

**THE DELHI HEALTH BILL, 2015  
(DRAFT)**

**A BILL**

*to provide for the registration and regulation of clinical establishments in the State of Delhi and for matters connected therewith or incidental thereto;*

*Preamble - WHEREAS, it is considered expedient to provide for the registration and regulation of clinical establishments with a view to prescribe minimum standards of facilities and services which may be provided by them to safeguard the interests of patients' and health care providers. So that mandate of article 47 of the Constitution for improvement in public health may be achieved;*

**CHAPTER I  
PRELIMINARY**

**Short title,  
application and  
commencement.**

1.
  - 1) This Act may be called the Delhi Health Act, 2015.
  - 2) It applies to the National Capital Territory of Delhi.
  - 3) It shall come into force on such date as the State Government may by notification in the Gazette  
Provided that different dates may be appointed for different categories of clinical establishments and for different recognized systems of medicine.

**Definitions.**

2. In this Act, unless the context otherwise requires,—
  - a) “authority” means the State registering authority for clinical establishments established under section 8
  - b) “certificate” means certificate of provisional registration under section 11 (6) and permanent registration issued under section 13 (4)

- c) "clinical establishment" means-
- (i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium, wellness clinic, fertility and invitro fertilization centres, hospice, de-addiction centre, medical day care centre treatment including laser or an institution by whatever name called that offers services, facilities requiring prevention, diagnosis, treatment, or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or
  
  - (ii) a place established as an independent entity or part of an establishment referred to in sub-clause (i) in connection with the prevention, diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not,

and shall include a clinical establishment owned, controlled or managed by-

- (i) the Government or a department of the Government;
- (ii) a trust, whether public or private;
- (iii) a corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;

- (iv) individual proprietorship or partnership firm;
- (v) a local public authority; and
- (vi) a single practitioner from recognised systems of medicine registered as per various Acts and rules in force

but does not include clinical establishments owned, controlled and managed by Armed forces.

*Explanation* - For the purposes of this clause 'Clinical Establishment' - Any dispute as to whether an establishment is to be covered under this definition shall be referred to the State Council for decision. The State Council after giving a chance to the interested parties to adduce evidence, shall give a decision on whether the clinical establishment carrying out the disputed procedure comes under the provision of the Act.

*Explanation*— For the purposes of this clause " Armed Forces" means the forces constituted under the Army Act, 1950 (Central Act 46 of 1950), the Air Force Act, 1950 (Central Act 45 of 1950) and the Navy Act,1957 (Central Act 62 of 1957);

- d) "Council" means the State Council for clinical establishments established under section 3;
- e) "notification" means a notification published in the official gazette;
- f) "prescribed" means prescribed by rules made under this Act ;
- g) "recognized system of medicine" means Allopathy, Ayurveda, Homoeopathy, Siddha and Unani System of medicines or any other system of medicine having a Council recognized by the Central or State Government and as applicable under various Acts and rules in force.

- h) “registered medical practitioner” means registered personnel from “recognized system of medicine” having a Council recognized by the Central or State Government and as applicable under various Acts and rules in force.
- i) “register” means the register maintained by the State Council under sections 27 (1) of this Act containing the details of the clinical establishments registered;
- j) “registration” means to register under sections 9, 10, 11 and the expression registration or registered shall be construed accordingly.
- k) ‘non registration’ means not applying or renewing or applications have been rejected for provisional or permanent registration.
- l) “standards” means the conditions that the State Council may prescribe under section 6 (1) (i), (ii), 6 (2) (3) for the registration of clinical establishments;
- m) “emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) of such nature that the absence of immediate medical attention could reasonably be expected to result in-
  - (i) placing the health of the individual or, with respect to a pregnant women, the health of the woman or her unborn child, in serious jeopardy; or
  - (ii) serious impairment to bodily functions; or
  - (iii) serious dysfunction of any organ or part of a body;

- n) "to stabilize (with its grammatical variations and cognate expressions)" means, with respect to an emergency medical condition specified in clause (m), to provide such medical treatment, within the staff, facilities and medical expertise available therein, as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to occur during the stay of an individual in that clinical establishment;
- o) "rules" means rules made under this Act;

