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MAHARASHTRA

THE BOMBAY NURSING HOMES REGISTRATON ACT, 1949

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(7)

BOMBAY ACT NO. XV OF 1949

[THE BOMBAY NURSING HOMES REGISTRATION ACT 1949]

[6th May 1949]

**An Act to provide for the registration and inspection of nursing
Homes in the Province of Bombay and for certain purpose
Connected therewith.**

WHEREAS it is expedient to provide for the registration and inspection of nursing homes in the Province of Bombay and for certain purposes connected therewith; It is hereby enacted as follows: -

1. (1) This Act may be called the Bombay Nursing Homes Registration Act, 1949.
- (2) This section extends to the whole of the Province of Bombay. The remaining provisions of this Act extend in the first instance to the Greater Bombay and the areas within the limits of the Municipal Boroughs of Ahmedabad, Poona City, Poona Suburban and Sholapea and the Provincial Government may, by notification in the Official Gazette, direct that the said provisions shall extend to such other areas as may be specified in the notification.
- (3) This section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (2) on such date as may be specified in the notification.
2. In this Act, unless there is anything repugnant in the subject or context
 - (1) "By-laws" means by-laws made by the local supervising authority;
 - (2) "Local supervising authority" in the case of a municipal area means the municipality established for such area, and in the case of any other area a district local board established for the said area;
 - (3) "Maternity home" means any premises used, or intended to be used, for the reception of pregnant women or of women in or immediately after child birth;
 - (4) "Nursing home" means any premises used or intended to be used, for the reception of persons suffering from any sickness, injury or infirmity and the providing to treatment and nursing for them, and includes a maternity home; and the expression "to carry on a nursing home" means to receive persons in a nursing home for any of the aforesaid purposes and to provide treatment or nursing for them;
 - (5) "Prescribed" means prescribed by rules made under this Act;
 - (6) "Qualified medical practitioner" means a medical practitioner registered under the Bombay Medical Act, 1912, or any other law for the time being in force;

- (7) "Qualified midwife" means a midwife registered under, the Bombay Nurses, Midwives and Health Visitors Registration Act, 1935
- (8) "Qualified nurse" means a nurse registered under the Bombay Nurses, Midwives and Health Visitors Registration Act, 1935.
- (9) "register" means to register under section 5 of this Act and the expressions "registered" and "registration" shall be construed accordingly;
- (10) "Rules" means rules made under this Act.

3. No person shall carry on a nursing home unless he has been duly registered in respect of such nursing home and the registration in respect thereof has not been cancelled under section 7:

Provided that nothing in the section shall apply in the case of a nursing home which, is in existence at the date of the commencement of this Act, for a period of three months from such date or if an application for registration is made within that period in accordance with the provisions of section 4 until such application is finally disposed of.

4. (1) Every person intending to carry on a nursing home shall make every year an application for registration or the renewal of registration to the local supervising authority:

Provided that in the case of a nursing home which is in existence at the date of the commencement of this Act an application for registration shall be made within three months from such date.

(2) Every application for registration or the renewal of registration shall be made on such date and in such form and shall be accompanied, by such fee, as may be prescribed.

5. (1) Subject to the provisions of this Act and the rules, the local supervising authority shall, on the receipt of an application for registration, register the applicant in respect of the nursing home named in the application and issue to him a certificate of registration in the prescribed form:

Provided that the local supervising authority may refuse to register the applicant if it is satisfied:

- (a) That he, or any person employed by him at the nursing home, is not a fit person, whether by reason of age or otherwise, to carry on or to be employed at a nursing home of such a description as the nursing home named in the application; or
- (b) That the nursing home is not under the management of a person who is either a qualified medical practitioner or a qualified nurse and who is resident in the home, or that there is not approver proportion of qualified nurses among the persons having the superintendence of or employed in the nursing of the patients in the home; or
- (c) That in the case of a maternity home it has not got on its staff a qualified midwife; or

(b)

- (d) That for reasons connected with the situation, constriction, accommodation, staffing or equipment, the nursing home or any premises used in connection therewith are not fit to be used for a nursing home of such a description as the nursing home mentioned in the application or that the nursing home or premises are used or are to be used for purposes which are in any way improper or undesirable in the case of such nursing home.
- (2) A certificate of registration issue under this section shall, subject to the provisions of section 7, be in force and shall be valid until the 31st day of March next following the date on which such certificate was issued.
- (3) The certificate of registration issued in respect of nursing home shall be kept affixed in a conspicuous place in the nursing home.
6. Whoever contravenes the provisions of section 3, shall, on conviction, be punished with fine which may extend to five hundred rupees or, in the case of a second or subsequent offence, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.
7. Subject to the provisions of this Act, the local supervising authority may at any time cancel the registration of a person in respect of any nursing home on any ground which would entitle it to refuse an application for the registration of that person in respect of that home, or on the ground that that person has been convicted of an offence under this Act or that any other person has been convicted of such an offence in respect of that home.
8. (1) Before making an order refusing an application for registration or an order canceling any registration, the local supervising authority shall give to the applicant or to the person registered, as the case may be, not less than one calendar month's notice of its intention to make such an order, and every such notice shall state the ground on which the local supervising authority intends to make the order and shall contain an intimation that if within a calendar month after the receipt of the notice the applicant or person registered informs the authority in writing that he desires so to do, the local supervising authority shall, before making the order, give him (in person or by representative) an opportunity of showing cause why the order should not be made.
- (2) If the local supervising authority, after giving the applicant or the person registered an opportunity of showing cause as aforesaid, decides to refuse the application for registration or to cancel the registration, as the case may be, it shall make an order to that effect and shall send a copy of the order by registered post to the applicant or the person registered.
- (3) Any person aggrieved by an order refusing an application for registration or canceling any registration may, within a calendar month after the date on which the copy of the order was sent to him, appeal to the Provincial Government against such order of refusal. The decision of the Provincial Government on any such appeal shall be final.

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(4) No such order shall come into force until after the expiration of a calendar month from the date on which it was made or, where notice of appeal is given against it, until the appeal has been decided or withdrawn.

9. (1) The Health Officer of the local supervising authority or the Civil Surgeon of the district in which a nursing home is situated or any other officer duly authorised by the local supervising authority or the Civil Surgeon, may, subject to such general or special orders as may be made by the local supervising authority, at all reasonable times enter and inspect and premises which are used, or which that officer has reasonable cause to believe to be used, for the purpose of nursing home, and inspect any records required to be kept in accordance with the provisions of this Act:

Provided that nothing in this Act shall be deemed to authorise any such officer to inspect any medical record relating to any patient in a nursing home.

- (2) If any person refused to allow any such officer to enter or inspect any such premises as aforesaid, or to inspect any such records as aforesaid or abstracts any such officer in the execution of his powers under this section, he shall be guilty of an offence under this Act.
10. Any fees received under this Act shall be paid into the fund of the local supervising authority.
11. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a local supervising authority under and for the purposes of this Act and the rules and by-laws may be paid out of the municipal or local fund, as the case may be.
12. Whoever contravenes any of the provisions of this Act or of any rule shall, if no other penalty is elsewhere provided in this Act or the rules for such contravention, on conviction, be punished with fine which may extend to fifty rupees and in the case of a continuing offence to a further fine of fifteen rupees in respect of each day on which the offence continues after such conviction.
13. Where a person committing an offence under this Act is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.
14. No court other than that of a Presidency Magistrate or a Magistrate of the first class shall take cognizance of or try any offence under this Act.
15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

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16. (1) The Provincial Government may, by notification in the Official Gazette, make person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.
- (2) Without prejudice to the generality of the foregoing provisions such rules may prescribe -
 - (a) The form of the application to be made under section 4.
 - (b) The date on which an application for registration or renewal of registration to be made and the fees to be paid for such registration or renewal of registration,
 - (c) The form of the certificate of registration to be issued under section 5.
 - (d) For any other matter for which no provision has been made in this Act, and for which provision is, in the opinion of the Provincial Government, necessary.
- (3) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.
17. (1) The local supervising authority may make by-laws not inconsistent with this Act or rules -
 - (a) Prescribing the records to be kept of the patients received into a nursing home, and in the case of the maternity home, of miscarriages, abortions or still births occurring in the nursing home and of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian relative.
 - (b) Requiring notification to be given of any death occurring in the nursing home.
- (2) Any by-law made by a local supervising authority under this Act may provide that a contravention thereof shall be punishable:
 - (a) With fine which may extend to fifty rupees; or
 - (b) With fine which may extend to fifty rupees and in the case of a continuing contravention, with an additional fine which may extend to fifteen rupees for every day during which such contravention continues after conviction, for the first such contravention; or
 - (c) With fine which may extend to fifteen rupees for every day during which the contravention continues after the receipt of a notice from the local supervising authority by the person contravening the by-law requiring such person to discontinue such contravention.
 - (d) No by-law made by the local supervising authority shall come into force until it has been confirmed by the Provincial Government with or without modification.
- (4) All by-means under this section shall be published in the official Gazette.

- (7)
18. Nothing in this Act shall apply to -
- (i) any nursing home carried on by Government or a local authority or by any other body of persons approved by the Provincial Government in this behalf; and
 - (ii) Any asylum for lunatics or patients suffering from mental diseases, within the meaning of the Indian Lunacy Act, 1912.

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IN DEVELOPMENT, PUBLIC AND HOUSING DEPARTMENT

Sachivalaya, Bombay-32, 10th May 1973

BOMBAY NURSING HOMES REGISTRATION ACT, 1949

No. NHM. 1161/33950/39497-GII - In exercise of the powers conferred by sub-section (1) and clauses (a) to (d) of sub-section (2) of section of the Bombay Nursing Homes Registration Act, 1949 (Bomb. XV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby make the following rules, the same having been previously published as required by subsection (1) of the said section 16, namely: -

I-GENERAL

1. Short title - These rules may be called the Maharashtra Nursing Homes Registration Rules, 1973
2. Definitions - In these rules, unless the context requires otherwise -
 - (a) "Act" means the Bombay Nursing Homes Registration Act, 1949;
 - (b) "Form" means a form appended to the rules; and
 - (c) "Section" means a section of the Act.

II-MAINTENANCE OF REGISTER

3. Register - The local supervising authority shall maintain a register in Form 'A' showing the names of persons registered under section 5
4. Application for registration - Any person intending to carry on a nursing home shall make an application to the local supervising authority in Form 'B' at least one month before the date on which he intends to carry on such a nursing home. Such application shall be accompanied by a fee prescribed in sub-rule (1) of rule 7.
5. Grant of certificate of registration - the local supervising authority shall if satisfied that there is no objection to registration, register the applicant in respect of a nursing home and issue to him a certificate of registration in Form 'C'
6. Renewal of registration - An application for the renewal of registration shall be made every year in advance in Form 'B' in the month of January, and shall be accompanied by the fee prescribed in sub-rule of rule 7.
7. Fees for registration and renewal of registration -
 - (1) The fees to be paid for registration shall be charged as under: -
 - (a) Rs. 20 in respect of a nursing home having not more than 10 beds;
 - (b) Rs. 50 in respect of a nursing home having more than 10 beds.
 - (2) The fees for the renewal of registration, shall in each case, be one-half of the amount payable for the first registration.

