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Govt. of Jharkhand
Health, Medical Education & Family Welfare Deptt.

Notification

File No. :- 10 / अस्त-05-02 / 2012 140(10)

Ranchi, dated :- 30/5/2013

JHARKHAND STATE CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) RULES, 2013

1. Preamble

In exercise of power conferred under section 54 of the Clinical Establishment (Registration and Regulation) Act, 2010, the Jharkhand Government makes the Rules namely "The Jharkhand State Clinical Establishment (Registration and Regulation) Rules, 2013" for regulating the clinical establishment to provide better provision with respect to medical health care of the people through these establishments and for matters connected there with or incidental thereto.

2. Short title, extent and commencement

- 1) These rules may be called the **Jharkhand State Clinical Establishments (Registration and Regulation) Rules, 2013.**
- 2) These rules extend to the whole of the Jharkhand State and are applicable to all the Clinical Establishments in the State of Jharkhand.
- 3) These Rules shall come into force on the date of their publication in the Jharkhand State official Gazette.

3. Definitions

In these rules, unless the context otherwise requires,

- A. 'Act' means the Clinical Establishments (Registration and Regulation) Act 2010
- B. 'Rules' means the Jharkhand State Clinical Establishments (Registration and Regulation) Rules 2013
- C. 'Authority' means the District Registering Authority set up under Section 10 of the Act.
- D. 'Certificate' means certificate of permanent registration issued under section 30 of the Act.

F. Clinical Establishment means:

i. A hospital, maternity home, nursing home, dispensary, polyclinic, immunization or Vaccination clinic, dental clinic, sanatorium, special camp or an institution by whatever name called that offers services, facilities requiring diagnosis treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by and 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 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

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- a. The Government or a department of the Government.
 - b. A trust, whether public or private.
 - c. A corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government.
 - d. A local authority and
 - e. A single doctor.

But does not include the clinical establishments owned, controlled or managed by the Armed Forces constituted under the Army Act 1950, the Air Force Act 1950 and the Navy Act 1957.

- F. **'Emergency Medical Condition'** means a medical condition including any illness and/or intentional or accidental injury or any nature that may manifest itself by acute symptoms of sufficient severity (including severe pain) of such a nature that the absence of immediate medical attention could reasonably be expected to result in:
- i. Placing the life or health of the individual or with respect to pregnant women, the life or health of the woman or her unborn child in serious jeopardy.
 - ii. Serious impairment to bodily functions ; or
 - iii. Serious dysfunction of any organ or part of a body
- G. **'National Council'** means the National Council for clinical establishments established under section 3 of the Act
- H. **'Prescribed'** means prescribed by rules made under the Act by the Central Government or, as the case may be, the State Government;
- I. **'Recognized System of Medicine'** means Allopathy, Yoga, Naturopathy, Ayurveda, Hemoeopathy, Siddha and Unani System of medicines or any other system of medicines as may be recognized by the Central Government for time to time:
- J. **'Register'** means the register maintained by the authority, State Government and the Central Government under Sections 37, 38 and 39 respectively of the Act containing the number of clinical establishments registered.
- K. **'Registration'** means to register under section 11 and the expression registration of registered shall be construed accordingly.
- L. **'Standards'** means the condition that the Central Government/State Government prescribes under section 12 for the registration of clinical establishment from time to time.
- M. **'To stabilize'** (with its grammatical Variations and cognate expressions) means, with respect to an emergency medical condition specified in clause (f) to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a clinical establishment.

The words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

4. The Jharkhand State Council for Clinical Establishment

4.1 Establishment of Jharkhand State Council for Clinical Establishment

State Government has constituted Jharkhand State Council for clinical establishments (vide notification no. : सं० सं० : 7 (ए) अस्त०-06-03/10-62 (7A) स्वा०, संवी, दिनांक : 08-02-2012)

4.2 Functions of the Jharkhand State Council

The State Council shall perform the following functions, namely;

- A. Compiling and updating the State Registers of clinical establishments.
- B. Sending monthly returns for updating the National Register (including in the digital format).
- C. Representing the State in the National Council.
- D. Hearing of appeals against the orders of the Authority.
- E. Publication on annual basis a report on the state of implementation of standards within the Jharkhand State.
- F. Monitor the implementation of the provisions of the Act and Rules in the State.
- G. Recommend to the Government, any modifications required in the Rules in accordance with changes in technology or social conditions.
- H. Perform any other function as may be outlined by the National Council of Clinical Establishment.
- I. Any other function as may be prescribed by the Central Government.

