority) Rules, 2018" to be issued under powers conferred by the proviso to sub-section (2), read with sub-sections (1) an (4) of section 121 of the Mental Healthcare Act, 2017 (IO of 2017) (in English and H ndi) for publication in the official gazette. It is requested that the notification may be printed in the Gazette f India Extraordinary and 50 (fifty) copies each of the same may please be made ava lable to this Ministry. Bill for the said expenditure may be raised against this Ministry. Yours fa thfully, (Lav Agarwal) Joint Secretary to the Government of India Tel: 011-23061195 Copy to: 1. 2

3. Principal Secretaries (HFW) of all States/UTs Principal Secretaries (Medical Education) of all States/UTs Director, NIMHANS, Bangalore Director, CIP, Ranchi 4.Director, LGBRIMH, Tezpur, Assam 5. Director, AIIMS, Ansari Nagar, New Delhi- 110 029 6. Director, JIPMER, Dhanvantri Nagar, Gorimedu, Puducherry-605006 7. Director, AIIMS Virbhadra Road, Rishikesh-249201 8. Director, AIIMS, G.E. Road, Raipur, Chhattishagarh-492099. 9

10. Director, PGIMER, Post Graduate Institute of Medical Education and Research, Karion Block, Sector-12, Chandigarh 11.Director, North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIMS), Mawdingdiang, Shillong — 789018 12. Medical Superintendent, Safdarjung Hospital, Ring Road, Oppl AIIMS Hospital, New Delhi -110029 13. Medical Superintendent, Dr. RML Hospital, Baba Kharak Sinigh Marg, New Delhi- 110 001 14. Director, RIMS, Regional Institute of Mental Science, Dr. Colony, Lamthelpat, Imphal, Manipur-795004 15. Director, Lady Hardinge Medical College and Associated Hospitals,C-604, Saheed Bhagat Singh Road, DIZ Area, Connaught Place, New Delhi 16. Director, VPCI, Delhi University, North Campus, Vijay Nagar Marg, Delhi — 110 007 17. Director, AIIMS, Bhubaneswar, Sijua, near Bijupatnayak Police Academy, Patrapada, Bhubaneswar-751019 18. Director, AIIMS, Bhopal, Saket Nagar, Bhopal — 562020 19. Director, AIIMS, Jodhpur, Basni Industrial, Phase-2, Jodhpur-342005 20. Director, AIIMS, Patna, Phuwari Sahraif, Patna, Bihar-801505 21. Dean, Mahatma Gandhi Institute of Medical Sciences, Sewagram Wardha — 442102, Maharashtra

22. Director/Medical Superintendent of State Mental Health Institutions 23.State Nodal Officers (NMHP) of all States/UTs [To be published in the Gazette of India, Extraordinary, Part 11, Section 3, Sub-section (i)] Govemnt of India Ministry of Health and Family Welfare (Department of Health and Family Welfare) Notification New Delhi, the 29th May, 2018 ..(E).- In exercise of the powers conferred by the proviso to sub-section (2), G.S.R... . read with sub-sections (1) and (4) of section 121 of the Mental Healthcare Act, 2017 (IO of 2017), the Central Government hereby makes the following rules, namely:- 1

2. CHAPTER - I PRELIMINARY Short tilte, extent and commencement.- (1) These rules may be called the Mental Healthcare (State Mental Health Authority) Rules, 2018. (2) They shall come into force on the date of their publication in the Official Gazette. Definitions. — (1) In these rules, unless the context othenwise requires, - (a) "Act" means the Mental Healthcare Act, 2017 (10 of 2017); (b) "Form" means a Form appended to these rules; (c) "non-official member" means a member of the State Authority nominated under clauses (g) to (n) of sub-section (1) of section 46 of the Act; (d) "section" means section of the Act. (2) The words and expressions used herein and not defined, but defined in the Act or, as the case maybe, in the Indian Medical Council Act, 1956 (102 of 1956) or in the Indian Medicine Central Council Act, 1970 (48 of 1970), in so far as they are not inconsistent with the provisions of the Act, shall have the meanings as assigned to them in the Act or, as the case may be, in those enactments