- (9)
8. Transfer of ownership etc. of nursing home – Immediately the transfer of the ownership or management of nursing home the transferor and the transferee shall jointly communicate the transfer effected to the local supervising authority and the transferee shall make an application for registration in accordance with the provisions of rule 4
 16. Change of address – A person registered under the Act in respect of a nursing home shall communicate to the local supervising authority any change in his address or in the situation of the nursing home in respect of which he is registered not later than seventy-two hours after such change.
 17. Change in staff – Any change in the medical, nursing or midwifery staff together with the dates on which such changes has taken place shall be communicated to the local supervising authority immediately and in any case, not later than three days of such change.
 11. Lost certificate – In the event of certificate of registration being or destroyed, the holder may apply to the local supervising authority for a fresh certificate and the local supervising authority may, if it thinks fit, issue such certificate upon payment of a fee of Rs. 5 A certificate issued under this rule shall be marked "Duplicate"
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**MUNICIPAL CORPORATION OF GREATER BOMBAY
PUBLIC HEALTH DEPARTMENT
NOTIFICATION
MDA. 4029**

The following by-laws framed in exercise of powers conferred by sub-sections (1) and (2) of section 17 of the Maharashtra (Bombay) Nursing Home Registration Act, 1949 and approved by the Municipal Corporation of Greater Bombay by their Resolution No. 374 of 4th August, 1955 and confirmed by the Government of Maharashtra (Bombay) vide letter No. NMH. 1057/49231-D dated 3rd February, 1968, from the Deputy Secretary to the Government of Bombay Local self-government and Public Health Department as required by Sub-section (3) of Section 17 of the said Act are published herewith as required by sub-section (4) of section 17 of the said act.

These bylaws shall come into force from the date of publication in the Government Gazette:

By-Laws

- I. Short title and extent: -
 - (1) These bylaws may be called the Bombay Municipal Corporation Nursing Homes Registration by-laws, 1954
 - (2) They extend to Greater Bombay
- II. Definitions: - In these by-laws, unless there be anything repugnant in the subject or context.
 - (a) "The Act" means the Bombay Nursing Homes Registration Act, 1949
 - (b) "Corporation" means the Municipal Corporation of Greater Bombay constituted under the Bombay Municipal Corporation Act, 1988 (here in after referred to as "The Municipal Act")
 - (c) "Infections disease" means any disease which a medical practitioner is required to notify to the Executive Health Officer of the Corporation as under Section 421 of the Municipal Act or any other law for the time being in force;
 - (d) "Keeper of a nursing home" means a person who has been duly registered by the Corporation in respect of a Nursing home under section 5 of the Act and whose registration has not been cancelled under section 7 of the Act.

- III. Record of patients received into or of children born in the Nursing Home: -
The keeper of a Nursing Home shall keep and maintain.
- (a) In the form appended to these by-laws a register of patients received into the Nursing Home;
 - (b) A correct alphabetical index of the names of the patients admitted to the nursing home;
 - (c) A daily record of health of every patient who may be suffering from acute illness;
 - (d) A daily record of health of every woman admitted to the nursing home for delivery and of every child born to such woman in nursing home; and
 - (f) A daily and weekly record of health of other patients.

2. The Keeper of nursing home shall keep and maintain a register special form, of maternal and infant deaths occurring in the nursing home, and submit monthly returns thereof to the Executive Health Officer.

3. Where the register referred to in sub clause (1) relates to a woman who has been admitted for delivery and where a child born to such woman is removed with the consent of the keeper of a nursing home and of the parents or mother, to the care of a person other than its father, guardian or relative, the keeper of such nursing home shall, in addition to the particulars specified in clause (1) also specify in the register the name and address of such person and the date on which and the consideration for which the child was so removed.

IV. Notice of death occurring in Nursing Home: -

- (1) If any death occurs in a nursing home, the keeper of the nursing home shall within 24 hours from the occurrence of the death given in writing the notice of such death to the Executive Health Officer of the Corporation or the Registrar of Births and Deaths for the District, appointed under section 442 of the Municipal Act, within whose jurisdiction the nursing home is situated.
- (2) The notice may be sent by pre-paid post or in any other effective manner
- (a) The notice shall contain the particulars required to be entered in a register sheet under Section 451 of the Municipal Act.
- (b) Within twenty-four hours of the conclusion of the inquest, if any, held on the death of any patient admitted into a nursing home, the keeper of such home shall forward a report to the Executive Health Officer of the Corporation or the Registrar of Births and Deaths for the District concerned, containing the following particulars, namely: -
- (c) Date of inquest;
- (d) Cause of death as found by the authority by which the inquest was held.

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- (e) Penalty: - Any person who contravenes the provisions of any of these bye- laws, shall, on conviction, be punished: -
- (f) With fine which may extend to fifty rupees, or
- (g) With fine which may extend to fifty rupees and in the case of a continuing contravention with an additional fine which may extend to fifteen rupees for every day during which such contravention after conviction for the first such contravention, or
- (h) With fine Which may extend to fifteen rupees for every day during which the contravention continues after the receipt of a notice from the Corporation by the person contravening the by-laws, requiring such person to discontinue such contravention.

GOVERNMENT OF MAHARASHTRA
Urban Development and Public Health Department
Resolution No. MNH/1173/30748 (349) PH - 10
Sachivalaya, Bombay - 32 .
Date: 19TH November 1976

READ: Government Resolution, Urban Development & Public Health Department No. Mnh-1173/30748/(349) PH-10 dated the 15th April 1976.

RESOLUTION: The accompanying notification should be published in part IV-B of the Maharashtra Government Gazette.

By order and in the name of the Governor of Maharashtra

Sd/-(S.V.Abhyankar)
Desk Officer

To,

The Municipal Commissioner, Bombay

Urban Development & Public Health Department
Sachivalaya, Bombay 400032 dated the 9th November 1976

BOMBAY NURSING HOMES REGISTRATION ACT, 1949

No. MNH-1173/30748-(349)-PH-10: - Inexercise of the powers conferred by sub-section (2) of section 4 and clause (b) of sub-section (2) of section 16 of the Bombay Nursing Homes Registration Act, 1949 (Bom. XV of 1949) and of all other powers enabling it in that behalf; the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Nursing / Homes Registration Rules 1973, the same having been previously published as required by sub-section (3) of the said section 16 namely:

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RULES

1. These rules may be called the Maharashtra Nursing Homes Registration (Amendment) Rules, 1976
2. In rule 7 of the Maharashtra Nursing Homes Registration Rule 1973: -
 - (a) In sub-rule (1)
 - (i) In clause (a) for the figures "20" the figures "50" shall be substituted;
 - (ii) In clause (b) for the figures "50" the figures "100" shall be substituted.
 - (b) In sub-rule (2) for the words "one half of" the words "equal to" shall be substituted

By order and in the name of the Governor of Maharashtra,

Sd/-(S.V.Abhyankar)
Desk Officer

(These rules are amended by this notification for the first time).

.....
No. HO/39039/R-I of 30.11.76

Copy forwarded to A.H.O. I to IV, M.Os. (H) & Sr.S.Is. A to T wards for information attention and necessary action. Revised fees should be effective from 1.4.1977 and therefore applications received from Jan. 77 renewal should accompany the revised fees.

Sd/-
D.E.H.O.

Sd/-
H.O.

No. HO/45026/RI of

Copy recalculated to A.H.O. I to IV, M.OS. (H) & Sr. S.Is. A to T wards for information, attention and necessary action please.

(15)

8. PROCEDURE FOR GRANT OF CERTIFICATE OF REGISTRATION FOR NURSING HOME

LEGAL PROVISION

The nursing homes in Greater Bombay are controlled under the provision of the Bombay Nursing Home Registration Act, 1949, the Bombay Nursing Homes Registration Rules, 1973 and the Bombay Municipal Corporation Nursing Homes Registration Bylaws, 1954. Section 3 to 5 and 7 and 8 of the Act and rules 4 to 11 deal with registration of nursing homes. Section 3 of the Act lays down that no person shall carry on a nursing home unless he has been duly registered in respect of such nursing home. Section 6 of the Act prescribed penalty with fine to the extent of Rs. 500/- for non-registration and in the case of second or subsequent offence with imprisonment to the extent of 3 months or with fine to the extent of Rs. 500/- or with both. Section 12 of the Act prescribes penalty for contravention of any other provisions of the Act or any provisions of the rules.

The Bombay Municipal Corporation Nursing Homes Registration Bylaws, 1954 govern nursing homes in regard to the records to be kept of the patients received into nursing homes or children born therein, etc. The Bylaws also provide for penalty for the breach of their provisions.

The terms "Maternity Home" and "Nursing Home" have been defined under section 2 of the Act as under: -

"Maternity Home" means any premises used or intended to be used, for the reception of pregnant women or of women in or immediately after childbirth. "Nursing Home" means any premises used or intended to be used, for the reception of persons suffering from any sickness, injury or infirmity and the providing of treatment and nursing for them, and includes a maternity home, and the expression to carry on a "nursing home" means to receive persons in a nursing home for any of the aforesaid purposes and to provide treatment or nursing h/ for them.

The Municipal Corporation of Greater Bombay is the 'Local Supervising authority' as per the definition of the term given in the Act and is responsible for the enforcement of the legal provisions within its jurisdiction. The Corporation has, by its Resolution No. 596 dated 13.8.19.64 authorised the Municipal Commissioner, Deputy Municipal Commissioner, Executive Health Officer, Deputy Municipal Commissioner, Executive Health Officer, Deputy Executive Health Officers, Medical Assistant in charge Sections and Sanitary Inspectors to execute the provisions of the Bombay Nursing Homes Registration Act, 1949, and Rules and by-laws framed there under in Greater Bombay.

Any person carrying on or intending to carry on a nursing home has to apply in the prescribed form (Form 'B') to the Medical Officer of Health of the ward concerned. The form of application is available on payment of rupee one from the office of the Medical Officer of Health a specimen form of the application is in the rules.

On receipt of the application, the premises where the nursing home is carried on or is intended to be carried on is inspected and a report about its suitability for registration is submitted to the higher authority.

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The suitability is determined in the following considerations (Section 5):

1. Fitness of the applicant or his agent to carry on the nursing home.
Management under qualified medical practitioner or qualified nurse and resident in the home.

Proportion of qualified nurses among those superintending or nursing the patients in the home. (Please see Sec. 5(1) (a) & item 14(b) of the application form).

4. If a maternity home is a qualified nurse on its staff
5. Fitness of the premises in regard to situation, construction, accommodation, staffing or equipment
6. Use of the premises for any improper or undesirable purposes.

ISSUE OF CERTIFICATE OF REGISTRATION

If the premises are found suitable, the applicant is informed in writing to pay the necessary fees for registration in the office of the Medical Officer of Health.

On receipt of the fees for registration, the application is registered in the office of the M.O.H. in a register in Form 'A' as required under Rule 3 of the Rules and a certificate of registration duly signed is issued to the applicant. A specimen form of the certificate of Registration is in the rules.

PERIOD OF VALIDITY OF THE CERTIFICATE

A certificate of registration issued is valid until the 31st day of March next following the date on which it was issued.

The certificate must be displayed in a conspicuous place in the nursing home. (Please see Sec. 5(3)).

RENEWAL OF REGISTRATION

An application for renewal is to be made in January accompanied by the renewal fee. If the M.O.H. is satisfied that the application is in order, he will issue a fresh certificate of registration (Rule 6)

REFUSAL OR CANCELLATION OF REGISTRATION

The M.O.H. has the discretion to refuse to register an application for the reasons given in Section 5 of the Act and to cancel the registration as provided under Section of the Act.

However, the M.O.H. has to give to the applicant or to the person registered, not less than one calendar month notice of his intention to make an order of refusal or cancellation giving reasons therefore. The notice should also contain intimation that the applicant or the person registered will be given in person or by a representative, an opportunity within one calendar.

(17)

LOST CERTIFICATE

If a certificate of registration is lost or destroyed, the holder may apply to the M.O.H. for a fresh certificate. A certificate marked as "Duplicate" will be issued on payment of Rs. 5/- (Rule 11).

Bylaws : Copy of Bylaws attached.