**CHAPTER II**  
**STATE COUNCIL FOR CLINICAL ESTABLISHMENTS**

**Establishment of the Council**

- 3.
  - 1) The State Government shall, by notification constitute a State Council for clinical establishments called the State Council for Clinical Establishments.
  - 2) The State Council shall consist of—
    - a) Secretary, Health, Government of National Capital Territory of Delhi , *ex-officio who shall be the Chairperson;*
    - b) Director of Health Services, Government of National Capital Territory of, *ex-officio who shall be the Member Secretary;*
    - c) Dean, MAMC, *ex-officio who shall be the member;*
    - d) Principal UCMS, *ex-officio who shall be the member;*
    - e) Director of AYUSH, GNCTD, *ex-officio who shall be the member;*
    - f) Director Family Welfare, GNCTD *ex-officio who shall be the member;*
    - g) One representative from each Council

nominated by;

- (i) Delhi Medical Council constituted under section 3 of the DMC Act, 1997
  - (ii) Delhi Dental Council constituted under section 21 of the Dentist Act, 1948
  - (iii) Delhi Nursing Council constituted under section 3 of the DNC Act, 1997
  - (iv) Delhi Pharmacy Council constituted under section 19 of the Pharmacy Act, 1948
  - (v) Delhi Council for Physiotherapy & Occupational Therapy constituted under section 3 of the Delhi Council for Physiotherapy & Occupational Therapy Act, 1997
  - (vi) Delhi Bhartiya Chikitsa Parishad constituted under Section 3 of Delhi Bhartiya Chikitsa Parishad Act, 1998
  - (vii) Board of Homeopathic System of Medicine, Delhi constituted under section 3 of the Delhi Homeopathy Act, 1956
- h) one representative to be nominated by the Law Department, Government of the National Capital Territory of Delhi (GNCTD);
- i) one eminent lawyer nominated by the state government;
- j) two eminent doctors nominated by the State Government;
- k) One representative each to be nominated by the;
- (i) State Indian Medical Association
  - (ii) State Association of Indian Systems of Medicines
  - (iii) State Dental Association
- l) one representative from the line of paramedical systems, nominated by the State Government;
- m) one representative from the line of

laboratory and diagnostic centres  
nominated by State Government;

- n) one representative from a consumer organisation working in the field of health in the State, nominated by the State Government;

Procedure for  
conduct of  
business

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- 1) The nominated members of the State Council shall hold office for three years but shall be eligible for re-nomination for maximum of one more term of three years.

Provided that the person nominated, shall hold office for such period till she/he holds appointment of the office by virtue of which She/he was nominated to the Council.

- 2) The members of the State Council shall be entitled for such allowances as may be prescribed by the State Government.
- 3) The State Council may, subject to the approval of the State Government, make bye-laws fixing a quorum and regulating its own procedure and the conduct of all business to be transacted by it.
- 4) The state council shall meet at least once in three months
- 5) The functions of the State Council may be exercised notwithstanding any vacancy therein
- 6) The State Government may provide the State Council with such resources it considers necessary for carrying out its functions and duties for execution of the provision of the Act and rules.

5. A person shall be disqualified for being appointed as a member of the State Council if he-
- a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
  - b) is an undischarged insolvent; or
  - c) is of unsound mind and stands so declared by a competent court; or
  - d) has been removed or dismissed from the service of the Government or a Corporation owned or controlled by the Government; or removed by respective recognised Council.
  - e) has, in the opinion of the State Government, such financial or other interest in the Council as is likely to affect prejudicially the discharge by him of his functions as a member.

Disqualifications for appointment as member.

6.

1. Functions of State council:

- (i) determine within a period of two years from when it is established, the first set of standards for ensuring proper healthcare by the clinical establishments;
- (ii) classify the clinical establishments into different categories and prescribe the minimum standards for each category of clinical establishments periodically;
- (iii) safeguard the interests of patients and health care providers, as prescribed;
- (iv) provisions for maintenance of records and reporting of data and information mandatorily provided, relevant to public health by clinical establishment, including their periodicity, analyse the data and make it available in public domain as may be prescribed;

Functions of State Council.



- (v) conduct medical, clinical and social audits of the clinical establishments and take necessary action as prescribed;
- (vi) compile and publish a State Register of Clinical Establishments, as prescribed; and send periodic returns for updating National Register for Clinical Establishments;
- (vii) hear appeals against the orders of the Registration Authority;
- (viii) publish an annual report on the status of implementation of the Act and rules;
- (ix) appoint assessors (individual or institutional) for assessment and inspection of the clinical establishments, as prescribed;
- (x) direct to cancel registration of such clinical establishments where there is imminent danger to public health and the health and safety of patients and staff, as prescribed;
- (xi) suggest the penalty to be levied on the concerned offence for the various categories of clinical establishments which would include the nature, size and location, as prescribed;
- (xii) recommend to the State Government any modification required in the rules in accordance with the changes in technology or social conditions;
- (xiii) perform any other function determined by the State Government from time to time.