4.3 Disqualification for appointment as member

A person shall be disqualified for being appointed as a member of the Jharkhand 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 un-discharged 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
- E. has, in the opinion of the State Government, such financial or other interests in the Council as is likely to affect prejudicially the discharge by him/her of his/her functions as a member.

4.4 Conduct of Business

Every meeting of the Jharkhand State Council shall be presided over by the Chairperson.

4.5 Time & Place for Meeting of the Jharkhand State Council

The meeting of the Jharkhand State Council shall ordinarily be held at Jharkhand State Capital on such dates as may be fixed by the Chairperson. The Jharkhand State Council shall meet at least once in three months.

4.6 Notice of Meeting

Notice of every meeting, other than a special meeting shall be issued by the Member Secretary to each member of the Council not less than one week before the date of the meeting.

4.7 Quorum, call for Meeting, Minutes;

One-third of the total number of members of the Jharkhand State Council shall form a quorum and all actions of the Council shall be decided by a majority of the members present and voting.

The notice and agenda of every such meeting of the Jharkhand State Council shall ordinarily be given 7-10 days before the meeting by the Member Secretary of the Council. The in charge Joint/Deputy Secretary will be ex-officio Member Secretary of the council.

The proceedings of the meetings of the Council shall be preserved in the forms of minutes which shall be authenticated after confirmation by the signature of the Chairperson.

A copy the minutes of each meeting of the Jharkhand State council shall be submitted to the chairperson within 5-7 days of the meeting and after having been approved by him/her shall be sent to each member of the council within 15 days of the meeting. If no objection to their correctness is received within 10 days of their dispatch, any decisions therein shall be given effect to, provided that the Chairperson may, where in his opinion it is necessary or expedient so to do, direct that action be taken on the decision of the meeting.

4.8 Registration and Filling of Casual Vacancies

A member desiring to resign his/her seat of the Jharkhand State Council shall send his/her resignation in writing to the Chairperson and every such resignation shall take effect from the date mentioned by him/her in this behalf or in case no such date is mentioned, from the date of the acceptance of his/her resignation.

When a casual vacancy occurs by reason of death, resignation or otherwise of a member, a report shall be made forthwith by the Chairperson to the State Government which shall take steps to have the vacancies filled by nomination.

4.9 Finance and Account

The accounts of the Council shall be audited annually by a Chartered Accountant, who is to be appointed from a panel approved by the Comptroller and Auditor General of India. Any expenditure incurred in connection with such audit shall be payable by the Council

5. The District Registering Authority

5.1 Establishment of District Registering Authority

The State Government has notified under Section 10 of the Act and in accordance with the rules framed by Central Government in this behalf an authority to be called the District Registering Authority for each district for registration of clinical establishment. (Vide notification no. : सं० सं० : 7 (ए) अस्त-06-03/10 62 (7A) स्वा०, राची, दिनांक : 08-02-2012)

5.2 Function of the District Registering Authority

- To grant, renew, suspend or cancel registration of any clinical establishment.
- To enforce compliance of the provisions and rules of the Clinical Establishment (Registration and Regulation) Act 2010.
- To investigate complaint of breach of the provisions of this Act or the rules made there under and take immediate action.
- To prepare and submit on quarterly basis report containing details of related to number and nature of provisional and permanent registration certificates issued, included those cancelled, suspended or rejected to the Jharkhand State Council.

- E. To report to the Jharkhand State Council on a quarterly basis on action taken against non-registered clinical establishments operation in violation of the Act.
- F. Perform any other function as may be prescribed by the central government and/or the State government from time to time.

5.3 Power of the District Authority

The district authority shall for the purposes of discharging its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

- A. Summoning and enforcing the attendance of any person and examining him on oath.
- B. Requiring the discovery and production of any document or other electronic records or other material objective producible as evidence.
- C. Receiving evidence on affidavits.
- D. Requisitioning of any public record.
- E. Issued commission for the examination of witnesses or document.
- F. Reviewing its decisions, directions and orders.
- G. Dismissing an application for default or deciding it ex parte.
- H. Any other matter which may be prescribed.

5.4 Time, place and Preparation of Business for Meeting of the District Registering Authority

The meeting of the District Registering Authority shall be held at least once in a month at a stipulated date and time.