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The following Act of the Bombay Legislature, having been assented to by the Governor on the 15th September 1959 is hereby published for general information

N. K. DRAVID
Secretary to the Government of Bombay,
Legal Department

BOMBAY ACAT No. XLII OF 1959

(First published, after having received the ascent of the Governor in the "Bombay Government Gazette" on the 19th September, 1959

An Act to extend the Bombay Nursing Homes Registration Act, 1949, to the rest of the State of Bombay and to amend that Act

WHEREAS the Bombay Nursing Homes Registration Act, 1949, extends only to the pro-Reorganisation State of Bombay, excluding the transferred territories;

AND WHEREAS no corresponding law exists in the rest of the State of Bombay;

AND WHEREAS it is expedient that the Bombay Nursing Homes Registration Act, 1949 be extended to the rest of the State of Bombay and in its application to the whole of the State be amended for certain purposes hereinafter appearing: It is hereby enacted in the Tenth Year of the Republic of India as follows: -

1. This Act may be called the Bombay Nursing Homes Registration (Extension and Amendment) Act, 1959
2. The Bombay Nursing Homes Registration Act, 1949, is hereby extended to that part of the State of Bombay to which, immediately before the commence month of this Act, it did not extend
3. In the Bombay Nursing Homes Registration Act, 1949, in its application to the whole of the State of Bombay (hereinafter refereed to as "the principal Act") in the long title, for the words "Province of Bombay" the words "State of Bombay" shall be substituted.

4. In section 1 of the principal Act, for sub-section (2) the following shall be substituted namely: -

(2) This section extends to the whole of the State of Bombay. The remaining provisions of this Act extend to Greater Bombay, the Cities Poona and Ahmedabad as constituted under section 3 of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur as constituted under the City of Nagpur Corporation Act, 1918 and the Municipal Borough of Solapur. The State Government may by notification in the Official Gazette, direct that the said provisions shall extend to such other areas as may be specified in the notification.

5. In section 2 of the principal Act: -

(1) After clause (1), the following clause shall be inserted, namely: -

"(1-a) 'district' local board' in relation to any area other than a municipal area, means a district local board, district board, district Panchayat or Janapada Sabha or similar local authority established under any law for the time being in force relating to the constitution of such authorities and having jurisdiction over such area;"

(2) After clause (3), the following clause shall be inserted, namely: -

"3-a) 'municipality' means a municipal corporation, municipality, municipal committee, town committee or similar local authority established under any law for the time, being in force relating to the constitution of such authorities and 'municipal area' means the local area within the jurisdiction of a municipality;"

(3) For clauses (7) and (8), the following clauses shall be substituted, namely: -

"(7) 'Qualified midwife' means a midwife registered or deemed to be registered under the Bombay Nurses, Midwives and Health Visitors Act, 1954 or any other corresponding law for the time being in force;

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THE BOMBA NURSING HOMES REGISTRATION ACT 1949

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12. Penalty for offences under Act
13. Offences by corporations
14. Court competent to try offences under Act
15. Indemnity to persons acting under this Act
16. Rules
17. By-laws
18. Saving

(2) "Local supervising authority" in the case of a municipal area means the municipality established for such area, and in the case of any other area a district local board established for the said area;

(3) "Maternity home" means any premises used, or intended to be used, for the reception of pregnant women or of women in or immediately after child birth;

[(3a) "Municipality" means a Municipal Corporation, municipality, Municipal Committee, Town Committee or similar local authority established under any law for the time being in force relating to the constitution of such authorities and "Municipal Area" means the local area within the jurisdiction of a municipality;]

(4) "Nursing Home" means any premises used or intended to be used, for the reception of persons suffering from any sickness, injury or infirmity and the providing of treatment and nursing for them, and includes a maternity home; and the expression "To carry on a nursing home" means to receive persons in a nursing home for any of the aforesaid. Purposes and to provide treatment or nursing for them;

5. "Prescribed" means prescribed by rules made under this Act;

6. "Qualified Medical Practitioner" means a medical practitioner registered under the Bombay Medical Act 1912, or any other law for the time being in force;

7. "Qualified midwife" means a midwife registered or deemed to be registered under the Bombay Nurses, Midwives and Health Visitors Act 1954 or any other corresponding law for the time being in force;

8. "Qualified Nurse" means a nurse registered or deemed to be registered under the Bombay Nurses, Midwives and Health Visitors Act 1954, or any other corresponding law for the time being in force;]

9. "Register" means to register under section 5 of this Act and the expressions "Registered" and "Registration" shall be construed accordingly;

10. "Rules" means rule made this Act

Prohibition to carry on nursing home without registration

3. No person shall carry on a nursing home unless he has duly registered in respect of such nursing home and the registration in respect thereof has not been cancelled under section 7:

Provided that nothing in this section shall apply in the case of a nursing home [which is in existence in any area at the date of the coming into force of section 3 in that area] for a period of three months from such date or if an application for registration is

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made within that period in accordance with the provisions of section 4 until such application is finally disposed of.

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- 1 Clause (3a) was inserted by Bom. Of 1959, s 5(2)
2 Clause (7) and (8) were substituted for the original by Bom. 42 of 1959, s 5(3)
3 These words were substituted for the words "which is in existence at the date of the commencement of this Act", ibid, s 6
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BOMBAY ACT No. XV OF 1949₁

[THE BOMBAY NURSING HOMES REGISTRATION ACT 1949]Ψ
[6th May 1949]

Adapted and modified by the Adaptation of Laws Order, 1950
Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order 1956
Amended by Bom. 42 of 1959
Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order 1960

**An Act to provide for the registration and inspection of nursing home in he
2[State of Bombay] and for certain purposes connected therewith**

WEHREAS it is expedient to provide for the registration and inspection of nursing homes in the Province of Bombay and for certain purposes connected herewith; It is hereby enacted as follows: -

Short title extent and commencement

1. (1) This Act may be called the Bombay Nursing Homes Registration Act, 1949
- 3[(2) This section extends to the whole of the 4[State of Maharashtra.] The remaining provisions of this Act extend to Greater Bombay, the 5[City of Poona] as constituted under section 3 of the Bombay Provincial Municipal Corporations Act, 1949, the City of Nagpur as constituted under the City of Nagpur Corporation Act, 1948 and the Municipal Borough of Solapur. The State Government may, by notification in the Official Gazette, direct that the said provisions shall extend to such other areas as may be specified in the notifications.]
- (3) This section shall come into force at once. The 6[State] Government may by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (2) on such date as may be specified in the notification.

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Definitions

2. In this Act, unless there is anything repugnant in the subject or context

(1) "Bylaws" means made by the local supervising authority;

7[(1a) "District local board" in relation to any area other than a Municipal Area, means a district local board, district board, district Panchayat or Janapada abha or similar, local authority established under, any law for the time being in force relating to the constitution of such authorities and having jurisdiction over such area;]

1 For Statement of Objects and Reasons, see Bombay Government Gazette, 1949, Part V, page 84

ψ This Act was extended to that part of the State of Bombay to which immediately before the commencement of Bom. 42 of 1959, it did not extend (Vide Bom. 42 of 1959, s. 27)

2 These words were substituted for the words "Province of Bombay" by Bom. 42 of 1959, s. 3

3 This sub-section was substituted for the original by Bom. 42 of 1959, s. 4

4. These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960

5. These words were substituted for the words "Cities of Poona and Ahmedabad" ibid.

6. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

7. Clause (1-a) was inserted by Bom. 42 of 1959, s. 5(1)

Application for registration

4. (1) Every person intending to carry on a nursing home shall make every year an application for registration or the renewal of registration to the local supervising authority:

Provided that in the case of a nursing home [which is in existence in any area at the date of the coming into force of section 3 in that area] an application for registration shall be made within three months from such date.

(2) Every application for registration or the renewal of registration shall be made on such date and in such form and shall be accompanied by such fee as may be prescribed.

Registration

5. (1) Subject to the provisions of this Act and the rules, the local supervising authority shall, on the receipt of an application for registration, register the applicant in respect of the nursing home named in the application and issue to him a certificate of registration in the prescribed form:

* These words were substituted for the words "which is in existence at the date of the commencement of this Act" by Bom. 42 of 1959, s. 7

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Provided that the local supervising authority may refuse to register the applicant if it is satisfied --

- (a) That he, or any person employed by him at the nursing home, is not a fit person, whether by reason of age or otherwise to carry on or to be employed at a nursing home of such a description as the nursing home named in the application; or
 - (b) That the nursing home is not under the management of a person who is either a qualified medical practitioner or a qualified nurse and who is resident in the home, or that there is not a proper proportion of qualified nurses among the persons having the superintendence of or employed in the nursing of the patient in the home; or
 - (c) That in the case of a maternity home it has not got on its staff a qualified midwife; or
 - (d) That for reasons connected with situation, construction, accommodation, staffing or equipment, the nursing home or any premises used in connection therewith are not fit to be used for a nursing home or premises are used or are to be used for purposes which are in any way improper or undesirable in the case of such nursing home.
- (2) If any person refuses to allow any such officer to enter or inspect any such premises as aforesaid, or to inspect any such records as aforesaid or obstructs any such officer in the execution of his powers under this section, he shall be guilty of an offence under this Act.

Income of local supervising authority

10. Any fees received under this Act shall be paid into the fund of the local supervising authority.

Expenses of local supervising authority

11. Notwithstanding anything contained in any enactment in regard to any municipal or Local fund, all expenses incurred by a local supervising authority under and for the purposes of this Act and the rules and bylaws may be paid out of the municipal or local fund, as the case may be.

Penalty for offences under Act

12. Whoever contravenes any of the provisions of this Act or of any rule shall if no other penalty is elsewhere provided in this Act or the rules for such contravention, on conviction, be punished with fine which may extend to fifty rupees and in the case of a continuing offence to a further fine of fifteen rupees in respect of each day on which the offence continues after such conviction.

* These words were substituted for the words "which is in existence at the date of the commencement of this Act" by Bom. 42 of 1959, s. 7

Offences by corporations

13. Where a person committing an offence under this Act is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.
14. No court, other than that of a Presidency Magistrate or a Magistrate of the first class shall take cognizance of or try any offence under this Act
15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or bylaws.
16. (1) The [State] Government may by notification in the Official Gazette, make rules to carry out all or any of the purposes of this Act.
(2) Without prejudice to the generality of the foregoing provisions such rules may prescribe --
 - (a) the form of the application to be made under section 4.
 - (b) the date on which an application for registration or renewal of registration to be made and the fees to be paid for such registration or renewal of registration
 - (c) the form of the certificate of registration to be issued under section 5,
 - (d) for any other matter for which no provision has been made in this Act, and for which provision is, in the opinion of the [State] Government, necessary
- (3) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette
17. (1) The local supervising authority may make bylaws not inconsistent with this Act or rule: -
 - (a) Prescribing the records to be kept of the patients received into a nursing home and in the case of the maternity home, of miscarriages, abortions or still births occurring in the nursing home and of the children born therein and of the children so born who are removed from the home otherwise than to the custody of care of any parent, guardian or relative;

• The word was substituted of the Word "Provincial" by the Adaptation of Laws Order, 1950

- (2) A certificate of registration issued under this section shall, subject to the provisions of section 7, be in force and shall be valid until the 31st date of March next following the date on which such certificate was issued.

(2)

- (3) The certificate of registration issued in respect of a nursing home shall be kept affixed in a conspicuous place in the nursing home

Penalty for non registration.

6. Whoever contravenes the provisions of section 3, shall, on conviction be punished with fine which may extend to five hundred rupees, or, in the case of a second or subsequent offence, with imprisonment, for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Cancellation of registration

7. Subject to the provisions of this Act, the local supervising authority any at any time cancel the registration of a person in respect of any nursing home on any ground which would entitle it to refuse an application for the registration of that person in respect of that home, or on the ground that that person has been convicted of an offence under that Act or that any other person has been convicted of such an offence in respect of that home

Notice of refusal or cancellation of registration

8. (1) Before making an order refusing an application for registration or an order canceling any registration, the local supervising authority shall give to the applicant or to the person registered, as the case may be, not less than one calendar month's notice of its intention to make such an order, and every such notice shall state the grounds on which the local supervising authority intends to make the order and shall contain an intimation that if within a calendar month after the receipt of the notice the applicant or person registered informs the authority in writing that he desires so to do, the local supervising authority shall, before making the order, give him (in person or by a representative) an opportunity of showing cause why the order should not be made.
- (2) If the local supervising authority, after giving the applicant or the person registered an opportunity of showing cause as aforesaid, decides to refuse the application for registration or to cancel the registration, as the case may be, it shall make an order to that effect and shall send a copy of the order by registered post to the applicant or the person registered.
- (3) Any person aggrieved by an order refusing an application for registration or canceling any registration may, within a calendar month after the date on which the copy of the order was sent to him, appeal to the * [State] Government against such order of refusal. The decision of the *[State] Government on any such appeal shall be final.
- (4) No such order shall come into force until after the expiration of a calendar month from the date on which it was made or, where notice of appeal is given against it, until the appeal has been decided or withdrawn.

