

6.5 The Clinical Establishments (Registration and Regulation) Act, 2010, the Gazette of India No. 23 of 2010.

The Union Government on 28th February 2012 has notified the 'Clinical Establishments (Registration and Regulation) Act, 2010'. The act has already come into force in the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim along with all Union Territories from 1st March 2012.

The provisions of the Act makes it mandatory for all clinical establishments to provide medical care and treatment necessary to stabilise any individual who comes or is brought to the clinical establishment in an emergency medical condition, particularly women who come for deliveries and accident cases.

It provides for mandatory registration of all clinical establishments, including diagnostic centres and single-doctor clinics across all recognised systems of medicine both in the public and private sector except those run by the Defence forces.

The Union Ministry of Health & Family Welfare framed the draft Rules. The Law Ministry vetted them for notification, while the Model Rules for the States were sent to States. All States were asked by the Ministry to adopt the law by passing a resolution in their Assemblies. Rajasthan and Uttar Pradesh have already adopted the Act.

A National Council for Clinical Establishments, a multi-member body under the chairmanship of the Director-General of Health Services, with representatives of various stakeholder institutions, has been notified. This Council works on the categorisation of clinical establishments and development of minimum standards of care which has been initiated in association with the Quality Council of India and the Indian Medical Association. Initially, provisional registration would be granted within 10 days of application on 'as-is-where-is basis' upon receiving the application filed with supporting documents. Once standards have been notified, permanent registration would be provided to all those conforming to the notified standards.

A short abstract of the Chapters of the Act are as under:

Chapter I: Preliminary: Clause 1(2) It applies, in the first instance, to the whole of the States of Arunachal Pradesh, Himachal Pradesh, Mizoram and Sikkim and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

Chapter II : The National Council For Clinical Establishments: Clause 3(1) With effect from such date as the Central Government may, by notification appoint in this behalf, there shall be established for the purposes of this Act, a Council to be called the National Council for clinical establishments.

Chapter III: Registration And Standards for Clinical Establishments: Clause 8(1) Every State Government shall by notification constitute a state Council for clinical establishments or the Union territory Council for clinical establishment, as the case may be.

Clause 10 (1) The State Government shall, by notification, set-up an authority to be called the district registering authority for each district for registration of clinical establishments, with the following members, namely:-

- (a) District Collector – Chairperson;
- (b) District Health Officer --- Convener;
- (c) Three members with such qualification and on such terms and conditions as may be prescribed by the Central Government.

Chapter IV: Procedure for Registration

Chapter V: Maintenance of National /State Wise/District Wise Digital Register of Clinical Establishments

Chapter VI: Penalties

Chapter VII: Miscellaneous and Mandatory Reporting By Clinical Establishments Etc.