5.5 Conduct of business

Every meeting of the District Registering Authority shall be presided over by the Chairperson. Additional Chief Medical Officer of the District shall be the Member Secretary of the District Registering Authority.

5.6 Notice of Meeting

Notice of every meeting other than a special meeting shall be issued by the Convener to each member not less than one week before the date of the meeting.

5.7 Quorum, Minutes:

One-third of the total number of members of the District Registering Authority shall form a quorum and all action of the Authority shall be decided by a majority of the members present and voting.

The proceedings of the meetings of the District Registering Authority shall be preserved in the form of minutes which shall be authenticated after confirmation by the signature of the Chairperson.

A copy the minutes of each meeting of the District Registering Authority shall be submitted to the Chairperson by the Member Secretary within 5-7 days of the meeting and after having been attested by him shall be sent to each member of the Council within 15 days of the meeting. If no objection to their correctness is received within 10 days of their dispatch, any decisions therein shall be given effect to, provided that the Chairperson may, where in his opinion it is necessary or expedient so to do, direct that action be taken on the decision taken in the meeting.

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5.8 Resignation and filling of casual vacancies

If a casual-vacancy occurs in the office of any other member, whether by reason of death, resignation or inability to discharge, function owing to illness or any other incapacity, such vacancy shall be filled by the District Collector by making a fresh appointment and the member so appointed shall hold office for the remaining term of office of the person in whose places he is so appointed.

6. Registration of Clinical Establishments

6.1 Application for Registration

The applicant shall apply to the District Registration Authority for provisional registration either in person, or by post or through web based online facility with the necessary information in a format as per SG AR Annexed under Section 14 (1) and 14 (3) of the Act.

The applicant shall apply to the District Registration Authority for permanent registration, in person, or by post or through web based online facility with the necessary information filled and with evidence of having met the requirement on minimum standards and personnel for different categories of Clinical Establishments in a form and format that Shall be prescribed by the National Council under section 24 and 25 of the Act. or Rules, 2012

Category	Description of establishment
	Out Patient Care
1.	Clinic/consultation rooms (solo Practitioners)
2.	Poly Clinic (Group Practitioners)
	In Patient Care 1 to 30 beds 30 to 100 beds Above 100 beds
3.	1 to 30 Beds Hospital/Nursing Home
4.	Hospital/Nursing Home 31 to 100 beds
5.	Hospital/Nursing Home above 100 beds
	Testing & Diagnostic Laboratories Diagnostic & Imaging Centre
6.	Diagnostic Laboratories
7.	Diagnostic and /or Imaging centre (CT, USG, MRI, ECHO etc.)
8.	Physiotherapy Units
	* If a laboratory or diagnostic center is a part of a establishment providing outpatient / Inpatient care no separate registration is required. USG/mapping centers are also to be registered under PCPNDT Act.

If an establishment is offering services in more than one category as specified under the Clinical Establishment (Registration and Regulation) Rule (Central Government), 2011, the Establishment will need to apply for a separate provisional or permanent registration for each category of establishment under Section 14 (1) and Section 30 of the Act. However, if a laboratory or diagnostic center is a part of an establishment providing outpatient/inpatient care no separate registration will be required.

6.2 Acknowledgement of Application

The Registration Authority, or any person in his office authorized in this behalf, shall acknowledge receipt of the application for registration, in the acknowledgment slip provided as per SGAA Annexe immediately, if delivered at the office of the authority, or not later than the next working

copy if received by post and by online acknowledgement to be generated automatically by the system.

6.3 Grant of Registration

The authority shall not undertake any enquiry prior to the grant of provisional registration and shall within a period of 14 days from the date of receipt of such application, grant to the applicant a certificate of provisional registration issued for a period of 120 days from the date of issue to applicant establishment, containing particulars and information as per SGR Annexe either by post or electronically under Section 15, read with Section 17 of the Act.