* This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

Inspection of nursing homes.

9. (1) The Health Officer of the local supervising authority or the Civil Surgeon of the district in which a nursing home is situated or any other officer duly authorised by the local supervising authority or the Civil Surgeon may, subject to such general or special orders as may be made by the local supervising authority, at all reasonable times enter and inspect any premises which are used, or which that officer has reasonable cause to believe to be used for the purpose of nursing home and inspect any records required to be kept in accordance with the provisions of this Act:

(a) Provided that nothing in this Act shall be deemed to authorise any such officer to inspect any medical record relating to any patient in a nursing home

(b) Requiring notification to be given of any death occurring in the nursing home.

(2) Any by-law made by a local supervising authority under this Act may provide that a contravention thereof shall be punishable ---

(a) with fine which may extend to fifty rupees; or

(b) with fine which may extend to fifty rupees and in the case of continuing contravention with an additional fine which may extend to fifteen rupees for every day during which such contravention continues after conviction for the first such contravention

(c) with fine which may extend to fifteen rupees for every day during which the contravention continues after the receipt of a notice from the local supervising authority by the person contravening the by-law requiring such person to discontinue such contravention

(3) No by-law made by the local supervising authority shall come into force until it has been confirmed by the *[State] Government with or without modification

18. Nothing in this Act shall apply to --

(i) Any nursing home carried on by Government or a local authority or³ by any other body of persons approved by the *[State] Government in this behalf; and

(ii) Any asylum for lunatics or patients suffering from mental diseases, within the meaning of the Indian Lunacy Act 1912

* This word was substituted for the word "Provincial" by Adaptation of Laws Order, 1950

संसा. क्र. १०

विचर नं. १२२५/संसा.क्र.१०/१०



महाराष्ट्र शासन राजपत्र

असाधारण
द्विदिवस प्रकाशन

गुरुवार, एप्रिल ७, १९९४/चक्र १७, भागे १९९४

सर्वतंत्र संकलन म्हणून काढिलेले दरम्यानाने या मातल्या वेबले पुढे कमीत दिले आहेत.

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र नर्सिंगहोमच्या तयार केलेले (मात्र एक, एकूण मात्र एकूण) नियम प्रसिद्ध केलेले नियम व मादेश यांच्यातून (नियम व मादेश)

PUBLIC HEALTH DEPARTMENT

Mantralaya, Bombay 400 032, dated 7th April 1994.

BOMBAY NURSING HOMES REGISTRATION ACT, 1949.

No. MYS.1093/CR-37/PH-1.—In exercise of the powers conferred by sub-section (2) of section 4 and clause (b) of sub-section (2) of section 16 of the Bombay Nursing Homes Registration Act, 1949 (Bom. XV of 1949), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, further to amend the Maharashtra Nursing Homes Registration Rules, 1973, the same having been previously published as required by sub-section (3) of the said section 16, namely:—

1. These rules may be called the Maharashtra Nursing Homes Registration (Amendment) Rules, 1994.

भाग चार-ब—१०५

(३१५)

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३९६ महाराष्ट्र शासन राजपत्र, असा. एप्रिल ७, १९९४/वर्ग-१७/अ. १९९६ [मास चार-६]

2. In rule 7 of the Maharashtra Nursing Homes Registration Rules, 1973—

(a) in sub-rule (1),—

(i) in clause (a), for the letters and figures "Rs. 10" the letters and figures "Rs. 100" shall be substituted;

(ii) in clause (b), for the letters and figures "Rs. 100" the letters and figures "Rs. 200" shall be substituted.

By order and in the name of the Governor of Maharashtra.

S. S. ANAOKAR
Joint Secretary to Government

राष्ट्रीय मध्यम शाला, मुंबई



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, जानेवारी ९, २००६/पोष १९, शके १९२७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम

अनुक्रमणिका

सन २००६ चा महाराष्ट्र अधिनियम क्रमांक २— मुंबई शुश्रूषा-गृह नोंदणी अधिनियम, १९४९ यात आणखी सुधारणा करण्याकरिता अधिनियम ४-७ पृष्ठे

दिनांक ७ जानेवारी २००६ रोजी मा. राज्यपालांनी संमती दिलेला महाराष्ट्र राज्य विधानमंडळाचा पुढील अधिनियम माहितीसाठी याद्वारे प्रसिद्ध करण्यात येत आहे :—

अ. मा. शिंदेकर,
सचिव, महाराष्ट्र शासन,
विधी व न्याय विभाग.

सन २००६ चा महाराष्ट्र अधिनियम क्रमांक २.

(मा. राज्यपालांची संमती मिळाल्यानंतर महाराष्ट्र शासन राजपत्रात दिनांक ९ जानेवारी २००६ रोजी प्रथम प्रसिद्ध केलेला अधिनियम.)

मुंबई शुश्रूषा-गृह नोंदणी अधिनियम, १९४९ यात आणखी सुधारणा करण्याकरिता अधिनियम.

१९४९ ज्याअर्थी, यात यापुढे दिलेल्या प्रयोजनांसाठी मुंबई, शुश्रूषा-गृह नोंदणी अधिनियम, १९४९ यात आणखी सुधारणा करणे इष्ट आहे; त्याअर्थी, भारतीय गणराज्याच्या मुंबई छप्पत्राच्या वर्षी, याद्वारे, पुढील अधिनियम करण्यात येत आहे :—

(४)

[किंमत : रुपये १.००]

भाग २-२

महाराष्ट्र शासन राजपत्र, असाधारण, जानेवारी ९, २००६/ पौष १९, शके १९२७

[भाग]

१. (१) या अधिनियमास, मुंबई शुश्रूषा-गृह नोंदणी (सुधारणा) अधिनियम, २००५ असे म्हणावे.

(२) तो, राज्य शासन, राजपत्रातील अधिसूचनेद्वारे निवत करील अशा दिनांकास अंमलात येईल.

२. मुंबई शुश्रूषा-गृह नोंदणी अधिनियम, १९४९ (यात यापुढे ज्याचा निर्देश १९४९ चा मुंबई अधिनियम क्रमांक १५ याच्या कलम १५ च्या सुधारणा. "मुख्य अधिनियम" असा करण्यात आला आहे) याच्या कलम २ मध्ये, खंड (२) ऐवजी पुढील खंड दाखल करण्यात येईल :—

“(२) “स्थानिक पर्यवेक्षी प्राधिकारी” याचा अर्थ,—

(एक) महानगरपालिकांच्या अधिकारितेत मोडणाऱ्या क्षेत्रांमध्ये संबंधित महानगरपालिकेचा आरोग्य अधिकारी;

(दोन) नगर परिषदेच्या अधिकारितेत मोडणाऱ्या क्षेत्रांमध्ये अशी परिवद ज्या जिल्ह्यामध्ये असेल त्या जिल्ह्याचा जिल्हा शल्य चिकित्सक;

(तीन) कटकक्षेत्रांच्या अधिकारितेत मोडणाऱ्या क्षेत्रांमध्ये संबंधित कटकक्षेत्राचा आरोग्य अधिकारी;

✓ (चार) वरील उप-खंड (एक), (दोन) व (तीन) मध्ये न मोडणाऱ्या क्षेत्रांमध्ये संबंधित जिल्हा परिषदेचा जिल्हा आरोग्य अधिकारी;”.

३. मुख्य अधिनियमाच्या कलम ५ मध्ये,—

(क) पोट-कलम (१) मधील, परंतुकामध्ये,—

(एक) खंड (ब) ऐवजी, पुढील खंड दाखल करण्यात येईल :—

“(ब) शुश्रूषा-गृह, अशा व्यक्तीच्या व्यवस्थापनाखाली नाही की जिने वैद्यक शास्त्राची पदवी धारण केली आहे व जी अशा शुश्रूषा-गृहामध्ये राहते किंवा शुश्रूषा-गृहामध्ये कामावर नेमलेल्या अंदात पात्र परिचारिकांची संख्या तिथे असलेल्या रुग्णांच्या संख्येच्या विहित प्रमाणानुसार नाही;”

(दोन) खंड (क) नंतर, पुढील खंड समाविष्ट करण्यात येतील :—

“(क-१) शुश्रूषा-गृहाच्या जागेचे क्षेत्र हे विहित क्षेत्रापेक्षा कमी आहे;

(क-२) शुश्रूषा-गृहामध्ये उपलब्ध असलेल्या खाटांची संख्या विहित केलेल्या खाटांच्या संख्येपेक्षा अधिक आहे ;

(क-३) शुश्रूषा-गृह, शासकीय वैद्यकीय अधिकाऱ्याच्या स्वतःच्या मालकीचे आहे किंवा त्याच्या व्यवस्थापनाखाली आहे ;” ;

(ख) पोट-कलम (२) ऐवजी, पुढील पोट-कलम दाखल करण्यात येईल :-

“(२) या कलमान्वये दिलेले नोंदणी प्रमाणपत्र हे, कलम ७ च्या तरतुदींना अधीन राहून, ज्या दिनांकास ते देण्यात आले किंवा यथास्थिति, त्याचे, नवीकरण करण्यात आले त्या दिनांकाच्या लगतनंतर येणाऱ्या तिसऱ्या वर्षाच्या ३१ मार्च या दिनांकापर्यंत अंमलात राहील व तोपर्यंत ते वैध असेल.”

४. मुख्य अधिनियमाच्या कलम ६ ऐवजी, पुढील कलम दाखल करण्यात येईल :-

नोंदणी न केल्या-बद्दल शास्ती.

“६. जी कोणतीही व्यक्ती, कलम ३ च्या तरतुदींचे उल्लंघन करील तिला, दोष सिद्ध झाल्यानंतर, सहा महिन्यांपर्यंत असू शकेल इतक्या कारावासाची किंवा दहा हजार रुपयांपर्यंत असू शकेल इतक्या द्रव्य दंडाची किंवा या दोन्ही शिक्षा होतील.”

सन १९४९ चा मुंबई अधिनियम क्रमांक १५ च्या मूळ कलम ६ ऐवजी नवीन कलम दाखल करणे.

५. मुख्य अधिनियमाच्या कलम १२ मध्ये,—

(क) “पन्नास रुपये” या मजकुराऐवजी “पाच हजार रुपये” हा मजकूर दाखल करण्यात येईल ;

(ख) “बंदरा रुपये” या मजकुराऐवजी, “पन्नास रुपये” हा मजकूर दाखल करण्यात येईल.

सन १९४९ चा मुंबई अधिनियम क्रमांक १५ याच्या कलम १२ ची सुधारणा.

७

महाराष्ट्र शासन राजपत्र, असाधारण, जानेवारी १, २००६ / पौष १९, शके १९२७ भाग चार

सन १९४९ चा

मुंबई करण्यात येईल :-

अधिनियम

क्रमांक १५

याच्या कलम

१६ ची

सुधारणा.

६. मुख्य अधिनियमाच्या कलम १६, पोट-कलम (२), खंड (ब) मध्ये पुढील परंतुक समाविष्ट

“~~शुश्रूषा-गृहांच्या नोंदशीकरिता ते शुश्रूषा-गृह ज्या क्षेत्रामध्ये आहे.~~
ते क्षेत्र. अशा शुश्रूषा-गृहांमध्ये उपलब्ध असलेल्या खाटांची संख्या, तिथे करण्यात येणारे
विशेषोपचार या गोष्टी लक्षात घेऊन, फी चे निरनिराळे दर विहित करता येतील.”