CHAPTER 11 STATE MENTAL HEALTH AUTHORITY 3. Nomination of ex officio members of State Authority. —(1) The State Government shall nominate Secretary or Principal Secretary in the Department of Health as Chairperson of the State Authority under clause (a) of section (1) of section 46 (2) The State Government shall nominate Joint Secretary in charge of mental healthcare in the Department of Health, the

Director of Health Services or Director of Medical Education and Joint Secretary in the Department of Social Welfare as ex officio members of the State Authority respectively under clauses (b), (c) and (d) of sub-section (1) of section 46 (3) The State Government shall nominate three persons, not below the rank of Joint Secretary in the Departments of Home, Finance and Law, to be ex officio members of State Authority under clause (e) of sub-section (1) of section 46 4. Norms for selection of non-official members of State Authority.— A person shall not be selected as a non-official member of State Authority unless, he— (a) is an Indian National; (b) is of the age not exceeding sixty-seven years; (c) possesses qualification and experience as specified in rule 5

5. Qualification and experience of non-official members of State Authority.— (1) The State Government shall nominate one person who is an eminent psychiatrist as a member of the State Authority under clause (g) of sub-section (1) of section 46 (2) The State Government shall nominate one mental health professional, one psychiatric social worker, one clinical psychologist and one mental health nurse, having a minimum of fifteen years' experience in their respective fields and registered as mental health professionals with the State Authority, as members of the State Authority respectively under clauses (h), (i), O) and (k) of sub-section (1) of section 46 (3) The State Government shall. nominate two persons each from the following categories as members of the State Authority respectively under clauses (l), (m) and (n) of sub-section (1) of section 46 , namely: — (a) persons representing persons who have or have had mental illness; (b) persons representing care-givers of persons with mental illness or organisations representing care-givers; and (c) persons representing non-governmental organisations which provide services to persons with mental illness.

6. Invitation of application for the posts of non-official members of State Authority.— A vacancy for the post of non-official member of the State Authority shall be given wide publicity through open advertisement in at least two daily newspapers (one English and one local language) having wide circulation in the State and the advertisement shall also be made available on the website of the Department of Health

7. Selection Committee for nomination of non-official members of State Authority.— The Selection Committee for nomination of non-official members of the State Authority shall consist of a Chairperson who shall be the Chairperson of the State Authority and two independent experts of eminence in the field of mental healthcare, to be nominated by the State Government

8. Procedure for nomination of non-official members of State Authority.— (1) The Selection Committee constituted under rule 7 shall consider all applications received by the Department and scrutinize such applications which fulfill the requirements of section 46 and rules 4 and 5. (2) The Selection Committee shall, having regard to the provisions of the Act and these rules, decide about the suitability of the applicants for being selected as members of the State Authority: Provided that in case of persons to be nominated under sub-rule (3) of rule 5, preference shall be given to the persons with ten years of experience in dealing with persons with mental illness. (3) The State Government shall nominate the persons selected by the Selection Committee as members of the State Authority

9. Term of office and allowances of non-official members of State Authority.— (1) Every non-official member nominated under rule 8 shall hold his office for a term of three years at a time from the date of his nomination. (2) Every non-official member attending the meeting of the State Authority shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to non-official members of the Commissions and Committees of the State Government attending the meeting of such Commission or Committee

10. Furnishing of information.-- The State Government may call for information concerning the activities of the State Authority or the Board periodically or as and when required by it and the State Authority or the Board, as the case may be, shall furnish such information in Form-A

CHAPTER III PROVISIONAL REGISTRATION OF MENTAL HEALTH ESTABLISHMENTS BY STATE AUTHORITY 11. Procedure for provisional registration of mental health establishments by State Authority.—(1) Every mental health establishment in a State, except the mental health establishment under the Control of the Central Government, shall be registered with the State Authority. (2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-B, containing details as specified therein, along with a fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated. (3) The State Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66, grant to such mental health establishment, a provisional registration certificate in