- a. On receipt of an application for registration, the Registering Authority shall conduct an inspection of the establishment within 14 days by a team of two doctors, one of whom shall be a Member of either the District Registration Authority.
- b. The inspection Team so, constituted by the Registering Authority shall inspect and submit a report with reference to the availability of minimum standards prescribed and also detailing the specific deficiencies to be corrected, if any.
- c. Copy of the inspection report pointing out the deficiencies, if any, shall be communicated to the Applicant-Establishment within 10 days from the date of receipt of inspection report with a direction to rectify the deficiencies pointed out and inform the Registering Authority within a period of two months.
- d. The Applicant-Establishment shall cooperate and provide all the relevant information and necessary assistance to the inspection team for satisfactory completion of the inspection formalities. Refusal of entry of inspection teams to the Applicant Establishment and non-cooperation during inspection is liable for rejection of the application for registration.
- e. If the applicant-establishment does not comply with the direction to rectify the deficiencies pointed out in the inspection report within a period of two months, the defaulting applicant - establishment may be given extension of a further period of one month by imposing 50% of the registration fee as penalty.
- f. If the defaulting applicant-establishment does not comply with the direction to rectify the deficiencies pointed out in the inspection report even after the expiry of the extended period of one month, the temporary registration granted to Establishment shall be cancelled, under provisions of Section-9.

6.4 Certificate of registration

The District Registering Authority shall grant the applicant a certificate of permanent registration as per format developed by National Council either by post or electronically after satisfying itself that the applicant has complied with all the requirements and criteria provision of minimum standards and personnel required to run, the clinical establishment.

In case of permanent registration under Section 29 of the Act, the authority shall pass an order within 90 days-

- (a) Allowing the application for permanent registration; or
- (b) Disallowing the application;

Provided that the authority shall record its justifications and reasons, if it disallows an application, for permanent registration.

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- 1) One copy of the Certificate of Registration shall be displayed prominently at the reception /entrance of the Establishment. The Authority shall clearly specify in the certificate the category under which the Establishment is registered.
- 2) If, after detailed enquiry and due opportunity to the applicant the Establishment does not satisfy the standards prescribed for registration, the registering Authority shall, for reasons to be recorded in writing, reject the application for registration duly canceling the temporary registration granted earlier. Such rejection shall be communicated to the applicant to these rules within a period of ninety days from the date of receipt of application for registration.
- 3) The Certificate of Registration shall be non-transferable.
- 4) The Certificate of Registration shall be valid for a period of five (5) years from the date of issue, subject to the conditions of review and renewal for further period.

7. Fees to be charged:

The various fees charged for provisional and permanent registration, renewal, late application duplicate certificate, change of ownership, management or name of establishment is prescribed in SGF Annexe under Section 14(I) read with Section 19, Section 20 (2), Section 22, Section 24, Section 35 of the Act.

- a) Clinical establishments owned, controlled and managed by the government (Central, State or local authority) or department of government, shall be exempt from payment of fees for registration.**

The fees prescribed for various categories of clinical establishments may be revised by the Jharkhand state through a notification issued by the Jharkhand State Government.

The fee shall be paid by a demand draft drawn / online transaction in favour of the Registration Authority concerned as specified under Section 14 (I) and Section 30 of the Act.

The fees collected by the Authorities for registration of the Clinical Establishments shall be deposited by the Authority concerned in a Nationalized scheduled bank account opened in the name of the official designation of the Registration Authority concerned and shall be utilized by the Authority for the activities connected with the implementation of the provisions of the Act and these rules as approved by the District Registration Authority.

There shall be constituted a fund called Jharkhand State Clinical Establishment Council Fund and all district authorities shall credit two percent of the total amount collected by them by way of fees and penalties.

The Accounts shall be maintained as per the Financial Code and shall be audited by a qualified Chartered Accountant empanelled by CAG. The annual Audit reports shall be submitted to the Jharkhand State Council.

The District Registering Authority will prepare a budget for expected expenditure in the beginning of the financial year and will get the sanction of the competent authority and will spend as far as possible as per the budget. If the receipt of the total amount is more than the budget then the excess amount will be deposited in the treasury in the April month of the next financial year.

- b. In the event of any change of ownership or management, the establishment shall intimate to the District Registration in writing within one month of such change along with the fee

prescribed in SG F Annexe for issue of a revised certificate of Provisional or Permanent registration, as the case maybe, incorporating the changes and on surrendering the old certificate under Section 20 (2) and Section 30 of the Act.

c. In the event of certificate of registration (Provisional or Permanent) being lost or destroyed, the owner shall apply to the District Registration Authority to issue a duplicate certificate upon payment of the fee prescribed in SGF Annexe under Section 19 and Section 30 of the Act.