2. Clinical establishments of different systems shall be classified into such categories, as may be prescribed by the State Council, from time to time.

3. Different standards may be prescribed for classification of

[Classification of clinical establishments](#)

different categories referred to in sub-section (2):

7.

1. The State Council shall follow a consultative process for classification of clinical establishment and determining the minimum standards and shall have regard to the local conditions in accordance with such procedure as may be prescribed.

State Council to follow consultative process.

2. The Council may appoint such sub-committees as it deems fit with members or persons who are not members of the Council for such period, not exceeding two years, for the consideration of any particular matter.

Power to seek advice or assistance.

Provided the State Council in exceptional circumstances may extend the term beyond two years.

3. The Council may associate itself with any person or body and obtain technical assistance or advice as it may deem necessary for carrying out the provisions of this Act and or Rules.

### CHAPTER III AUTHORITY AND CONDITIONS FOR REGISTRATION

Authority for registration.

8. (1) The State Government shall, by notification, constitute a State registration authority for registration of clinical establishments, with the following members, namely:-

(i) Head of Office, Director of Health Services, *who shall be the Chairperson;*

(ii) Two representatives of Director Health Services.

(iii) One representative of Director AYUSH, GNCTD,

(iv) Representative from a registered professional medical

association working in the State  
nominated by the State  
Government;

(2) Notwithstanding anything contained in sub-section (1), for the purposes of provisional & permanent registration of clinical establishments, the Additional Director shall exercise the powers of the authority as per procedure that is prescribed.

Functions of the  
registering  
authority

(3) The registering authority shall perform the following functions, namely:-

- i. grant, renew, and cancel registration of a clinical establishment or suspend the services (wholly or partly) in a Clinical Establishment;
- ii. enforce compliance of the provisions of the Act and the rules made thereunder;
- iii. ensure that the registered institution maintains the minimum standards as long as the registration remains valid and call for periodic reports and/or inspect the institution to ensure the same.
- iv. investigate complaints of breach of the provisions of the Act or the rules made there under and take appropriate action;
- v. submit periodic reports of such nature as directed by the State Council;
- vi. report to the State Council on a quarterly basis the action taken against non-registered clinical establishments;
- vii. perform such other functions as may be prescribed by the State Council and/or the State Government.

(4) The State Government may provide the

Registration authority with such resources as it considers necessary for carrying out its functions and duties as provided for execution of Act and rules.

Registration for clinical establishments.

9.(1) No person shall run a clinical establishment unless it has been duly registered in accordance with the provisions of this Act and the rules.

(2) If any clinical establishment is in existence at the time of the commencement of this Act, an application for provisional registration shall be made within three months from the date of the notification of this Act and a clinical establishment which comes into existence after notification of this Act, shall apply for provisional registration before starting its functioning and for permanent registration after standards are prescribed and notified;

Provided that in order to prevent hardship to existing clinical establishments that may not meet the minimum standards the State Council may provide them time to acquire the same for permanent registration within two year of the notification of the minimum standards.

(3) New clinical establishments established after the notification of the minimum standards need to apply for permanent registration.

Condition for registration and continuation

10 For registration and continuation, every clinical establishment shall fulfil the following conditions, namely:—

- (i) the prescribed minimum standards according to the system and category of the clinical establishment as prescribed;
- (ii) the minimum qualification and requirement of personnel as may be prescribed;
- (iii) shall maintain the medical

- records of patients as prescribed
- (iv) shall furnish to the authority or the State Council or the State Government such information or data as may be prescribed
  - (v) shall comply with standards of safety, infection control and standard treatment guidelines as may be notified by the State Government from time to time;
  - (vi) shall on being directed by Directorate of Health Services, Government of the National Capital Territory of Delhi, cooperate and provide such reasonable assistance and medical aid as may be considered essential for victims of acid attack and natural calamity including outbreak of epidemics or disaster;
  - (vii) shall declare commission or incentives taken or given for patient referral to any individual or institution for any purpose within 24 hrs of such payment in any form;
  - (viii) shall not compel patients to purchase medicines or medical devices from a particular pharmacist or supplier;
  - (ix) shall provide information on discharge regarding the diagnosis, results of investigations, treatment given, condition at the time of discharge and advice to the patient. Copies of relevant medical, diagnostic reports and detailed bills and receipts be made available to the patient on payment;
  - (x) shall display information in Hindi and English at a conspicuous place regarding availability of facilities, services and rates & fees charged, and charter of patient rights for the information of the patients, as prescribed;
  - (xi) shall undertake to provide, within the staff, facilities and medical expertise

available, such medical examination and treatment as may be required to stabilise the emergency medical condition of any individual who comes or is brought to such clinical establishment during the stay

