



The Karnataka Private Nursing Homes (Regulation) Act, 1976

Act 75 of 1976

Keyword(s):

Manager, Medical, Medicine, Nursing Home, Private Nursing Home

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE KARNATAKA PRIVATE NURSING HOMES (REGULATION) ACT, 1976

ARRANGEMENT OF SECTIONS

Statement of Object and Reasons

Sections:

1. Short title and commencement.
2. Definitions.
3. Private Nursing Home to be licenced.
4. Standards.
5. Fees to be charged.
6. Application for licence.
7. Disposal of applications.
8. Factors to be taken into account in disposing of applications.
9. Inspections etc.
10. Defaults.
11. Appeals.
12. Penalty.
13. Cognisance of offences.
14. Indemnity.
15. Rules.
16. Rules to be placed before the State Legislature.
17. Repeal of Karnataka Ordinance No. 25 of 1976.

* * * *

STATEMENTS OF OBJECTS AND REASONS

I

Act 75 of 1976.- At present, there are several Private Nursing Homes which are not provided with adequate staff, necessary equipment and physical facilities to render proper treatment and service to patients. They also charge amounts which are exorbitant, and not commensurate with the services rendered by them. In some cases, their premises are not maintained in clean and hygienic conditions. Some of the Medical and para-medical staff working in these Institutions are also not properly qualified or trained in the work entrusted to them. Thus the quality of medical service afforded in these Private Nursing Homes is much below the standard required.

2. It was considered necessary to have a legislation to exercise control over the Private Nursing Homes in order that maintenance of standards etc., are ensured.

3. Therefore the Karnataka Private Nursing Homes (Regulation) Ordinance, 1976 was issued.

4. This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 8-11-1976 as No. 4427 at page 7.)

II

Amending Act 9 of 1977.- The Karnataka Private Nursing Homes (Regulation) Act, 1976, came into force from the 4th November, 1976. Under section 3 of the Act, every existing Private Nursing Home is required to apply for a licence within a period

of two months from the appointed day viz., the 4th day of November 1976. This time limit was due to expiry on the 4th day of January 1977. Representations were received from several Private Nursing Homes requesting for extension of time on the ground that the two months time allowed was too short for them to make effective alteration, etc., to fall in line with the prescribed standards.

In these circumstances it was considered necessary to amend section 3 of the Act and extend the said time limit by three months.

Since the Karnataka Legislature was not in session and the amendment had to be effected before the 4th January 1977, the Karnataka Private Nursing Homes (Amendment) Ordinance, 1976 was promulgated.

This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 10-3-1977 as No. at page 8-9.)

* * * *

KARNATAKA ACT No. 75 OF 1976

(First published in the Karnataka Gazette Extraordinary on the Fourth day of December, 1976)

THE KARNATAKA PRIVATE NURSING HOMES (REGULATION) ACT, 1976

(Received the assent of the Governor on the First day of December 1976)

(As amended by Act 9 of 1977)

An Act to provide for the regulation and control of private nursing homes in the State.

WHEREAS the private nursing homes in the State are being run in an unregulated manner; and

WHEREAS it is expedient in public interest to regulate them;

BE it enacted by the Karnataka State Legislature in the Twenty-seventh Year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Karnataka Private Nursing Homes (Regulation) Act, 1976.

(2) It shall be deemed to have come into force on the Fourth day of November, 1976.

2. Definitions.- In this Act, unless the context otherwise requires,-

(1) 'appointed day' means the date specified in sub-section (2) of section 1;

(2) 'competent authority' means any person or persons or authority appointed by the State Government to perform the functions of the competent authority under this Act and different persons or authorities may be appointed to perform different functions;

(3) 'licence' means a licence granted under the provisions of this Act ;

(4) 'manager' in relation to a private nursing home means the person, by whatever name or designation called, who is in charge of, or is entrusted with, the running of a private nursing home ;

(5) 'medical treatment' means treatment in modern medicine or in any other system of medicine like the Ayurvedic, the Unani, the Homeopathic and the Naturopathic ;

(6) 'modern medicine' means the western methods of allopathic medicine, obstetrics and surgery ;

(7) 'nursing home' means a hospital or a clinic or any other place where human diseases are given preventive and/or curative medical treatment ;

(8) 'private nursing home' means a nursing home which is not owned or sponsored by the State or the Central Government ;

(9) 'section' means a section of this Act.