8. Renewal of Registration

The Clinical establishment shall apply for renewal of provisional registration thirty days before the expiry of the validity of the certificate of provisional registration. In case the application for renewal is not submitted within the stipulated period. The authority shall allow for renewal of registration on payment of the renewal amount as prescribed in SGF Annexe and penalty of Rs. 100 per day till the date of application for renewal under section 22 of the Act.

For renewal of permanent registration, the clinical establishment shall apply three (3) months before expiry of the (registration period of five (5) years. The renewal will be granted by the Authority within 3 months of receipt of the application failing which it will be deemed to have been renewed. If the clinical establishment does not apply one month of expiry of registration period, the registration will be deemed to have been suspended.

Under section 30 (4) of the Act the clinical establishment shall apply for renewal of permanent registration six months before the expiry of the validity of the certificate of permanent registration. In case the application for renewal is not submitted within the stipulated period, the authority will allow for renewal of registration on payment of the renewal amount as prescribed in SGF Annexe and penalty of Rs. 100 per day till the day till the date of application for renewal is accepted.

9. Suspension or Cancellation of registration

a. The Registering Authority on receipt of reliable information that the applicant for registration has been convicted or has been censured by any judicial or competent authority in relation to his/her professional character or has been guilty of any misconduct or on a written complaint that a Private medical care establishment has violated any of the terms and conditions of the registration or any of the given directions it was given or has contravened any of the provisions of the Act or these Rules, the Registering Authority after making enquiries there to and after written explanation is called for from Establishment on the allegations leveled against Establishment may order suspension of the certificate of registration for such a period as it may think fit, if the Registering Authority is satisfied that a prima-facie case has been made out.

b. The Registering Authority, immediately after suspending the Certificate of Registration shall send a registered notice to Establishment in writing, informing the time, date and place at which the case will be heard by the Registering Authority. The registered notice shall be sent to the Establishment at least by giving 15 days time for hearing. The Registering Authority shall also direct the establishment to surrender their Certificate of Registration on or before date of hearing.

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- c. The establishment shall be entitled to be represented either by an authorized person or a legal practitioner
- d. If the establishment does not represent either by authorized person or a legal practitioner, the Registering Authority may proceed with the documentary evidence available with it and determine the case and order cancellation of Certificate of Registration or revoke the suspension of the Certificate of Registration by recording the reasons. The said order has to be communicated to the Establishment within 7 days from the date of such order in the rules.

10. Registers to be maintained, furnishing of returns and display of information

10.1 Registers to be maintained

Every District Registration Authority shall within a period of two years from its establishment, compile, publish and maintain in digital format a register of Clinical Establishments registered by it and it shall enter the particulars of the certificate so issued in a register containing particulars as developed by National Council.

Every District Registration Authority including any other authority set up for the registration of clinical establishments under the law for the time being in force shall supply in digital format to the State Council of Clinical Establishments a copy of every entry made in the District register of clinical establishments for a particular month by the 15th day of the following month in keeping with Section 37 (2) of the Act

10.2 Display of information

The District Registering Authority shall, within a period of 45 days from the grant of provisional registration, mandatorily cause to be published in the public domain either through two local newspapers or any other public forums or on the website, which the District Registering Authority will launch on Health Department website, the name of the Clinical establishment, Address, Ownership, Name of Person in Charge, System of Medicine offered Type and Nature of Services offered and details of the Medical Staff (Doctors, Nurses, etc.) as under Section 16 (2) of the Act.

The State council could make changes in the nature of information to be provided in the Public Domain through a notification, except in the case of the mandatory information to be provided under Section 16 (2) of the Act.

The District Registering Authority shall, within a period of 7 days cause to be published in the public domain either through two local newspapers or any other public forums and on the website, which the District Registering Authority will launch on Health Department website, the name of the Clinical establishment, Address, Ownership or Name of Person in Charge, System of Medicine offered, Type and Nature of Services offered, details of the Medical Staff (Doctors, Nurses, etc) and the details and information related to having complied with the minimum standards and personnel prescribed for the particular category of clinical establishment as under Section 26 of the Act.

The District Registration Authority Shall cause to be displayed the above information in public domain for a period of 30 days for filling objections before granting permanent registration (Annexe SGO)

If any person has any objection to the information published regarding the clinical establishment they shall give in writing the reasons and evidence of objection or non compliance to the District Registration Authority.

The district registering authority shall, within a period of 15 days cause to be published in the public domain the name of the Clinical Establishment whose (Provisional or Permanent) registration has expired as under Section 21 and Section 30 of the Act.