शासकीय मध्यवर्ती मुद्रणालय, मुंबई.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, जानेवारी ९, २००६/पौष १९, शके १९२७

स्वतंत्र सकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Nursing Homes Registration (Amendment) Act, 2005 (Mah. II of 2006), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. II of 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 9th January 2006.)

For further to amend the Bombay Nursing Homes Registration Act, 1949.

WHEREAS it is expedient further to amend the Bombay Nursing Homes Registration Act, 1949, for the purposes hereinafter appearing; and

it is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:—

(1) This Act may be called the Bombay Nursing Homes Registration (Amendment) Act, 2005.

Short title
and
commencement.

(४)

[किंमत : रुपये ९.००]

भाग आठ—३

Amendment
of section 2
of Bom. N.A.
of 1949

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

2. In section 2 of the Bombay Nursing Homes Registration Act, 1949 (hereinafter referred to as "the principal Act"), for clause (2), the following clause shall be substituted, namely :—

Bom.
N.A.
1949.

"(2) "local supervising authority" means,—

(i) in the areas falling within the jurisdiction of the Municipal Corporation—the Health Officer of the concerned Municipal Corporation;

(ii) in the areas falling within the jurisdiction of the Municipal Council—the Civil Surgeon of the District in which such Council is situated;

(iii) in the areas falling within the jurisdiction of a Cantonment—the Health Officer of the concerned Cantonment;

(iv) in the areas not falling in sub-clauses (i), (ii) and (iii) above—the District Health Officer of the concerned *Zilla Parishad* ; "

Amendment
of section 5
of Bom. XV
of 1949.

3. In section 5 of the principal Act,—

(a) in sub-section (1), in the proviso,—

(i) for clause (b), the following clause shall be substituted, namely :—

"(b) that the nursing home is not under the management of a person who is holding a degree in medical sciences and who is resident in the home, or that there is not a prescribed proportion of qualified nurses employed in the nursing home to the number of patients in it; or";

(ii) after clause (c), the following clauses shall be inserted, namely :—

"(c-1) that the area of the premises of the nursing home is less than the prescribed area;

(c-2) that the number of beds available in the nursing home exceeds than those prescribed;

(c-3) that the nursing home is owned or is under the management of a Government Medical Officer ; "

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

"(2) A certificate of registration issued under this section shall, subject to the provisions of section 7, be in force and shall be valid until the 31st day of March of the third year next following the date on which such certificate is issued or renewed, as the case may be."

4. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section 6
of Bom. XV
of 1949.

"6. Whoever contravenes the provisions of section 3, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both."

Penalty for
non-
registration.

5. In section 12 of the principal Act,—

Amendment
of section 12
of Bom. XV
of 1949.

(a) for the words "fifty rupees" the words "five thousand rupees" shall be substituted;

(b) for the words "fifteen rupees" the words "fifty rupees" shall be substituted.

6. In section 16 of the principal Act, in sub-section (2), to clause (b), the following proviso shall be added, namely:—

Amendment
of section 16
of Bom. XV
of 1949.

"Provided that, the State Government may prescribe different rates of fees for registration of nursing homes, having regard to the area in which such nursing home is situated, the number of beds therein, the number of specialisations offered in such nursing home."

भाग आठ

महाराष्ट्र शासन राजपत्र, असाधारण, जानेवारी ९, २००६/पोष १९, शके १९२७

६

4. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution
of section 6
of Bom. XV
of 1949.

"6. Whoever contravenes the provisions of section 3, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both."

Penalty for
non-
registration.

5. In section 12 of the principal Act,—

Amendment
of section 12
of Bom. XV
of 1949.

(a) for the words "fifty rupees" the words "five thousand rupees" shall be substituted;

(b) for the words "fifteen rupees" the words "fifty rupees" shall be substituted.

6. In section 16 of the principal Act, in sub-section (2), to clause (b), the following proviso shall be added, namely:—

Amendment
of section 16
of Bom. XV
of 1949.

" Provided that, the State Government may prescribe different rates of fees for registration of nursing homes, having regard to the area in which such nursing home is situated, the number of beds therein, the number of specialisations offered in such nursing home ;".

मुंबई शुश्रूषा नोंदणी अधिनियम १९४९ (१९९४ चा ५७) च्या कलम १६ च्या उपकलम (३) द्वारे प्रदान करण्यात आलेल्या अधिकारांचा वापर करुन मुंबई शुश्रूषा नोंदणी नियम १९७३ मध्ये नवीन तरतुदी समाविष्ट करण्यासाठी सार्वजनिक आरोग्य विभाग क्र.शुनोअ२०१८/१७६/प्र.क्र.६०४/कु.क., दि.०६.०७.२०१९ ही अधिसूचना महाराष्ट्र शासन राजपत्र भाग ४ -ब, शुक्रवार, जुलै ६, २०१९/आषाढ १५, शके १९४९ च्या शासन राजपत्रात प्रसिध्द करण्यात आली असून त्याची प्रत सोबत जोडण्यात आली आहे.

महाराष्ट्र शासन

क्र.शुनोअ-२०१८/प्र.क्र.६०४/कु.क.

सार्वजनिक आरोग्य विभाग,

१० वा मजला, जी.टी. हॉस्पिटल आवार,

नवीन मंत्रालय, मुंबई-४०० ००९

दि.१३.०८.२०१९

अधिसूचनेची प्रत माहितीसाठी व योग्य त्या कार्यवाहीसाठी अग्रेषित.

आपली विश्वासू,

उपसंचालक (आरोग्य)
आरोग्य विभाग
दिनांक ०८/०९/१९
पत्र क्र. १७६
उपसंचालक

(उज्वला अ. रणसिंग)

अवर सचिव, महाराष्ट्र शासन

प्राप्त दि. ३१.०८.१९

सोबत: अधिसूचना

प्रति,

राज्यपाल यांचे खाजगी सचिव, राजभवन, मुंबई.

मा.मुख्यमंत्री यांचे खाजगी सचिव, मंत्रालय, मुंबई

मा. मंत्री, आरोग्य व कुटुंब कल्याण, मंत्रालय, मुंबई

मा. राज्यमंत्री, आरोग्य व कुटुंब कल्याण, मंत्रालय, मुंबई

मा.मुख्य सचिव, महाराष्ट्र राज्य, मंत्रालय, मुंबई

मा.प्रधान सचिव, विधानमंडळ सचिवालय, मुंबई (सर्व सन्माननीय विधीनसभा आणि विधानपरीषद सदस्यांना पाठविण्यासाठी ३६६ प्रती)

प्रधान सचिव, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई

आयुक्त, आरोग्य सेवा तथा अभियान संचालक, राष्ट्रीय आरोग्य अभियान, मुंबई

प्रधान सचिव (विधी व न्याय विभाग) मंत्रालय, मुंबई - ४०० ०३२

सचिव (वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग) मंत्रालय, मुंबई - ४०० ०३२

संचालक, आरोग्य सेवा संचालनालय, महाराष्ट्र राज्य, मुंबई.

अतिरीक्त संचालक, राज्य कुटुंब कल्याण कार्यालय, पुणे

महासंचालक, माहिती व जनसंपर्क संचालनालय, मंत्रालय, मुंबई - ४००.०३२.

संचालक, इंडियन कौन्सिल ऑफ मेडिकल रिसर्च, नवी दिल्ली

संचालक, वैद्यकीय शिक्षण व संशोधन, महाराष्ट्र राज्य मुंबई.

विभागीय आयुक्त (सर्व)

सह संचालक/उपसंचालक, आरोग्य सेवा (सर्व)

सहसंचालक, आरोग्य सेवा (वैद्यकीय), पुणे

सहाय्यक संचालक, आरोग्य सेवा (वैद्यकीय), पुणे

जिल्हा शल्य चिकित्सक, सामान्य रुग्णालय (सर्व)

जिल्हाधिकारी (सर्व)

मुख्य कार्यकारी अधिकारी, जिल्हा परीषद (सर्व)

जिल्हा आरोग्य अधिकारी (सर्व)

महालेखापाल, महाराष्ट्र-१/२, (लेखापरीक्षा/लेखा व अनुज्ञेयता), मुंबई/नागपूर.

अधिदान व लेखाधिकारी, मुंबई

निवासी लेखाधिकारी, मुंबई

मंत्रालयीन सर्व विभाग,

निवडनस्ती, कुटुंबकल्याण



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ५, अंक ८९(४)]

शनिवार, जुलै ६, २०१९/आषाढ १५, शके १९४१

[पृष्ठे १६, किंमत : रुपये ९.००

असाधारण क्रमांक २२१

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

सार्वजनिक आरोग्य विभाग

१० वा माळा, जी. टी. रुग्णालय आवार, नवीन मंत्रालय,

मुंबई ४०० ००१, दिनांक ६ जुलै २०१९

अधिसूचना

महाराष्ट्र शुश्रूषागृह नोंदणी नियम.

क्रमांक शुनोंअ-२०१८/९७६/प्र.क्र. ६०४/कु.क.—खालील मसुदा महाराष्ट्र शुश्रूषागृह नोंदणी नियम, १९७३ मध्ये सुधारणा करण्याबाबतचा असून महाराष्ट्र शासन महाराष्ट्र शुश्रूषागृह नोंदणी अधिनियम, १९४९ च्या कलम १६ चे उप-कलम (१) तसेच उप कलम (२) च्या खंड (बी) व खंड (डी) मध्ये प्रदान केलेल्या अधिकारानुसार करीत आहे. या अधिनियमाच्या कलम १६ च्या उप कलम (३) नुसार सर्व संबंधितांच्या माहितीसाठी शुश्रूषा नियम, २०१९ पूर्व प्रसिद्ध करत आहे.

२. या नियमांसंदर्भात जर काही हरकती किंवा सूचना असतील तर त्या प्रधान सचिव, सार्वजनिक आरोग्य विभाग, १० वा मजला, गोकुळ तेजपाल रुग्णालय संकुल इमारत, नवीन मंत्रालय, मुंबई-१ या पत्त्यावर वरील दिनांक ६ ऑगस्ट २०१९ पर्यंत प्राप्त झाल्यास विचारात घेतल्या जातील.

नियम-मसुदा

(१) लघु शीर्षक.—सदर नियमांना महाराष्ट्र शुश्रूषागृह नोंदणी नियम, २०१९ (दुसरी सुधारणा) असे संबोधण्यात येईल.

(२) महाराष्ट्र शुश्रूषागृह नोंदणी नियम, १९७३ मधील नियम ३ मध्ये खालीलप्रमाणे बदल करण्यात येत आहेत. (यापुढे या नियमाला मुख्य नियम म्हटले जाईल.)

(३) नोंदवही.—स्थानिक पर्यवेक्षक प्राधिकारी इलेक्ट्रॉनिक व हस्तलिखित स्वरूपात कलम-५ अनुसार शुश्रूषागृह नोंदणीसाठी अर्ज करणाऱ्या नोंदीकृत व्यक्तीच्या नावांची नोंदणी फॉर्म “ए” मधील प्रमाणे नोंदवही जतन करेल.

(१)

(४) मुख्य निदेशाच्या निदेश (५) मध्ये फॉर्म 'सी' या शब्दानंतर पुढील मजकूर समाविष्ट करण्यात येईल :—

“स्थानिक पर्यवेक्षक अधिकाऱ्यांनी अधिनियमानुसार दिलेली सर्व नोंदणीकृत प्रमाणपत्रे संबंधित महानगरपालिकेच्या/ नगरपालिकेच्या/ कटक मंडळाच्या (कॅटोन्मेंट बोर्ड) आणि जिल्हा परिषदेच्या संकेतस्थळावर प्रसिद्ध करेल.