3. Private Nursing Home to be licensed.- On or after the appointed day, no private nursing home shall be established, run or maintained in the State except under and in accordance with the terms and conditions of a licence :

Provided that a private nursing home in existence immediately before the appointed day shall apply for the licence within a period of ¹[eight months]¹ from such day and pending orders thereon may continue to be run but subject to the other provisions of this Act.

1. Substituted by Act 9 of 1977 w.e.f. 30.12.1976

4. Standards.- Every private nursing home shall conform to the standards which may be prescribed regarding the operation theatre, the nursing and other staff and their qualifications, facilities to be provided to the patients, maintenance and like matters.

5. Fees to be charged.- (1) For the medical treatment given, no private nursing home shall charge or collect fees in excess of the scales of fees that may be prescribed.

(2) Fees shall be prescribed having regard to the nature of the disease, the treatment and other like matters.

6. Application for licence.- Every person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in such form and along with such fee as may be prescribed.

7. Disposal of applications.- (1) On receipt of the application under section 6 and after such enquiry as he may deem necessary, the competent authority may, by order, grant or refuse to grant the licence. Where the licence is refused, brief reasons for such refusal shall be given.

(2) Every order under sub-section (1) shall, as soon as may be after it is made, be communicated to the applicant :

Provided that where no such communication is issued before the expiry of ninety days from the date on which the application was made, the licence shall be deemed to have been refused.

8. Factors to be taken into account in disposing of applications.- In disposing of the applications under section 6, the competent authority shall have regard to the following, namely :-

(a) whether the premises housing the nursing home is suitable, hygienically or otherwise ;

(b) whether the nursing home is adequately staffed with qualified doctors, nurses, technical and other personnel ; and

(c) such other factors as may be prescribed.

9. Inspections, etc.- (1) The competent authority may at any time inspect a private nursing home to satisfy himself that the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the competent authority may, by order, direct the manager to remedy the same within such time as may be specified in the order. Thereupon, the manager shall comply with every such directions and make a report to the competent authority.

10. Defaults.- If any private nursing home commits default in observing any of the conditions of the licence or fails to comply with any direction issued under section 9 or contravenes any of the provisions of this Act, the competent authority may, by order, revoke the licence:

Provided that no such order shall be made except after giving the persons concerned an opportunity of making representations against the proposal.

11. Appeals.- (1) Any person whose application for licence is refused or deemed to have been refused and any person aggrieved by any other order under this Act may prefer an appeal to the prescribed appellate authority.

(2) Every such appeal shall be preferred within thirty days from the date the order appealed against is communicated or is deemed to have been made. The order of the appellate authority on appeal shall be final.

12. Penalty.- Whoever contravenes any of the provisions of this Act or the terms and conditions of a licence shall be liable, on conviction, to imprisonment which may extend to six months or with fine which may extend to five thousand rupees.

13. Cognizance of offences.- No offence under this Act shall be taken cognizance of except on complaint preferred by the competent authority.

14. Indemnity.- No suit or other legal proceeding shall lie against the State Government or any officer of the State Government in respect of anything which is in good faith done by or under this Act.

15. Rules. - (1) The State Government may, by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:-

- (a) the standards referred to in section 4 ;
- (b) form of the application under section 6 ;
- (c) conditions subject to which licence may be granted;
- (d) other factors to be taken into account under section 8 ;
- (e) fees to be paid on applications and appeals ; and

(f) the fees to be charged for the medical treatment given, the accommodation and facilities provided.

16. Rules to be placed before the State Legislature.- Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification, annulment shall be without prejudice to the validity of anything previously done under such rule.

17. Repeal of Karnataka Ordinance No. 25 of 1976.- (1) The Karnataka Private Nursing Homes (Regulation) Ordinance, 1976 (Karnataka Ordinance No. 25 of 1976) is hereby repealed.

(2) Notwithstanding such repeal,-

(i) anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act;

(ii) any application made for permission to establish, run or maintain a private nursing home, shall be deemed to be an application made for licence under this Act and shall be disposed of accordingly.

* * * *