10.3 Information to be provided by Clinical Establishment

a. The Clinical Establishments shall maintain medical records of patients treated by it and health information and statistics in respect of national programmes and furnish the same to the district authorities in form of three monthly reports. The minimum medical records to be maintained and nature of information to be provided by the Clinical Establishments will be as per the formats developed by the National Council.

Copies of all records and statistics shall be kept with the clinical establishment concerned for at least 2 years or in accordance with any other relevant act in force at the time under Section 12 (1) (iii) of the Act. All clinical establishments shall be responsible for submission of information and statistics in the time of emergency or disaster or epidemic situation.

The government may notify from time to time, the nature of information that needs to be furnished by the Clinical Establishments including other disease notified for this purpose along with the prescribed interval. In addition to the specific provisions of the Clinical Establishments (Registration & Regulation) Act 2010, all establishments shall comply and maintain information and statistics in keeping with other applicable Acts and Rules which are in force in the country.

b. Display of rates :

The Establishment shall display the rates charged for each type of service provided by them, for the benefit of the patients at the reception counter in both the Hindi and English language. The list of minimum services for which rates are to be displayed.

A copy of such list shall be sent to the Registering Authority by 1st of June every year for record.

The details of services and rates shall be explained to the patients or their attendants at the time of admission without any ambiguity.

c. Display of Registration number etc.

i. The establishment shall display the names of the doctors and their qualification at the reception counter working or associated with it

ii. The establishment shall indicate the name, qualification and registration number allotted to Doctors by the State Medical Council/ Medical Council of India in all the Prescriptions, Certificates given to the patients.

iii. Every Doctor shall display the registration number allotted to by the State Medical Council/ Medical Council of India in clinic and in all prescriptions, certificates, money receipts etc given to patients.



11. Power to Enter

Entry and search of the clinical establishment can be done by the District Registering Authority or an officer or team duly authorized by it or subject to such general or special orders as may be made by the authority, subject to an unanimous decision by all members of the District Registration Authority for conduct of such entry and search.

Such entry and search of clinical establishments can be conducted if anyone is carrying on a clinical establishment without registration or does not adhere to the prescribed minimum standards or has reasonable cause to believe the Clinical Establishment is being used for purposes other than it is registered or contravenes any of the provisions of this Act & Rules, shall at all reasonable times enter and inspect any record, register, document, equipment and articles as deemed necessary under the provisions of Section 34 of the Act.

The inspection team shall intimate the establishment in writing about the date of visit. The team shall examine all parts of the premises used or proposed to be used for the clinical establishment and inspect the equipments, furniture and other accessories and enquire into the professional qualifications of the technical staff employed or to be employed and shall make any such other enquires as they consider necessary to verify the statements made in the application for registration and grant of license. All persons connected with the running of the establishment shall be bound to supply full and correct information to the inspection team.

The Officer and / or inspection team so constituted by the Registering Authority shall submit a report as per SGIR Annexe within a week of the inspection to the District Registration Authority with a copy to the State Council.

If at any time after any clinical establishment has been registered, the authority is satisfied that -

- A. The conditions of the registration are not being complied with ; or
- B. The person entrusted with the management of the clinical establishment has been convicted of an offence punishable under this Act, it may issue a notice to the clinical establishment to show cause within three months time as to why its registration under this Act should not be cancelled for the reasons to be mentioned in the notice.

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 there under, it may by an order, without prejudice to any other action that it may take against such clinical establishment to cancel its registration.

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.

Provided that the authority, after cancellation of registration for reasons to be recorded in writing, may restrain immediately the clinical establishment from carrying on if there is imminent danger to the health and safety of patients.

12. Penalties & Appeals

12.1 Penalties

In keeping with the provisions of Section 41 (1) (2) (3) and Section 42 (1) (2) (3) the Act, whoever carries on a clinical establishment without registration or whoever willfully disobeys any direction, or obstructs any person or authority or withholds any such information or provides false information shall be liable for a monetary penalty.

Whoever carried on a clinical establishment without registration, shall, on first contravention be liable to a monetary penalty upto fifty thousand rupees, for second contribution to a monetary penalty which may extend to two lakh rupees and for any subsequent contravention to penalty which may extend to five lakh rupees.