- (xii) shall mandatorily comply with the obligation to provide free treatment as per the orders of the Directorate of Health Services, Government of the National Capital Territory of Delhi, from time to time.
- (xiii) shall mandatorily comply with the orders issued in the public interest and protection of public health by the Directorate of Health Services, Government of the National Capital Territory of Delhi, from time to time;

#### **CHAPTER IV**

#### **PROCEDURE FOR PROVISIONAL AND PERMANENT REGISTRATION**

Application for provisional registration.

**11.(1)** All clinical establishments in Delhi shall be registered with the authority under the provisions of this Act and the rules made thereunder.

*Explanation:* Clinical establishments owned by Government or a department of the Government, the incharge of clinical establishment shall apply.

(2) If any clinical establishment is in existence at the time of the commencement of this Act, an application for provisional

registration shall be made within one month from the date of the notification of this Act,

(3) Where a clinical establishment is already registered under any existing law requiring registration of such establishments, it shall apply for registration as referred to in section 11 (1).

(4) For the purposes of provisional registration an application alongwith prescribed fee shall be filed online by the clinical establishment to the registering authority in such form, manner and fees as may be prescribed under the rules of this Act

Certificate of Provisional Registration

(5) The authority may not conduct any inquiry prior to the grant of provisional registration

No inquiry prior to provisional registration

Provided the authority has reasons to believe that the information being provided is false or incorrect may inspect or cause to be inspected the clinical establishment before grant of provisional registration

(6) The authority shall, within a period of thirty days from the date of receipt of such application, grant to the applicant a certificate of provisional registration in such form and containing such particulars and such information, as may be prescribed.

(7) If provisional registration is not decided within 30 days, the clinical establishment shall be deemed to be registered.

(8) Notwithstanding the grant of the provisional certificate of registration, the authority shall publish in such manner, as may be prescribed, particulars of the clinical establishment.

(9) Subject to the provisions of section 11 (6) every provisional registration shall be valid to the last day of the second financial year from the date of issue of the certificate of registration and such registration shall be

Validity of provisional registration.

renewable after this period, for the next one financial year.

(10) The application for renewal of registration shall be made before 31<sup>st</sup> January of the applicable year and, in case the application for renewal is made after the expiry of the provisional registration, the authority shall allow renewal of registration on payment of such enhanced fees, as may be prescribed.

Renewal of provisional registration.

12. Where clinical establishments in respect of which standards have been notified by the State Government, provisional registration shall not be granted or renewed beyond

Time limit for provisional registration.

(i) the period of three years from the date of notification of the standards in case of clinical establishments which came into existence before the commencement of this Act;

(ii) the period of two years from the date of notification of the standards for clinical establishments which come into existence after the commencement of this Act but before the notification of the standards;

Application for permanent registration.

13.(1) For the purposes of permanent registration an application alongwith prescribed fee shall be filed online by the clinical establishment to the registering authority in such form, manner and fees as may be prescribed under the rules of this Act

(2) The authority may not conduct any inquiry prior to the grant of permanent registration

Provided the authority has reasons to believe that the information being provided is false or incorrect may inspect or cause to be inspected the clinical establishment before grant of permanent registration



Provided that all new clinical establishments which apply after the notification of minimum standards would be inspected before grant of permanent registration

(3) After the clinical establishment submits the application along with the required evidence of having complied with the prescribed minimum standards, the authority shall cause to be displayed of information in public domain for a period of thirty days for filing objections, supported with substantive proof, if any, before processing for grant of permanent registration in such manner, as may be prescribed.

(4) The authority shall, within a period of ninety days from the date of receipt of such application, grant to the applicant a certificate of permanent registration in such form and containing such particulars and such information, as may be prescribed.

#### Standards for permanent registration

**14.** Permanent registration shall be granted only when a clinical establishment fulfils the prescribed minimum standards

**15.(1)** The authority shall pass an order immediately after the expiry of the prescribed period and within the next ninety days thereafter either -

(a) allowing the application for permanent registration; or

(b) disallowing the application:

Provided that if objections supported with substantive proof, are received within the period referred to in the preceding section, such objections supported with substantive proof shall be communicated to the clinical establishment for response within a period of thirty days.

