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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 23rd April 2018 and is hereby published for general information:—

ACT No. 19 of 2018.

An Act to amend the Tamil Nadu Private Clinical Establishments (Regulation) Act, 1997.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Private Clinical Establishments (Regulation) Amendment Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu Act 4 of 1997.

2. In the long title to the Tamil Nadu Private Clinical Establishments (Regulation) Act, 1997 (hereinafter referred to as the principal Act), for the expression "Private Clinical Establishments", the expression "Clinical Establishments" shall be substituted.

Amendment of long title.

3. In section 1 of the principal Act,—

Amendment of section 1.

(1) for sub-section (1), the following sub-section shall be substituted:—

"(1) This Act may be called the Tamil Nadu Clinical Establishments (Regulation) Act, 1997.;"

(2) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) It shall come into force at once.”.

Substitution of the expression “private clinical establishment” and “private clinical establishments”.

4. In the principal Act, for the expression “private clinical establishment” and “private clinical establishments”, wherever they occur, the expression “clinical establishment” and “clinical establishments” shall, respectively, be substituted.

Amendment of section 2.

5. In section 2 of the principal Act,—

(1) clause (a) shall be re-lettered as clause (aa) and before clause (aa) as so re-lettered, the following clause shall be inserted, namely:—

“(a) “clinical establishment” means a clinical establishment under any recognized systems of medicine and includes—

(i) a general hospital including dental hospitals, maternity hospital, dispensary, consulting room, clinic, polyclinic or nursing home;

(ii) an institution or a centre, by whatever name called where physically or mentally sick, injured or infirm person is admitted either as in-patient or out-patient for treatment with or without the aid of operative procedures;

(iii) a clinic catering to radiological, biological or other diagnostic or investigative services with the aid of laboratory or other medical equipments;

established and administered or maintained by any person or body of persons, whether incorporated or not or the State Government or Central Government or any department of the State Government or Central Government or a trust, whether public or private or a company, whether or not owned by the Government or a local authority but does not include the clinical establishments controlled or managed by the Armed Forces.

Explanation.— For the purpose of this clause, “Armed Forces” means the forces constituted under the Army Act, 1950, the Air Force Act, 1950 and the Navy Act, 1957;”;

Central Act 46 of 1950.
Central Act 45 of 1950.
Central Act 62 of 1957.

(2) after clause (aa), the following clause shall be inserted, namely:—

“(aaa) “District Committee” means the committee constituted under section 2-D;”;

(3) for clause (c), the following clauses shall be substituted, namely :—

“(c) “recognized system of medicine” means Allopathy, Yoga, Naturopathy, Ayurveda, Homeopathy, Siddha or Unani system of medicine or any other system of medicine recognized by the Central Government or State Government;

(d) “State Level Advisory Committee” means the committee constituted under section 2-A;”.

Insertion of new sections 2-A, 2-B, 2-C, 2-D, 2-E and 2-F.

6. After section 2 of the principal Act, the following sections shall be inserted, namely :—

“2-A. Constitution of State Level Advisory Committee.— (1) The Government shall, by notification, constitute a committee to be called the State Level Advisory Committee.

(2) The State Level Advisory Committee shall consist of the following members, namely:—

(a) The Director of Medical and Rural Health Services, *ex-officio*, who shall be the Chairperson;

(b) The Director of Medical Education, *ex-officio* or his nominee;

(c) The Commissioner of Indian Medicine and Homeopathy *ex-officio* or his nominee;

(d) The Director of Public Health and Preventive Medicine, *ex-officio* or his nominee;

(e) One member from Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy system of medicine nominated by the respective State Council in rotation for one year in the order of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy;

(f) One member nominated by the Indian Medical Association;

(g) One member nominated by the Tamil Nadu Medical Council;

(h) One member nominated by the Tamil Nadu Dental Council;
and

(i) One member nominated by the Tamil Nadu Nurses and Midwives Council.

(3) The nominated members shall hold office for a period of three years but shall be eligible for re-nomination for another term of three years.

2-B. Meetings of State Level Advisory Committee.—(1) The State Level Advisory Committee shall meet at least once in a year at such time and in such place as may be prescribed.

(2) The chairperson or in his absence, any member chosen by the members present, shall preside at the meeting.

(3) The number of members necessary to constitute a quorum at a meeting and the procedure to be followed thereat shall be such as may be prescribed.

2-C. Functions of State Level Advisory Committee.—The State Level Advisory Committee shall advise the Government upon matters of regulation of clinical establishments and perform such other functions as may be assigned to it by the Government, from time to time.

2-D. Constitution of District Committee.—(1) The Government shall, by notification, constitute for every district, a committee to be called the District Committee.