Whoever carried on a clinical establishment without registration, shall, on first contravention be liable to a monetary penalty upto fifty thousand rupees, for second contravention to a monetary penalty which may extend to ten thousand rupees and for any subsequent contravention to penalty which may extend to Fifty thousand rupees.

The penalty fees collected by the authorities for shall be, deposited by the Authority concerned in a Nationalized bank account opened in the name of the official designation of the State Council concerned and shall be utilized by the Council and authority for the activities connected with the implementation of the provisions of the Act and approved by the Council.

12.2 Appeals

In keeping with Section 36, 41 (4) (5) (6) (7) and Section 42 (4) (5) (6) (7), any person or clinical establishment, if aggrieved by the decision of the Authority under Sections 29 and 34 of the Act, may file an appeal to the State Council within thirty (30) days from the date of receipt of such order along with prescribed fees or Rs. 1000/-

The appeal against a public healthcare establishment shall be filed in form SGA and shall be sent to the state council by registered post or in person

Every appeal shall be accompanied by a fee of rupees one thousand.

After receipt of the appeal, the State Council shall fix the time and date for hearing and inform the same to the appellant and others concerned by a registered letter giving at least 15 days time for hearing of the case.

The appellant may represent by himself or authorized person or a Legal practitioner and submit the relevant documentary material if any in support of the appeal.

The State Council shall hear all the concerned, receive the relevant oral/documentary evidence submitted by them, consider the appeal and communicate its decision preferably within 90 days from the date of filing the Appeal.

If the State Council considers that an interim order is necessary in the matter, it may pass such order, pending final disposal of the appeal. The decision of State Council shall be final and binding.

If no appeal is filed against the decision of the Registering Authority in the prescribed period (i.e.) within 30 days from the date of receipt of the order, the orders of the Authority shall be final.

The appeal fees collected by the authorities shall be deposited by the Authority concerned in a Nationalized bank account opened in the name of the official designation of the State Council

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concerned and shall be utilized by the Council and authority for the activities connected with the implementation of the provisions of the Act as approved by the Council.

13. Interpretation of the Rules

If there is any doubt or dispute regarding the application or the interpretation of the Rules, the decision of the State Government thereon shall be final.

14. Uploading on website

The District Registering Authority will upload the information about provisional registration, inspection report and permanent registration on the website to be developed by the State Council.

By the order of Governor, Jharkhand.


(K. Vidyasagar)

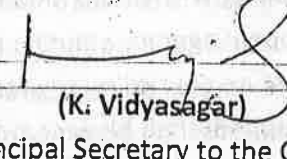
Principal Secretary to the Govt.

Memo no. : 10 / अस्त-05-02 / 2012 140(10) Ranchi, dated :- 30/5/2013
Copy to : Under Secretary (E-Gazette Section) Finance Deptt. Govt. of Jharkhand, Ranchi for information and to print this Notification in Jharkhand Gazette. Please make available 500 hundred copies of this Gazette to the Department.


(K. Vidyasagar)

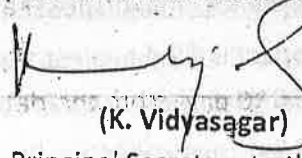
Principal Secretary to the Govt.

Memo no. : 10 / अस्त-05-02 / 2012 140(10) Ranchi, dated :- 30/5/2013
Copy to : Joint Secretary Ministry of Health & Family Welfare, Govt of India, Nirman Bhawan New Delhi-110108, for information.


(K. Vidyasagar)

Principal Secretary to the Govt.

Memo no. : 10 / अस्त-05-02 / 2012 140(10) Ranchi, dated :- 30/5/2013
Copy to : Principal Secretary to H.E. the Governor of Jharkhand / OSD of Hon'ble Governor's Advisors / Special Secretary to Chief Secretary of Jharkhand / Secretary to the Principal Secretary Health Deptt. Jharkhand / All Divisional Commissioners / All Deputy Commissioners / Director-in-Chief, Medical Services / All Regional Deputy Directors, Health Services / Director, AYUSH / Chairman of State Medical Council, Jharkhand / Chairman of State Dental Council, Jharkhand / Chairman of State Nursing Council, Jharkhand / Chairman of State Pharmacy Council, Jharkhand / Chairman of State Ayurvedic Council, Jharkhand / Chairman of State Paramedical Council, Jharkhand / All Civil Surgeons & all members of State Council & District Registering Authority for information and necessary action.


(K. Vidyasagar)

Principal Secretary to the Govt.