(2) The authority shall record its reasons and communicate to the applicant, if it disallows

Allowing or disallowing of registration.

an application, for permanent registration.

(3) The process of deciding permanent registration should be completed within ninety days of application, otherwise the clinical establishment would be deemed to be registered.

(4) The authority shall, if it, allows an application of the clinical establishment, issue a certificate of permanent registration in such form and containing such particulars, as may be prescribed.

Certificate of permanent registration.

(5) The certificate shall be valid for a period of five financial years from the date of issue.

Validity permanent registration

(6)The application for renewal of permanent registration shall be made before 31<sup>st</sup> January of the applicable year and, in case the application for renewal is made after the expiry of the provisional registration, the authority shall allow renewal of registration on payment of such enhanced fees and penalties as may be prescribed.

Renewal of permanent registration

(7) The disallowing of an application for provisional and permanent registration shall not debar a clinical establishment from reapplying after compliance for permanent registration after providing such evidence, as may be required, of having rectified the deficiencies on which grounds the earlier application was disallowed within thirty days. This will not involve additional fees within thirty days.

Reapplying after disallowing of an application

Display of the certificate of registration

**16.** The provisional or permanent certificate shall be kept affixed in a conspicuous place in the clinical establishment in such manner so as to be visible to everyone visiting such establishment

Acknowledgement

**17.** The authority shall acknowledge the

of application	receipt of the application for provisional & permanent registration as the case may be in such form as prescribed
Verification of application	<b>18.</b> The registering authority may verify and conduct enquiry or inspect where necessary for provisional or permanent registration
Certificate to be non-transferable	<p><b>19.(1)</b> The certificate of provisional or permanent registration shall be non-transferable.</p> <p>(2) In the event of change of ownership, location or category the certificate of registration in respect of such clinical establishment shall be surrendered to the Authority and the clinical establishment shall apply afresh for grant of certificate of registration in such manner as may be prescribed.</p> <p>(3) In the event the clinical establishment ceasing to function the certificate of registration in respect of such clinical establishment shall be surrendered to the authority</p>
Display of information	<p>(4) In the event of addition of facility and services to the clinical establishment, the same should be informed to the authority and in a form and manner as prescribed</p> <p><b>20.</b> The authority shall cause to be published in the public domain the details of the clinical establishment that have been granted provisional or permanent registration as prescribed</p>
Publication of expiry of registration	<b>21.</b> The authority shall cause to be published within such time and in such manner, as may be prescribed, the names of clinical establishments whose provisional and or permanent registration has expired or ceased to function.
Compliance for	<b>22.</b> It shall be the responsibility of the

provisional and permanent registration.

authority to ensure that the registered clinical establishments maintain the prescribed standard as long as the registration remains valid and the authority shall call for periodic reports and shall assess, inspect or cause to be inspected any registered clinical establishment to check compliance of the standards. The results of the assessment / inspection shall be made available to the public in such manner as may be prescribed.

Cancellation of provisional and permanent registration.

**23.** (1) If, at any time after any clinical establishment has been provisionally or permanently registered, registration may be cancelled or suspended by the authority or State Government if,—

- (i) the conditions of the registration are not being complied with;
- (ii) there is imminent danger to the safety of patients and staff by the clinical establishment
- (iii) there is non-compliance with the orders of the Directorate of Health Services, Government of the National Capital Territory of Delhi, from time to time

It may issue a notice to the clinical establishment to show cause as to why its registration under this Act and rules should not be suspended or cancelled for the reasons to be mentioned in the notice.

Provided that the authority may restrain immediately the clinical establishment from carrying on if there is imminent danger to the health and safety of public, patients and staff.

(2) If after giving a reasonable opportunity to the clinical establishment, the authority is satisfied that there has been a breach of any of the provisions of this Act or the rules made thereunder, it may, by an order, without prejudice to any other action that it

may take against such clinical establishment, cancel its registration as per provisions of sub section 1.

(3) Every order made under sub-section 2 shall take effect-

(a) where no appeal has been preferred against such order immediately on the expiry of the period prescribed for such appeal; and

(b) where such appeal has been preferred and it has been dismissed from the date of the order of such dismissal:

**Inspection of registered clinical establishments.**

**24.** (1) The State Council or the registration authority shall have the right to cause an inspection of, or inquiry in respect of any clinical establishment, to be made by such multi-member inspection or assessment team as prescribed as it may direct and to cause an inquiry to be made in respect of any other matter connected with the clinical establishment and that establishment shall be entitled to be represented there at with due notice.