(५) मुख्य नियम (६) च्या उप नियम (१) मध्ये पुढील मजकूर समाविष्ट करण्यात येत आहे :—

(१) शुश्रूषागृह नोंदणीचा कालावधी संपुष्टात आल्यानंतर नियम (७) च्या उप नियम (२) मध्ये निर्धारित केलेल्या शुल्कासह त्या वर्षाच्या जानेवारी महिन्यात फॉर्म- बी मध्ये नोंदणीच्या नूतनीकरणासाठी आगाऊ अर्ज करणे आवश्यक राहील.

(६) मुख्य नियम (७) मध्ये पुढीलप्रमाणे बदल करण्यात येत आहेत :—

(अ) नोंदणी व नूतनीकरणासाठी शुश्रूषागृह (१ ते ५ खाटा) नोंदणी व नूतनीकरणासाठी पुढील प्रमाणे शुल्क आकारले जाईल.

	रुपये
(१) शुश्रूषागृह, महानगरपालिका (वर्ग अ) क्षेत्रात असल्यास	: ५,०००.
(२) शुश्रूषागृह महानगरपालिका (वर्ग ब) क्षेत्रात असल्यास	: ४,५००.
(३) शुश्रूषागृह महानगरपालिका (वर्ग क) क्षेत्रात असल्यास	: ४,०००.
(४) शुश्रूषागृह महानगरपालिका (वर्ग ड) क्षेत्रात असल्यास	: ३,५००.
(५) शुश्रूषागृह नगरपालिका क्षेत्रात, किंवा नगरपंचायत किंवा, ग्रामीण क्षेत्रात किंवा कटक मंडळात (कॅटोन्मेंट) क्षेत्रात असल्यास	: ३,०००.

(ब) शुश्रूषागृहाच्या प्रथम नोंदणीसाठी जेवढे शुल्क लागू असेल तेवढे शुल्क, नंतरच्या नूतनीकरणासाठी देखील लागू राहील.

(७) मुख्य नियम (११) नंतर पुढील भाग समाविष्ट करण्यात येत आहे :—

११(अ) शुश्रूषागृह तपासणीसाठी प्राधिकृत अधिकारी.— स्थानिक पर्यवेक्षक प्राधिकारी (Local Supervising Authority) शुश्रूषागृह तपासणीसाठी अधिनियमाच्या कलम-९ नुसार वैद्यकीय अधिकारी (गट-अ) रु. ५६१००-१७७५०० या वेतनश्रेणीपेक्षा कमी दर्जा नसेल अशा अधिकाऱ्यास प्राधिकृत करेल व हा अधिकारी शुश्रूषागृहांची वर्षातून २ वेळा तपासणी करेल.

११(ब) तक्रार निवारण कक्ष.— (१) स्थानिक पर्यवेक्षक प्राधिकारी शुश्रूषागृहाबाबतच्या तक्रारींचे निवारण करण्यासाठी एक स्वतंत्र तक्रार निवारण कक्ष स्थापन करेल व या कक्षामध्ये टोल फ्री नंबर असलेल्या दूरध्वनीची व्यवस्था करेल.

(२) प्रत्येक शुश्रूषागृहाने स्थानिक पर्यवेक्षक अधिकारी यांचा व तक्रार निवारण कक्षाचा दूरध्वनी क्रमांक शुश्रूषागृहात दर्शनी भागात प्रदर्शित करणे बंधनकारक राहील.

११(क) शुश्रूषागृहाच्या रचनेतील बांधकामाबाबत.— शुश्रूषागृहाच्या रचनेतील बांधकामात सोयी सुविधांमध्ये वाढ, किंवा बदल झाल्यास त्याची माहिती स्थानिक पर्यवेक्षक प्राधिका-यांना देणे आवश्यक राहील. तसेच करण्यात आलेल्या बदलांचा आराखडा (plan) तयार करण्यात आल्यापासून एक महिन्याचे आत स्थानिक पर्यवेक्षक प्राधिका-यास कळविणे आवश्यक राहील.

११(ड) कर्मचाऱ्यांचे प्रमाणक.— (१) महाराष्ट्र वैद्यक परिषद अधिनियम, १९६५ (महा XLVI १९६५) किंवा भारतीय वैद्यक परिषद अधिनियम, १९५६ (१०२/१९५६) किंवा महाराष्ट्र वैद्यकीय व्यवसायी अधिनियम, १९६१ (महा XXVIII १९६१) किंवा महाराष्ट्र होमिओपॅथिक व्यवसायी अधिनियम (XII १९६०) अन्वये नोंदणीकृत असलेला वैद्यकीय अधिकारी शुश्रूषागृहात २४ तास सेवा देण्यासाठी उपलब्ध असेल.

(२) १० खाटांच्या शुश्रूषागृहांसाठी किमान कर्मचारी वर्ग पुढीलप्रमाणे राहील.

अ.क्र (१)	कर्मचारी वर्ग (२)	प्रत्येक पाळीत आवश्यकता (३)
१	कर्तव्यावरील वैद्यकीय अधिकारी (DMO).	प्रत्येक पाळीत १
२	अर्हताप्राप्त अधिपरिचारिका (सुतिकागृहासाठी)	प्रत्येक पाळीसाठी १० खाटांसाठी १
३	अर्हताप्राप्त परिचारिका	१० खाटांसाठी ४ परिचारिका

११ (ई) शुश्रूषागृहाची रचना व आराखडा.— (१) सदरचे नियम अंमलात आल्यानंतर नोंदणी केलेल्या किंवा नुतनीकरण केलेल्या शुश्रूषागृहांना अनुसूचि - (I) मध्ये दिलेले प्रमाणक लागू राहिल.

११ (एफ) शुश्रूषागृहांना आवश्यक किमान साधनसामग्री व यंत्रसामग्री.— (अ) नियमीत तथा आपत्कालीन प्रसंगात रुग्णांच्या जीवरक्षणासाठी प्रत्येक शुश्रूषागृहांकडे खालील उपकरणे असणे आवश्यक राहिल.

(१) इमर्जन्सी औषधांचा ट्रे.

(२) १ सक्शन मशीन व १ फुट सक्शन मशीन (अतिरिक्त).

(३) ८ खाटांसाठी किमान १ ऑक्सिजन सिलेंडर व १ ऑक्सिजन सिलेंडर अतिरिक्त.

(४) ज्या विशेष सेवा उपलब्ध असतील त्यासाठी बंधनकारक सर्व आवश्यक यंत्रसामग्री.

(५) अग्निशामक उपकरणे.

(६) ड्रेसिंग टॉली.

(ब) ३० खाटांपेक्षा जास्त खाटांच्या शुश्रूषागृहांमध्ये खालीलप्रमाणे ५ स्वतंत्र क्षेत्र (झोन) असावेत.

(१) प्रवेश कक्ष-(Reception).

(२) ॲम्ब्युलेटरी क्षेत्र.

(३) निदान कक्ष (OPD).

(४) आंतररुग्ण कक्ष (IPD).

(५) आणीबाणी क्षेत्र/(ऑपरेशन थिएटर, लेबर रूम इत्यादी).

११ (जी) शस्त्रक्रिया गृहांसाठी किमान आवश्यक सुविधा.— शुश्रूषागृहातील शस्त्रक्रियागृहात पुढील सुविधा व उपकरणे असणे आवश्यक आहे.

(१) ऑपरेशन टेबल.

(२) ॲनास्थेशिया मशीन. (४ सिलेंडर सह).

(३) पल्स ऑक्सीमीटर.

(४) इलेक्ट्रीक सक्शन मशीन, जनरेटर कनेक्शनसह, व फुट सक्शन मशीन.

(५) इमर्जन्सी मेडिसीन ट्रे.

(६) शॅडोलेस लॅम्प (फिक्स किंवा मोबाईल).

(७) विशेष सेवासाठी आवश्यक यंत्रसामग्री व साधनसामग्री.

(८) ऑपरेशन थिएटर निर्जंतुकीकरणासाठी लागणारी साधनसामग्री.

११ (एच) अतिदक्षता विभागासाठी किमान सुविधा.— ज्या शुश्रूषागृहांमध्ये स्वतंत्र अतिदक्षता विभाग आहे तेथे खालील सुविधा व उपकरणे असावीत.

(१) प्रति खाटा ७५ चौ. फुट जागा.

(२) सेंट्रल ऑक्सिजन सिस्टीम/किंवा प्रत्येक खाटेला स्वतंत्र ऑक्सिजन सिलेंडर व २ अतिरिक्त सिलेंडर.

(३) २ सक्शन मशीन्स व १ फुट सक्शन मशीन.

(४) प्रत्येक खाटा पडद्याने विभाजीत असणे.

(५) खाटेजवळ इ.सी.जी, एस.पी ओ.टू (ऑक्सिजन) व रक्तदाब मोजणी दर्शविणारा मॉनिटर.

(६) व्हॅटीलेटर (किमान प्रेशर सपोर्टवरील) व डिफीब्रीलेटर.

(७) ICU कक्षात १ एम.बी.बी. एस. डॉक्टर २४ तास तसेच फिजीशियन व सर्जनची सुविधा ऑन कॉल उपलब्ध असणे बंधनकारक आहे.

११ (आय) प्रसूतिगृह/सुतिगृहासाठी किमान आवश्यक प्रमाणक. — (१) आपत्कालीन प्रसंगी मूलभूत प्रसूती सेवा देणा-या प्रसूतिगृहाकडे खालील सुविधा असणे आवश्यक आहे.

(१) Foetal Doppler फिटल डॉपलर.

(२) लेबर टेबल.

(३) नवजात बालक पुनरुज्जीवन संच.

(४) एक सक्शन मशीन जनरेटर कनेक्शनसह व एक फूट सक्शन मशीन.

(५) किमान १ ऑक्सिजन सिलेंडर ८ खाटांसाठी व १ अतिरीक्त सिलेंडर.

(६) किमान १ इनफंट वॉर्मर.

(७) Cardiopulmonary Resuscitation (CPR) साठी आवश्यक साधनसामग्री व यंत्रसामग्री.

(८) इमर्जन्सी ट्रे.

(९) ड्रेसिंग ट्रॉली.

(१०) ऑटोक्लेव्ह.

(११) अग्निशामक उपकरणे.

(२) ज्या प्रसूतिगृहामध्ये सर्वकष प्रसूतीच्या सेवा (Emergency Obstetric Comprehensive Services) दिल्या जातात तेथे उक्त उपकरणांसह सिझेरियन सेक्शन, फोरसेप, ventouse व रोधकारक आवश्यक उपकरणे असली पाहिजे.

११ (जे) अतितात्काळ वैद्यकीय सेवा/आवश्यक सुविधा. — (१) सर्व शुश्रूषागृहे, गंभीर रुग्णांना प्राधान्याने सेवा देईल. तात्कालिक सेवा देताना रुग्णांच्या आर्थिक क्षमतेचा विचार न करता तेथे उपलब्ध असलेल्या सुविधांच्या मर्यादेत रुग्णाला तात्काळ वैद्यकीय निकषानुसार जीवित रक्षणाचे उपचार देऊन नंतर रुग्णाला सुयोग्य अशा नजीकच्या रुग्णालयात संदर्भित करेल.

(२) प्रत्येक शुश्रूषागृहाकडे इमर्जन्सी बेसिक लाईफ सपोर्ट देण्यासाठी आवश्यक साधनसामग्री व प्रशिक्षित वैद्यकीय व इतर कर्मचारी वर्ग असेल.

(३) आपत्ती काळात रुग्णांचे जीव वाचविण्यासाठी प्रत्येक शुश्रूषागृह त्यांच्याकडील सेवा व तज्ञ मनुष्यबळ उपलब्ध करेल.

११ (के) प्रत्येक शुश्रूषागृह, आंतररुग्णांची फॉर्म 'डी' मध्ये नोंदवही ठेवेल.