(2) The District Committee shall consist of the following members, namely:—

(a) The Deputy Director of Medical and Rural Health Services, *ex-officio*, who shall be the chairperson;

(b) The Dean of a Government Medical College in the district ;

(c) The District Siddha Medical Officer or his nominee;

(d) One member nominated by the Tamil Nadu Medical Council;

(e) One member nominated by the Indian Medical Association;

(f) One member from Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy system of medicine nominated by the respective State Council in rotation for one year in the order of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy;

(g) One member nominated by the Tamil Nadu Nurses and Midwives Council.

(3) The nominated members shall hold office for a period of three years but shall be eligible for re-nomination for another term of three years.

2-E. Meetings of District Committee.— (1) The District Committee shall meet at least once in every six months at such time and in such place as may be prescribed.

(2) The chairperson or in his absence, any member chosen by the members present, shall preside at the meeting.

(3) The number of members necessary to constitute a quorum at a meeting and the procedure to be followed thereat shall be such as may be prescribed.

2-F. Functions of District Committee.—The District Committee shall aid and advise the competent authority of the district in the matters of registration of clinical establishments and perform such other duties connected therewith or incidental thereto, as may be prescribed.”.

Amendment of section 3.

7. In section 3 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) No person shall carry on any clinical establishment unless such clinical establishment is duly registered under this Act:

Provided that every clinical establishment in existence on the date of the commencement of the Tamil Nadu Private Clinical Establishments (Regulation) Amendment Act, 2018 (hereinafter referred to as the notified date), shall apply for registration within nine months from the notified date and a clinical establishment established after the notified date, shall apply for registration within a period of six months from the date of its establishment:

Provided further that every clinical establishment in existence on the notified date shall cease to carry on its business on the expiry of twelve months from the notified date unless such clinical establishment has applied for registration and is so registered or till such application is disposed of, whichever is earlier.”.

Amendment of section 5.

8. In section 5 of the principal Act, sub-section (1) shall be re-numbered as sub-section (1-A) and before sub-section (1-A) as so re-numbered, the following sub-section shall be inserted, namely:—

“(1) Where the holder of a certificate of registration of a clinical establishment has been convicted under any of the provisions of this Act for three times in the aggregate, the competent authority shall cancel the certificate of registration and the clinical establishment shall not be permitted to apply for fresh registration.”.

Insertion of new sections 5-A, 5-B and 5-C.

9. After section 5 of the principal Act, the following sections shall be inserted, namely :—

“5-A. Maintenance of facilities and services by clinical establishments.— (1) Every clinical establishment shall maintain minimum standards of facilities and services, as may be prescribed.

(2) The Government shall prescribe minimum standards of facilities and services in respect of different categories of clinical establishments under all recognized systems of medicines.

5-B. Duties and responsibilities of clinical establishments.—

Every clinical establishment shall perform the following duties and responsibilities, namely :—

(a) administer first aid and take other life saving or stabilizing emergency measures in all medico-legal or potentially medico-legal cases such as road accidents, accidental or induced burns or poisoning or criminal assaults and the like when the victims present themselves at the clinical establishment;

(b) participate in the implementation of all National and State health programmes in such manner as the Government may specify, from time to time, and furnish periodical reports thereon to the authorities specified therein;

(c) maintain medical records in such form and in such manner as may be prescribed for the respective system of medicine;

(d) carry out necessary action to prevent the spread of communicable diseases and to control non-communicable diseases, as the Government may direct, from time to time; and

(e) such other duties and responsibilities, as may be prescribed.

5-C. Annual publication of lists of clinical establishments.— The competent authority shall maintain, in such form as may be prescribed, a register of clinical establishments and shall, during the month of January in each year, publish in the *Tamil Nadu Government Gazette*, a list of clinical establishments registered together with such details pertaining to them as may be prescribed.”.

10. For section 8, the following section shall be substituted, namely :—

Substitution of section 8.

“8. Penalties.— (1) Whoever contravenes sub-section (1) of section 3 shall be punishable, with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees.

(2) Whoever contravenes any other provision of this Act or any rule made thereunder or any condition of the registration, shall be punishable with fine which shall not be less than five thousand rupees but which may extend to fifty thousand rupees:

Provided that for the purpose of this sub-section and sub-section (1), the Court may, for any adequate or special reasons to be mentioned in the judgment, impose a fine less than five thousand rupees.

(3) Whoever willfully 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 function which such person or authority is required or empowered under this Act, to discharge, shall be punishable with fine which may extend to thirty thousand rupees.

(4) Whoever being required by or under this Act to supply any information, willfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall be punishable with fine which may extend to thirty thousand rupees.”.

11. The Health and Family Welfare Department Notification No.198 Repeal.
published in Part II—Section 2 of the *Tamil Nadu Government Gazette*
Extraordinary, dated the 11th April, 1997 shall be deemed to have been
repealed on and from the 14th April, 1997.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.