(2) The authority shall communicate to the clinical establishment the views of that authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the clinical establishment thereon, advise that establishment upon the action to be taken.

(3) The clinical establishment shall report to the authority, the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry and such report shall be furnished within such time, as the authority may direct.

(4) Where the clinical establishment does not, within a reasonable time, take action to the satisfaction of the authority, it may, after considering any explanation furnished or representation made by the clinical

establishment, issue such directions within such time as indicated in the direction, as that authority deems fit, and the clinical establishment shall comply with such directions.

**25.** The authority or an officer authorised by it may, if there is any reason to suspect that anyone is carrying on a clinical establishment without registration, enter and search in the manner prescribed, at any reasonable time and the clinical establishment, shall offer reasonable facilities for inspection or inquiry and be entitled to be represented thereat: **Power to enter.**

**Grievance  
Redressal**

**26. (1)** The State Government shall set up a grievance redressal mechanism as prescribed to receive, investigate and take action about any clinical establishment regarding violation of the provisions of the Act or Rules made there under,

(2) If a patient or his / her next of kin is aggrieved by violation of the provisions of the Act and rules may complain as prescribed

## **CHAPTER V REGISTER OF CLINICAL ESTABLISHMENTS**

**Register of clinical  
establishments.**

**27. (1)** The Council shall compile, maintain and publish a register to be known as the State Register of Clinical Establishments in such form containing such particulars as may be prescribed.

(2) Each authority shall supply in digital format to the State Council of clinical establishments a copy of every entry made in the register of clinical establishments in such manner, as may be prescribed to ensure that the State Register is constantly up-to-date.

(3) The State Council shall send periodic

returns for updating the National Register as required by Government of India or the National Council constituted under the Clinical Establishments (Registration and Regulation) Act, 2010 (Central Act 23 of 2010);

## CHAPTER VI PENALTIES & APPEALS

### Penalty.

28. (1) Whoever contravenes any provision of this Act shall, if no penalty is provided elsewhere, be punishable for the first offence with penalty which may extend to ten thousand rupees, for any second offence with penalty which may extend to fifty thousand rupees and for any subsequent offence with penalty which may extend to five lakh rupees.

There after the third offence, process of cancellation of registration and closure of clinical establishment may be initiated.

(2) While determining the quantum of monetary penalty, the authority shall take into account the category, size and type of the clinical establishment and local conditions of the area in which the establishment is situated

29. (1) Whoever carries on a clinical establishment without registration shall, on first conviction, be liable to a monetary penalty up to fifty thousand rupees and for second contravention with a monetary penalty which may extend to two lakh rupees. For third contravention, process of closure of clinical establishment shall be started. Appeals if any may be disposed of before initiating the process as above.

Monetary  
penalty for  
non-registration.

(2) Any person who knowingly serves in a clinical establishment which is not duly registered under this Act, shall be liable to a monetary penalty which may extend to twenty-five thousand rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account referred to in section 36 (2)

**30.** (1) Any person, aggrieved by an order of the registering authority refusing to grant, renew, suspended or cancelled registration of a clinical establishment may, in such manner and within such period as may be prescribed, prefer an appeal to the State Council as prescribed:

Provided that the State Council may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the applicant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

(3) Any person aggrieved by the decision of the authority if desired shall prefer an appeal to the appropriate forum within a period of one month from the date of the said decision. During this period the



decision of authority will be on hold.

(4) The manner of filling the appeal referred to in sub-section (1) shall be such as may be prescribed.

*Revision.*- The Government may, *suo-motu* or on application made to it, call for the records of any case in which an order has been passed by the Council and if it appears to the Government that the order is improper or illegal, it may, after giving an opportunity of being heard to the concerned, pass such order as it deems fit under the provisions of the Act and rules

(5) Anybody making frivolous complaints to the authority or the Council or the grievance redressal mechanism set up under the Act and rules shall be liable to a monetary penalty which may extend to twenty-five thousand rupees

31.(1) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall be liable to a monetary penalty which may extend up to twenty five thousand rupees.