११ (एल) रुग्णाचा मृतदेह नातेवाईकांकडे संपूर्ण करणे. — शुश्रूषागृहात जर एखाद्या रुग्णाचा मृत्यू झाल्यास, योग्य ती न्यायवैद्यक प्रक्रिया पूर्ण करून रुग्णाचा मृतदेह नातेवाईकांच्या ताब्यात देण्यात यावा. कोणत्याही परिस्थितीत रुग्णालयाचे बील प्रलंबित आहे म्हणून अथवा अन्य कारणांसाठी मृतदेह रोखून ठेवला जाणार नाही.

११ (एम) रुग्णाने शुल्क अदा केले नाही केवळ यास्तव त्यास रुग्णालय ताब्यात ठेवणार नाही.

११ (एन) रक्त संक्रमण सेवा. — रुग्णांच्या रक्ताची गरज पूर्ण करण्यासाठी शुश्रूषागृह परवानाधारक रक्तपेढीशी संलग्न असेल. तसेच रक्त उपलब्ध करून देणे ही शुश्रूषागृहांची जबाबदारी राहिल.

११ (ओ) स्थानिक पर्यवेक्षक प्राधिका-याकडे विशिष्ट रुग्णांची माहिती कळविणे. — रोगांची सोबतच्या अनुसूची II मधील प्रकरणांची माहिती शुश्रूषागृहाकडे रोग निदान झाल्यास स्थानिक पर्यवेक्षक प्राधिका-न्यास देण्यात येईल.

११ (पी) राष्ट्रीय आरोग्य कार्यक्रमासाठी सहकार्य करणे. — कार्यक्रमाच्या मार्गदर्शक सुचनांप्रमाणे प्रत्येक शुश्रूषागृह राष्ट्रीय आरोग्य कार्यक्रमात सहभागी होईल तसेच स्थानिक पर्यवेक्षकीय प्राधिकारी राष्ट्रीय आरोग्य कार्यक्रमाची माहिती मागेल त्या त्या वेळेस प्रत्येक शुश्रूषागृह विहित नमुन्यातील माहिती पर्यवेक्षक प्राधिकारी यांना उपलब्ध करून देईल.

११ (क्यू) रुग्ण हक्क संहिता. — शुश्रूषागृहात दाखल झालेल्या रुग्णांना पुढीलप्रमाणे हक्क असतील.

(अ) रुग्णास किंवा त्याने प्राधिकृत केलेल्या व्यक्तीस अथवा जवळच्या नातेवाईकास रुग्णाच्या आजाराबाबतची माहिती, आजाराचे स्वरूप, आजाराचे कारण, करावयाचे उपचार, अपेक्षित परिणाम, गुंतागुंतीची शक्यता व उपचाराचा खर्च इत्यादी माहिती जाणून घेण्याचा हक्क राहिल.

- (ब) स्त्री रुग्णाची तपासणी अन्य स्त्री अथवा स्त्री परिचारीकेच्या उपस्थितीत केली जाईल.
- (क) एच.आय.व्ही./एड्स, झालेल्या व्यक्तीस उपचार मिळण्याचा हक्क राहिल.
- (ड) संबंधीत रुग्णाला शुश्रूषागृहाच्या स्वागत कक्षाजवळ ठेवलेल्या नोंदवहीत तक्रार नोंदविण्याचा अधिकार असेल.
- (इ) शुश्रूषागृहातील विशेषज्ञांची यादी त्यांच्या शैक्षणिक अर्हतेसह शुश्रूषागृहाच्या स्वागत कक्षाजवळ ठळक दिसेल अशा ठिकाणी कायमस्वरूपी लावण्यात येईल.
- (फ) दुसरे मत (Second-opinion) घेण्याचा हक्क रुग्णाला आहे. त्यासाठी लागणारे वैद्यकीय व प्रयोगशाळा इत्यादीचे अहवाल रुग्णांचे नातेवाईकास/रुग्णाला उपलब्ध करून देण्यात येतील.
- (ग) रुग्णाला किंवा त्याने प्राधिकृत केलेल्या व्यक्तीस रुग्णांचे वैद्यकीय अहवाल मागण्याचा हक्क आहे. रुग्ण दाखल असताना आंतररुग्ण पत्रिकेची फोटोकॉपी रुग्णाला मागणीनुसार उपलब्ध करून दिली जाईल.
- (ह) डिसचार्ज कार्ड प्रत्येक रुग्णाला सुट्टीनंतर दिले जाईल. त्यात रोगनिदान, त्याची लक्षणे, चाचण्यांचे अहवाल, दिलेले उपचार व डिसचार्जचे वेळी रुग्णाची स्थिती व पुढील सल्ला याचा उल्लेख असेल.
- (आय) शुश्रूषागृह पुरविण्यात येणाऱ्या सर्व सेवांचे दरपत्रक मुख्य दर्शनी भागात ठळकपणे लावेल अथवा अनुसूची -३ च्या प्रपत्रात छापेल.
- (८) मुख्य नियमाच्या फॉर्म क नंतर अनुसूची क्र. III समाविष्ट करण्यात येत आहे.

रजिस्टर नमुना - ड

या नमुन्यात शुश्रूषागृहाने आंतररुग्णांची माहितीसंकलित करावी.

अ.क्र.	नाव	वय	लिंग	पत्ता	कोणी दाखल केले	संपर्क मोबाईल क्र.	तात्पुरते रोगनिदान	अंतिम रोग निदान	न्यायवैद्यक आहे/ नाही	दाखल झाल्याची तारीख
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

रुग्णाचा अंतिम परिणाम (Outcome)

पूर्ण बरा झाला डिसचार्ज दिनांक व वेळ	रिलिव्हड वा डिसचार्ज दिनांक व वेळ	संदर्भित केल्याचा दिनांक व वेळ	डॉक्टरी सल्ल्याविरुद्ध डिसचार्ज केल्याचा दिनांक	पळून गेला दिनांक व वेळ	मृत पावला दिनांक व वेळ
(१२)	(१३)	(१४)	(१५)	(१६)	(१७)

अनुसूची - II

(नियम ११ - ई पहा)

शुश्रूषागृहासाठी किमान प्रमाणके

अ.क्र (१)	विवरण (२)	क्षेत्रफळ (३)
१	वॉर्डमध्ये प्रति रुग्ण क्षेत्र	किमान ६५ चौ. मीटर
२	दोन खाटांमधील अंतर	०६ फूट
३	दारांची किमान रुंदी	०३ फूट
४	कट्ट्यांची उंची (डॅडो)	३ फूट
५	स्नानगृह व टॉयलेटसाठी क्षेत्र	३६ स्वे. फूट
६	स्वच्छतागृहांची संख्या स्नानगृहांची संख्या	प्रत्येक ८ खाटांसाठी एक स्वच्छतागृह. (स्पेशल रुम मधील स्वच्छतागृह वगळून)
७	वॉश बेसिन संख्या	प्रत्येक ८ खाटांसाठी १
८	शस्त्रक्रियागृह असल्यास स्वच्छ झोन, न्युट्रल झोन	१०० चौ. फूट व १२० चौ. फूट अनुक्रमे
९	शस्त्रक्रियागृह असल्यास किमान शस्त्रक्रियागृह अथवा लघु शस्त्रक्रियागृह (निर्जंतुकीकरण क्षेत्र).	१४० चौ. फूट
१०	प्रसूती कक्ष असल्यास डिलीव्हरी टेबल, स्नानगृह व स्वच्छतागृह.	१४० चौ. फूट + ३० चौ. फूट
११	समुपदेशन कक्ष व तपासणी कक्ष	१४० चौ. फूट
१२	मॅटर्निटी होम असेल तर इनफंट वॉर्मर रुम	१०० चौ. फूट (दोन-अर्भक वॉर्मर्ससाठी).

सर्व आस्थापनांना अग्नि प्रतिबंधक यंत्रणा असणे अनिवार्य.

अनुसूची - II

(नियम - ११ ई पहा)

स्थानिक पर्यवेक्षक अधिकाऱ्यांकडे कळविण्याचे आजारांची यादी

- (१) कॉलरा (पटकी)
- (२) प्लेग
- (३) घटसर्प
- (४) नवजात बालकांचा धनुर्वात
- (५) अॅक्युट फ्लॅसीड पॅरालेसीस
- (६) जॅपनीज इन्सेफलायटीस
- (७) डेंग्यू
- (८) इनफेक्टीव्ह हिपॅटायटीस (काबीळ)
- (९) गॅस्ट्रोइंटरायटीस
- (१०) एच.आय.व्ही. तपासणी केलेली एकूण रुग्ण संख्या, त्यातील पॉझिटिव्ह रुग्णांची माहिती व गरोदर मातां मासिक तपासणी माहिती.
- (११) लेप्टोस्पायरोसीस
- (१२) ट्यूबरक्युलोसीस (फुफ्फुसाचा क्षयरोग)
- (१३) गोवर
- (१४) मलेरिया
- (१५) चिकनगुनिया
- (१६) एकूण केलेले गर्भपात गर्भाच्या लिंगासह (जर १६ ते २० आठवड्यांत गर्भपात असेल तर)
- (१७) स्वाईन फ्ल्यू (एच १, एन १ इन्फ्लूएंझा).

अनुसूची - III

(नियम ११- क्यू पहा)

शश्रुषागृहामध्ये खालील सेवांचे दर प्रदर्शित करावयाचे त्याची यादी

- (१) अँडमिशन फी
- (२) प्रतिदिन आंतर रुग्ण खाट भाडे
- (३) प्रति व्हीजीट डॉक्टर फीस
- (४) सहयोगी डॉक्टर शुल्क
- (५) भुलतज्ज्ञ शुल्क
- (६) ऑपरेशन थिएटर शुल्क
- (७) ऑपरेशन थिएटर असिस्टंट शुल्क
- (८) अँनास्थेशिया असिस्टंट शुल्क (प्रति व्हीजीट)
- (९) नर्सिंग शुल्क (प्रति दिन)
- (१०) सलाईन व ब्लड ट्रान्सफ्युजन शुल्क
- (११) व्हीजीट शुल्क
- (१२) स्पेशल व्हीजीट शुल्क
- (१३) मॉनिटर शुल्क
- (१४) पॅथॉलॉजी शुल्क
- (१५) ऑक्सिजन शुल्क
- (१६) पल्स ऑक्सिमिटर शुल्क
- (१७) रेडिओलॉजी व सोनोग्राफी शुल्क.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

वर्षा मु. भरोसे,

शासनाचे उप सचिव.

PUBLIC HEALTH DEPARTMENT

10th Floor, G.T. Hospital, Complex Building, New Mantralaya,
Mumbai 400 001, dated 6th July 2019

NOTIFICATION

MAHARASHTRA NURSING HOMES REGISTRATION RULES.

No. Shunoo-2018/976/C.R.604/F.W.— The following draft of rules further to amend the Maharashtra Nursing Homes Registration Rules, 1973, which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-section (1) and clauses (b) and (d) of sub-section (2) of section 16 of the Maharashtra Nursing Homes Registration Act (XV of 1949) and of all other powers enabling it in that behalf, is hereby published as required by sub-section (3) of section 16 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the dated 6th August 2019.

2. Any objection or suggestion which may be received by the Secretary to Government of Maharashtra, Public Health Department, 10th Floor, G.T. Hospital, Complex Building, New Mantralaya, Mumbai 400 001, from any person with respect to the said draft on or before the aforesaid date will be considered by the Government.

DRAFT RULES

(1) *Short title.*—These rules may be called the Maharashtra Nursing Homes Registration (Second Amendment) Rules, 2019.

(2) For rule 3 of the Maharashtra Nursing Homes Registration Rules, 1973 (hereinafter referred to as "the principal Rules"), the following shall be substituted, namely :—

"3. *Register.*—The local supervising authority shall maintain a register manually as well as electronically in Form 'A' showing the names of persons registered under section 5."

