

**Enforcement of Clinical Establishments (Registration and Regulation)
Act, 2010**

1012. SHRI HUSAIN DALWAI: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the details of States and UTs that have enforced the Clinical Establishments (Registration and Regulation) Act, 2010;
- (b) the number of cases registered against medical practitioners and hospitals under this law, State-wise, in the States in which it is enforced;
- (c) the details of States that have enforced their own laws to ensure uniform standards in healthcare; and
- (d) the steps being taken to ensure uniform standards in private healthcare and tackle medical negligence?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI ASHWINI KUMAR CHOUBEY): (a) The Clinical Establishments (Registration and Regulation) Act, 2010 has been adopted by and applicable in 11 States viz. Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, Uttar Pradesh, Bihar, Jharkhand, Rajasthan, Uttarakhand, Assam and Haryana and all Union Territories except Delhi. Other States may also adopt the Act under clause (1) of Article 252 of the Constitution.

(b) As per the provisions of the Clinical Establishments Act, 2010, the State Government authorities namely, District Registering Authority at District level and State Council for Clinical Establishments at the State level are responsible for implementation and monitoring of the Act. Presently, such complaints, if received, are also forwarded to the concerned States/UTs for appropriate action. Implementation and enforcement of the Act falls within the ambit of the State/UT Governments. Central Government does not maintain such data.

(c) As per the provisions of Constitution of India, 'health' is a State subject. Therefore, States may enact their own legislation on a State subject. Ministry of Health and Family Welfare does not maintain such details centrally.

(d) The Government of India enacted the Clinical Establishments (Registration and Regulation) Act, 2010 and notified Clinical Establishments (Central Government)

Rules, 2012 for registration and regulation of Clinical Establishments including those in the private sector. In the States/Union Territories where the said Act is in force, the clinical establishments are required to meet the norms such as minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and displaying of rates at a conspicuous place. The clinical establishments are also required to follow Standard Treatment Guidelines issued by the Central/State Governments and charge rates for each type of procedure and service within the range of rates determined from time to time. The implementation and enforcement of the said Act falls within the ambit of the States/Union territories.

Also, as per Medical Council of India's (MCI) regulations *viz.* Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, MCI or the appropriate State Medical Council have been empowered to take disciplinary action against a registered medical practitioners for complaints of medical negligence. The complaints related to overcharging, deficiency in medical care, etc. can also be filed in District/State/National Consumer Disputes Redressal Forums under the Consumer Protection Act. Further, depending upon the nature of carelessness and criminal act, the relevant sections of Indian Penal Code/Criminal Procedure Code are also applicable.

Swine flu cases

†1013. SHRIMATI KANTA KARDAM: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether number of cases of swine flu (H1N1) have come to light recently, if so, the details thereof;

(b) the measures being taken/proposed to be taken by Government for its prevention;

(c) the steps taken/proposed to be taken by Government to facilitate for immediate treatment to the patients of swine flu; and

(d) whether Government proposes to start any campaign to spread awareness among people and the steps being taken by Government for this?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI ASHWINI KUMAR CHOUBEY): (a) to (d) As on 27.01.2019, 4571 cases and 169 deaths have been reported due to Seasonal Influenza A (H1N1 / Swine Flu) in the Country during the year 2019. The Ministry of Health and Family Welfare

†Original notice of the question was received in Hindi.