[Disobedience of order, obstruction and refusal of information.](#)

(2) Whoever being required by or under this Act to supply any information wilfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall be liable to monetary penalty which may extend up to one lakh rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any monetary

penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstance of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the monetary penalty specified in those sub-sections to be deposited within thirty days of the order in the account referred to in sub-section 36 (2)

(5) Any person aggrieved by the decision of the authority may prefer an appeal to the with appropriate forum a period of three months from the date of the said decision.

Penalty for minor deficiencies.

**32.** Whoever contravenes any provision of this Act or any rule made thereunder resulting in deficiencies that do not pose any imminent danger to the health and safety of any patient and can be rectified within a reasonable time, shall be punishable with penalty that may extend to one thousand rupees.

Contravention by companies.

**33.(1)** Where a person committing contravention of any of the provisions of this Act or of any rule made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to penalty:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention was committed

without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention if authority is satisfied to that effect.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or 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 contravention and shall be liable to penalty.

*Explanation.*— For the purposes of this section,—

a) “company” means a body corporate and includes a firm or other association of individuals; and

b) “director”, in relation to a firm, means a partner in the firm.

Offences by  
Government  
clinical  
establishments.

**34.** (1) Where an offence under this Act has been committed by any Department of Government within a period of six months after the commencement of this Act, the head of the clinical establishment 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 such head of the clinical establishment liable to any punishment if he proves that the offence was committed without his/her knowledge or that s/he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this

Act has been committed by an Institution of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the clinical establishment, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Recovery of penalty.

35. Any amount of penalty or other amount due under this Act which remains unpaid, shall be recoverable as arrears of land revenue.

## CHAPTER VII FINANCE AND ACCOUNTS

36. (1) The State Government may charge fees for different categories of clinical establishments, as may be prescribed.

Levy of fee by State Government.

(2) The amounts collected by way of fees and penalties by the State Council and the Registration Authority shall be credited to such separate account and shall be utilized for the Activities connected with the implementation of the provisions of the Act, as prescribed:

## CHAPTER VIII

### MISCELLANEOUS

37. (1) No suit, prosecution or other legal proceedings shall lie against any authority or any member of the local registering authority or any officer authorised on his behalf in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

Protection of action taken in good faith.

(2) No suit or other legal proceedings shall lie against a State Government in respect of any loss or damage caused or likely to be caused by anything which is in

good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

**38.** The State Government may facilitate single window applications and clearances for clinical establishments falling under the purview of the Department of Health and Family Welfare, Government of the National Capital Territory of Delhi.

**39.** Every clinical establishment shall, within such time or within such extended time, as may be prescribed in that behalf, furnish to the authority or the State Council such returns or the statistics and other information in such manner, as may be prescribed by the State Government, from time to time.

Furnishing of returns, etc.

**40.** Without prejudice to the foregoing provisions of this Act, the authority shall have the power to issue such directions, including furnishing returns, statistics and other information for the proper functioning of clinical establishments and such directions shall be binding.

Power to give directions.

**41.** Every employee of the authority and the State Council or appropriate forums shall be deemed to, when Acting or purporting to Act in pursuance of any of the provisions of this Act, be public servants within the meaning of section 21 of the Indian Penal Code.

Employees of the authority, etc. to be public servants.

**42.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of

this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of State Legislature.

Laying of rules.

**43.** Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

**44.** The State Government may, by notification, make rules for carrying out all or any of the provisions of this Act

**45.** The State Government may, as and when consider necessary, by notification amend the *Schedule*

Savings.

Repeal

**45.** The Delhi Nursing Homes Registration (Amendment 2005) Act, 1953 is hereby repealed from date of enactment of this Act.

- Preamble: To safeguard the interests of patients and healthcare providers
- Section 1 (3): Different dates may be appointed for different categories of clinical establishments and for different recognised systems of medicine
- Section 2(c)(i): includes laser treatment centre
- Section 2(c) (ii)(i) : includes establishments owned by Government
- Section 2 (c) Explanation : any dispute whether an establishment is to be covered or not shall be referred to the State Council for decision
- Section 2 (n) : "to stabilize (with its grammatical variations and cognate expressions)" means, with respect to an emergency medical condition specified in clause (m), to provide such medical treatment, **within the staff, facilities and medical expertise available therein**, as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to occur **during the stay of an individual** in that clinical establishment;
- State Council: 13 out of 23 members are either from the State Government or nominated by the State Government.
- Functions of State Council :
  - ❖ classify clinical establishments into different categories
  - ❖ prescribe minimum standards for each category
  - ❖ safeguard interests of patients and healthcare providers
  - ❖ analyse the data provided by clinical establishments and make it available in public domain
  - ❖ conduct medical clinical and social audit,
  - ❖ compile State Register
  - ❖ hear appeals against orders of state registering authority
  - ❖ appoint assessors
  - ❖ cancel registration of CE where there is imminent danger
  - ❖ suggest penalty
  - ❖ recommend to state government any modification in rules
  - ❖ perform any other function determined by state government
- Section 9 (2) :
  - If CE is in existence at the time of commencement of this Act-  
Application for the provisional registration within 03 months from the date of notification
  - If CE comes into existence after notification of this Act-  
Application for provision registration before starting its functioning and for permanent registration after standards are prescribed by notified
- Section 10 : Condition for registration & continuation