(3) In rule 5 of the principal Rules, after the word and letter "Form 'C'." the following shall be added, namely :—

"The local supervising authority shall upload all registration certificates issued by it under the Act on the official websites of the concerned Municipal Corporation, Council cantonment or the Zilla Parishad."

(4) In rule 6 of the principal Rules, for sub-rule (1) the following shall be substituted, namely :—

"(1) An application for renewal of registration shall be made in Form 'B' in advance in the month of January of the year in which registration or renewal expires and shall be accompanied by the fee prescribed in sub-rule (2) of rule 7."

(5) For rule 7 of the principal Rules, the following shall be substituted, namely :—

(A) *Fees for registration and renewal of registration.*— The fees to be paid for registration and renewal of registration (1-5 bedded) nursing home shall be charged as under :—

	Rs.
(1) Nursing home situated within the area of the Municipal Corporation (Grade A);	: 5000
(2) Nursing home situated within the area of the Municipal Corporation (Grade B);	: 4500
(3) Nursing home situated within the area of the Municipal Corporation (Grade C);	: 4000
(4) Nursing home situated within the area of the Municipal Corporation (Grade D);	: 3500
(5) Nursing home situated within the area of the Municipal Council, Nagar Panchayat and Village Panchayat or any other rural area.	: 3000

(B) The fees for the renewal of registration, shall, in each case, of the amount payable for the first registration.”.

(6) After rule 11 of the principal Rules, the following shall be inserted, namely :—

“11-A. *Officer authorized for inspection.*— The local supervising authority shall authorize an officer not below the rank of a Medical Officer (Group A) in the pay band of rupees 56100-177500 for the purposes of periodic inspection to be conducted at least twice a year as per section 9 of the Act.

11-B. *Grievances Redressal Cell.*— (1) A local supervising authority shall set up grievance redressal cell having a toll free number to redress complaints against registered nursing home. (2) Every nursing home shall display contact numbers and details of local supervising authority and grievance redressal cell.

11-C. *Change in facilities, construction or up-gradation.*— Any change in construction, facility or up-gradation of services provided to the patients shall be communicated to the local supervising authority together with dates on which such change has taken place with a copy of blue print of such changed plan and in any case not later than one month of such change.

11-D. *Staffing norm.*— (1) A person registered under the Maharashtra Medical Council Act, 1965 (Mah. XLVI of 1965) or the Indian Medical Council Act, 1956 (102 of 1956) or the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961) or the Maharashtra Homeopathic Practitioners Act (XII of 1960) shall be the Medical Officer on duty rendering services round the clock in the nursing home.

(2) The minimum staff for ten beded Nursing Home shall be as follows :—

- | | |
|--|---------------------------------|
| 1. Duty medical officer | .. 1 in each shift. |
| 2. Qualified midwife (in case of maternity home) | .. 1 per 10 beds in each shift. |
| 3. Qualified nurses | .. 4 per 10 beds. |

11-E. *Norms of physical structure for Nursing Home.*— The Nursing Homes registered or renewed after coming into force of these Rules shall adhere to minimum standard norms laid down in SCHEDULE- I.

11-F. *Minimum Requirements for Nursing Home.*— (a) All nursing homes shall have the following instruments and equipment's required for emergency and basic life support :—

- (1) Emergency Medicine Tray.
- (2) One suction machine and one standby foot suction machine.
- (3) Minimum one oxygen cylinder for eight beds with one standby cylinder.
- (4) All necessary instruments and equipment's required for concerned specialty.
- (5) Firefighting equipment.
- (6) Dressing trolley.

(b) Nursing Home with more than thirty beds shall have independent entrance zone (Reception), ambulatory zone, Diagnostic zone (OPD), intermediate zone (ward) and Critical zone (operation theatre, labour room, etc.).

11-G. *Minimum requirements of Operation Theatre.*— A nursing home having Operation Theatre shall have following facilities and instruments :—

- (1) Operation Table.
- (2) Anesthesia Machine with four standby cylinders and accessories for anesthesia.

- (3) Pulse Oximeter.
- (4) Electric suction machine with generator connection and foot suction machine.
- (5) Emergency tray.
- (6) Fixed or mobile shadow less lamp.
- (7) Minimum required instruments and equipment's for particular specialty.
- (8) All necessary facilities for proper sterilization of operation theatre suit.

11-H. *Minimum Requirements for Intensive Care Unit.*— A nursing home having Intensive Care Unit shall have the following facilities and instruments :—

- (1) Floor space seventy five square feet per bed.
- (2) Central oxygen system or one oxygen cylinder per bed with two standby cylinder.
- (3) Two suction machines and one foot suction machines.
- (4) Each bed separated by curtain.
- (5) Bedside monitoring of ECG, SPO2, NIBP with central monitor.
- (6) Ventilator (minimum pressure generator) with defibrillator.
- (7) At least One MBBS Doctor on duty all the time with Physician (if Medical ICU) or Surgeon (if Surgical ICU) on call.

11-I. *Minimum requirements for Maternity Home.*— (1) A Maternity Home providing basic emergency obstetric care shall have following facilities :—

- (1) Foetal Doppler.
- (2) Labour table.
- (3) Neonatal Resuscitation kit.
- (4) One suction machine with generator connection and one standby foot suction machine.
- (5) Minimum one oxygen cylinder for eight beds with one standby cylinder.
- (6) Minimum one infant warmer.
- (7) All instruments equipment's required for Cardiopulmonary Resuscitation.
- (8) Emergency Tray.
- (9) Dressing trolley.
- (10) Autoclaves.
- (11) Firefighting equipment.

(2) A Maternity Home providing comprehensive emergency obstetric care shall have in addition to above facilities other facilities for Caesarian section, forceps, vent house and other mandatory equipment's.

11-J. *Emergency Medical Services.*—(1) All nursing homes shall attend emergency patients on priority and provide them basic life support without considering the financial capability of the patient, and then may refer such patient to suitable nearest referral hospital with medical referral note about the ailments as early as possible. Necessary Golden Hour Treatment protocols must be followed.

(2) Every Nursing Home shall have all logistics for emergency basic life support with trained medical and paramedical personnel.

(3) Every Nursing Home shall extend its services with due expertise for protecting life in emergency or disaster.

11-K. *Register to be maintained by Nursing Home.*— A Nursing Home shall maintain a register of admitted patients in Form D.

11-L. *Handing over of dead body to next kins.*—If death of patient occurs in Nursing Home, dead body shall be handed over to the patient's next of kin after completing necessary medico legal formalities, if required. Under no circumstances dead body should be withheld for non-payment of hospital bill or any other reason.

11-M. *Discharging of Patient.*— No patient shall be detained by hospitals for non-payment of bills.

11-N. *Blood transfusion to patients.*— A Nursing Home shall have affiliation with licensed blood bank for procurement of blood for their patients. When blood transfusion is required for patient, it is the responsibility of Nursing Home to make it available to patient.

11-O. *Cases to be reported to Local Supervising Authority.*— A Nursing Home shall report cases of diseases mentioned in the list of diseases in SCHEDULE- II to the local supervising authority after confirmation of diagnosis.

11-P. *Co-operation in National Health programs.*— A Nursing Home shall participate in various National Health Programs as per program guidelines. The information pertaining to National Health Programs shall be given to local supervising authorities when demanded in prescribed proforma.

11-Q. *Standard Charter of Patients' Rights.*— The patient admitted in Nursing Homes shall have following rights :—

(a) The patients or person authorized by patient or his next kin must receive the relevant information about the nature, cause of illness, proposed care, the expected results of treatment, possible complications and the expected costs.

(b) Examination of female patient should be carried out in presence of female.

(c) Person suffering from HIV/AIDS is entitled to treatment and care.

(d) To write complaints in complaint register kept in Nursing Home at reception counter.

(e) List of Specialists along with their qualifications shall be displayed at reception zone prominently in Nursing Home.

(f) Patient has the right to seek second opinion. All medical and diagnostic reports shall be made available to the patient or authorized person to facilitate second opinion.

(g) Patients or person authorized by him has a right to have an access to his clinical records at all times during admission in the Nursing home. Photocopy of Indoor papers shall be made available on demand.

(h) Discharge card should be issued to patient mentioning Diagnosis, clinical findings, results of investigations, treatment given, the patient's conditions at the time of discharge and advice to patient.

(i) Details of all types of charges charged by the Nursing Home shall be displayed at prominent place in Nursing Home or in printed format as per the list of charges specified in Schedule-III.”

7. After FORM C of the principal Rules, the following FORM and SCHEDULES shall be added, namely :—

"FORM D

(See rule 11-K)

Form of Register

In this form the Nursing Homes should collect information of IPD Patient

Sr.No.	Name	Age	Gender	Address	Who has admit	Mobile No.	Tempo- rary Diag- nosis	Final Diag- nosis	Forensic validity yes/ No.	Date of admit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Final Outcome of patient

The whole thing got healed Discharge date and time	Relieved and Discharge Date and Time	The date and Time of the reference	Discharge against doctors advices Date	Elapsed date and time	Dead date and time
(12)	(13)	(14)	(15)	(16)	(17)

SCHEDULE- I

(See rule 11-E)

MINIMUM STANDARD NORMS FOR NURSING HOMES

CRITERIA FOR DIFFERENT UNITS

Sr. No. (1)	Items (2)	Area (3)
1	Minimum floor space per bed in ward (Total ward area) (No. of beds).	65 sq. ft. in a ward
2	Minimum distance between centers of two beds.	6 ft.
3	Minimum width of doors in the wall.	3 ft.
4	Minimum height of dado in all wards.	3 ft.
5	Minimum area to be provided for the bath and toilet.	36 sq. ft.
6	Number of toilets Number of Baths (Baths and toilets should be separate).	1 per 8 beds 1 per 4 beds
7	Number of Wash basins.	1 per 4 beds
8	Clean zone, Neutral zone of OT, if operation theatre available.	100, 120 sq. ft. respectively
9	Minimum areas for operation theatre (sterile zone) and minor OT, if operation theatre available.	140 sq. ft.
10	Labor room with delivery table + Bath and Toilet (if Labor room available).	140 sq. ft. + 30 sq. ft.
11	Consulting room and Examination room.	140 sq. ft.
12	Room for infant warmers for Maternity homes, if available	100 sq. feet for two infant warmers.

All construction should confirm to fire safety norms including requisite fire safety equipment's.

SCHEDULE- II

(See rule 11-E)

LIST OF CASES TO BE REPORTED TO LOCAL SUPERVISORY AUTHORITY (LSA)

- (1) Cholera
- (2) Plague
- (3) Diphtheria
- (4) Neonatal Tetanus
- (5) Acute Flaccid Paralysis
- (6) Japanese Encephalitis
- (7) Dengue
- (8) Infective Hepatitis
- (9) Gastroenteritis
- (10) Number of persons tested for HIV, Details of those found positive and negative as well as ANC General clients.
- (11) Leptospirosis
- (12) Tuberculosis
- (13) Measles
- (14) Malaria
- (15) Chikungunya
- (16) Number of MTPs carried out with sex of aborted foetus (In cases of MTP between 16 to 20 weeks).
- (17) H₁ N₁ Influenza (Swine Flu).

SCHEDULE- III

(See rule 11-Q)

LIST OF CHARGES TO BE DISPLAYED AT NURSING HOME

1. Admission Charges
2. Charges per day
3. Doctor charges (per visit)
4. Assistant doctor charges (per visit)
5. Anesthesia Charges (per visit)
6. Operation theatre charge
7. Operation theatre Assistant charges
8. Anesthesia Assistant charges (per visit)
9. Nursing charges (per day)
10. Intravenous Infusion and transfusion charges
11. Visit charges
12. Special visit charges
13. Monitor charges
14. Pathology charges
15. Oxygen charges
16. Pulse Oxy. charges
17. Radiology and , Sonography charges."

By order and in the name of the Governor of Maharashtra,

V. M. BHAROSE,

Deputy Secretary to Government.