Form-C

12. Validity and renewal of certificate of registration.-- The provisional registration certificate granted under sub-rule (3) of rule 11 shall be valid for a period of twelve months from the date of such grant and an application for renewal of such certificate shall be made in Form-B within thirty days before the date of expiry of the period of validity of such certificate and in case application is not made within the specified period, the mental health establishment concerned shall be liable to pay renewal fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated

13. Issue of duplicate certificate.— Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the State Authority may issue a duplicate certificate on an application made by such establishment along with a fee of rupees two thousand by way of a demand draft drawn in favor of the Chairperson, State Mental Health Authority payable at the place where the State Authority is situated

14. Maintenance of digital register—A category-wise register in Form-D of all registered mental health establishments shall be maintained by the State Authority in digital format in accordance with the provisions of section 71

CHAPTER IV FINANCE, ACCOUNTS AND AUDIT 15. Accounts and audit of State Authority.-- (1) The State Authority shall maintain accounts of its income and expenditure relating to each year and prepare an annual statement of accounts consisting of income and expenditure account and the balance sheet. (2) Annual statement of accounts shall be submitted for audit not later than 30th June each year in the common accounting format prescribed from time to time by the Ministry of Finance for the central autonomous bodies or as nearer thereto as the circumstances admit. (3) The annual statement of accounts prepared under sub-rule (1) shall be signed on behalf of the State Authority by the officer in-charge of accounts and the Chief Executive Officer and shall be approved by the State Authority

16. Annual report of the State Authority.— (1) The State Authority shall prepare its annual report in Form-E and forward it to the State Government within nine months of the end of the financial year for being laid before each House of State Legislature. (2) The annual report shall give a full account of the activities of the State Authority during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of India thereon

CHAPTER V AUDIT, INSPECTION AND ENQUIRY OF MENTAL HEALTH ESTABLISHMENTS

17. Audit of mental health establishments.— (1). The State Authority shall, for the purpose of conducting audit of registered mental health establishments in the State, authorize one or more of the following persons to ensure that such mental health establishments comply with the minimum standards specified under the Act, namely:- (a) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated; (b) a representative of the State Human Rights Commission of the State where the mental health establishment is situated; (c) a Psychiatrist who is in Government service; (d) a Psychiatrist who is in private practice; (e) a mental health professional who is not a psychiatrist; (f) a representative of a non-governmental organization working in the area of mental health; (g) representatives of the care-givers of persons with mental illness or organisations representing care-givers; and (h) representatives of the persons who have or have had mental illness. (2) For conducting audit of registered mental health establishment, the State Authority shall charge a fee of rupees ten thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Health Authority payable at the place where the Authority is situated

18. Inspection and inquiry of mental health establishments.—(1) The State Authority may, suo moto or on a complaint received from any person with respect to non- adherence of minimum standards specified by or under the Act or contravention of any provision thereof, order an inspection and inquiry of any mental health establishment, to be made by one or more of the following persons, namely:- (a) a Psychiatrist in Government service; (b) a Psychiatrist in private practice; (c) a mental health professional who is not a psychiatrist; (d) a representative of a non-governmental organization working in the area of mental health; (e) a police officer in charge of the police station under whose jurisdiction, the mental health establishment is situated; (f) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated. (2) The State Authority or the person

authorized by it under sub-rule (1) may, if it has reasons to believe that a person is operating a mental health establishment without registration or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions of the Act or the rules and regulations made thereunder, enter and search such mental health establishment. (3) During search, the State Authority or the person authorized by it may require the mental health professional in charge of the mental health establishment to produce the original documents relating to its registration with the State Authority and it shall be obligatory on the part of the mental health establishment to produce such documents. (4) Within two days of completing search of the mental health establishment under sub- rule (3), a written report of the findings of such search shall be submitted to the Chairperson of the Authority. (5) The Chairperson of the State Authority, shall, on receipt of the written report under sub-rule (4), take such action as it deems fit, against the defaulting mental health establishment in accordance with the provisions of the Act. I. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12