- ❖ fulfil minimum standards prescribed
  - ❖ fulfil minimum qualification and requirement of personnel
  - ❖ maintain medical records
  - ❖ furnish data to State Registering Authority/ State Council/ State Government
  - ❖ comply standard of safety, infection control & standard treatment guidelines notified by State Government
  - ❖ cooperate and provide reasonable assistance and medical aid as may be considered essential for victims of acid attack , natural calamity including epidemics or disaster
  - ❖ shall declare commission or incentives taken or given for patient referrals within 24 hours of such payment in any form
  - ❖ shall not compel patients to purchase medicines or medical devices from a particular pharmacist or supplier;
  - ❖ shall provide information on discharge regarding the diagnosis, results of investigations, treatment given, condition at the time of discharge and advice to the patient. Copies of relevant medical, diagnostic reports and detailed bills and receipts be made available to the patient on payment;
  - ❖ shall display information in Hindi and English at a conspicuous place regarding availability of facilities, services and rates & fees charged, and charter of patient rights for the information of the patients, as prescribed;
  - ❖ shall undertake to provide, within the staff, facilities and medical expertise available, such medical examination and treatment as may be required to stabilise the emergency medical condition of any individual who comes or is brought to such clinical establishment during the stay
  - ❖ shall mandatorily comply with the obligation to provide free treatment as per the orders of the Directorate of Health Services, Government of the National Capital Territory of Delhi, from time to time.
  - ❖ shall mandatorily comply with the orders issued in the public interest and protection of public health by the Directorate of Health Services, Government of the National Capital Territory of Delhi, from time to time;
- Section 11 (4) : Application for provisional registration alongwith prescribed fee shall be filed online
  - Section 11 (5) : No enquiry prior to provisional registration
  - Section 11 (7) : If provisional registration is not decided within 30 days, shall be deemed to be registered
  - Section 11(9): Validity of provisional registration - 02 financial years from the date of issue and renewable for another financial year
  - Section 11 (10): Application for renewal shall be made before 31<sup>st</sup> January of the applicable year
  - Section 13 (1) : Application for permanent registration alongwith prescribed fee shall be filed online
  - Section 13 (2): Authority may not conduct any enquiry prior to granting permanent registration
  - Section 13 (3) : Display of information for a period of 30 days for filing objections, **supported with substantive proof before processing for granting permanent registration.**



- Section 15 (5): Validity of permanent registration – 05 financial years from the date of issue.
- Section 15 (6): Application for renewal of permanent registration shall be made before 31<sup>st</sup> January of the applicable year.
- Section 23(1) : Cancellation of provisional/ permanent registration by the authority or State Government if – condition of registration are not being complied with or there is imminent danger to the safety of patients and staff by the CE or there is non- compliance of the orders of Directorate of Health Services, GNCTD from time to time
- Section 28(1) : If no penalty is provided elsewhere-
  - ❖ First offence - extend upto Rs. 10000/-
  - ❖ Second offence - extend upto Rs. 50000/-
  - ❖ Subsequent offence - extend upto Rs. 5,00,000/-
  - ❖ Thereafter – cancellation of the registration
- Section 29 (1): Monetary penalty for non-registration:
  - ❖ First conviction - upto Rs. 50000/-
  - ❖ Second contravention- Rs 2,00,000/-
  - ❖ Third contravention- process of closure of CE to be started
- Section 29 (2): Person who knowingly serves in a non-registered CE-
  - ❖ Penalty may extend to Rs. 25000/-
- Section 29 (3): Before adjudging under Sections 29 (1) & (2), person concerned shall be given a reasonable opportunity of being heard before imposing monetary penalty.
- Section 29 (4): Authority shall have power to summon and enforce attendance.
- Section 30 (1) : Person aggrieved by order of registering authority may prefer an appeal to the State Government.