13. Form-A [See rule 10] INFORMATION ON THE ACTIVITIES OF THE STATE AUTHORITY/ BOARD New Regulations notified: Number of orders passed during the year: Meetings held during the year: Number and details of mental health establishments under the control of the State Government Number and details of mental health establishments in the State or Union Territory: Registration of mental health professionals by the State Authority: Statement on references received from the Central Government and the State Government and action taken thereon: Quality and service provision norms for different types of mental health establishments under the State Government: Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017: Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection: Audit of Mental Health Establishments along with audit reports: Complaints received regarding violation of rights of Mentally ill persons and action taken thereon Details regarding guidance document for medical practitioners and mental health professionals 14.15. 16. 17. 18. 19. 20. 21

22. Number of cases registered regarding Sexual Harassment of Women at Workplace under section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and details thereof: Details of inspection and inquiry of Mental Health Establishments: Number Of appeals to High Court against order of Authority and status thereof: Complaints received regarding deficiencies in provision of services and action taken thereon: Stakeholders Consultations: Inquiry initiated by the Authority/Board: Administration and establishment matters Budget and Accounts with details including balance sheet, expenditure account, etc.: Any other matter which may be relevant: income and Form-B [See rules 11(2) and 12] APPLICATION FOR GRANT OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL REGISTRATION OF A MENTAL HEALTH ESTABLISHMENT To The Department of State Government of . Dear Sir/ Madam, I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment namely of which I am/we are holding a valid licence/registration for the establishment/ maintenance of such hospital/nursing home. Details of the hospital/nursing home are given below: 1. 2. 3. 4. 5. 6. 7

8. Name of applicant Details of licence with reference to the name of the authority issuing the licence and date Age Professional experience in Psychiatry Permanent address of the applicant Location of the proposed hospital /nursing home Address of the proposed nursing home/hospital Proposed accommodations• (b) (c) (d) (f) (g) (h) (j) Staff pattern: Number of rooms Number of beds Facilities provided• Out-patient Emergency services In-patient facilities Occupational and recreational facilities ECT facilities (n X-Ray facilities Psychological testing facilities Investigation and laboratory facilities Treatment facilities (a) (b) (c) (d) Number of doctors Number of nurses Number of attendees Others I am herewith sending a bank draft for Rs..... drawn in favour of..... as application fee. I hereby undertake to abide by the rules and regulation of the Mental Health Authority. I request you to consider my application and grant the licence for establishment/ maintenance of psychiatric hospital/nursing home,
Yours faithfully Signature.... Name.. Date...



Form-C [See rule 11 CERTIFICATE OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL REGISTRATION .submitted The State Authority, after considering the application dated. under section 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords provisional registration/renewal of provisional registration to the applicant mental health establishment in terms of section 66 (4) or section 66 (11), as per the details given hereunder: Name: Address No of beds

The provisional registration certificate issued, is subject to the conditions laid down in the Mental Healthcare Act,2017 and the rules and regulations made there under and shall be valid for a period of twelve months from the date of its issue and can be renewed. Place Date Registration Authority Seal of the Registration Authority FORM - D (See rule 14) Register of Mental Health Establishments (in digital format)* Category Sl. No. Name and Address of the applicant Name of the establishment and address Date of the application Date and particulars of Registration No. of beds Remarks *Separate table for each category of mental health establishment. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15

16. Form-E [See rule 16 Annual Report of State Authority Introduction Profile of the Authority's Members Scope of Regulation New Regulations/procedures etc.notified/issued Orders passed by the Authority Meetings of the State Mental Health Authority held during the year Mental health establishments under the control of the State Government Mental health establishments in the State Registration of mental health professionals by the State Authorities A statement on references received from Central and State Governments and action taken thereon A statement on references sent to the Central and State Governments and action taken thereon by the respective Governments Quality and service provision norms for different types of mental health establishments under the State Government Supervision of mental health establishments under the State Government and action taken on the complaints received about deficiencies in provision of services therein Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017 Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection. Audit of Mental Health Establishments 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28

29. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon Details regarding guidance document for medical practitioners and mental health professionals Implementation of RTI Act, 2005 Details regarding Sexual Harassment of Women at Workplace under Section 22 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.Inspection and Inquiry of Mental Health Establishments Appeals to High Court against order of Authority and status thereof Status of review of use of advance directives and recommendations of the Authority in respect thereof. Complaints received about deficiencies in provision of services and action taken thereon. Stakeholders Consultations Inquiry initiated by the Authority Administration and establishment matters Annual accounts Any other matter which in the opinion of the Authority needs to be highlighted [F. No. V-15011/09/2017-PH-I] I-AV AGARWAL, Jt. secy. [3-TIR7 2, 3, 3cr-üg (i) R-*r, 29 2018 .. (3) - 2017 (2017 10) 121 scr-mær (1) (4) 3g-üRT (2) 3•Tf-m-rq I ((TGZr 2018 F) 3T2t t 2017 (a) "tff# t g•u; (70 3•Tå t *r 46 (1) (s) (ö) qrszr (2) uvi TV, 3-TR8rzt 1956 (1956 102) 1970 (1970 48) 3T2t, agi 3Ri7Td t, atr Orr, zrr 37 11 3. - (1) 46 *r 3tr-üRT (1) üS- (2) 46 *r (1) (a), (T) F) 3-iaafrö ma--TT R3-TT7T q-ä *7frl (3) 46 *r 3tr-e.TRT 1 üg-(s.) 3-ia-afia (a) 67 t; (T) 5 q-rq O; 46 (1) (s) 3ia•ää *7tr (2) 46 (1) (3), (30 *atr 15 (3) 46 3•q-e.TRT (1) (6), (g.) ß) 3ia•ää *7tr, F) 3-T2.ra•r 0, (a) *r qftzrzfr qz-ra•r ali -ur q•ft-q-u'r (T) Êzfrazå ala 6. 3TråZöT : Nv, 3i7Hr STAT) 7. 3•ß-zra--T, 3-rara•T a--i7 8. frzrr•- (i) 7 ava 37 *r *7tr, 46, 4 5 (2) q-rar *r 3MaaT gig, 5 (3) ava å, 3•Tvr, enwr 3-1?dT, qT*r 3-RT, 3-TFaT 3-TFzr 3-1* zrr zrr *r ta•r tl (10) zrr 0, *atr ay, - Ill 11. #qr•- (1) a-zia•vr avi t, qa-T (3) qlGZr 65 66 æ-fr 3@a-1T3å t, q-a-rvr *a-rrl 12. - 11 (3) *r 12 *r zrt agr 3Ta•r avi t, qa-T OTT I 13. - ETe..zr t t a--fi71GT Grra•r t a, qa•T t, äzr afr 14. 3i*rzr — 71 3i*rzr 15. qtra-TT:- (1) ezrzt aar au-r (2) aar qta-TT FT7Tå-T7T t, at 30 (3) 3q (1) 3i7JtT 16. *r ftqY:- (1) af *rar (2) æ-ærre.r aar3å *r qtHT, atra--TUT 17. *r qtraw.- (1) *r qtra-TT alfr a•ræra:- F) zn 36i (v) 3TT&T (El) Yr t; (S) öT&r t; (S) zz:fra-zå 37 (3) 37 t (2) *r qtra-TT fir, q•szr ga-T 18. atrep-r (1) F?T: zr aga zrr atrap•r t, 3T2fi?!: (v) Yr (g.) q:-TTtr 3&Ttr avi (2) q•rszr qr 3tr-B•zrR (1) zrv aver gätTt, æa•re.zr (4) (3) ava *r aa-retr frax, aartr *r *r (5) 3fizra-T, (4) *vrrl 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 10 i-czrr 3-hr 2017 3qät.å gma-Tüt: qtrHT *r qtr&Tr: Êzt(r: (Ä<RUT, 2013 *r 22 JTR•err3å F2.rrqa•r3å Ravr: 3T#rai *r 3ft FT*r 17. 18. 19. 20. 21. 22. 3izr: 3-•TÄ zzzr 3q•rR 3TäfrR 11(2) 12 F2.TT•q7T qar.. 0 1. 2. 3. 4. 5. 6.

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