

Bill Summary

The National Commission for Human Resources for Health Bill, 2011

- The National Commission for Human Resources for Health Bill, 2011 was introduced in the Rajya Sabha on December 22, 2011 by the Minister of Health and Family Welfare Shri Ghulam Nabi Azad. It was referred to the Department related Standing Committee on Health and Family Welfare (Chairperson: Shri Brajesh Pathak), which is scheduled to submit its report within three months.
- The Bill seeks to establish a mechanism to determine and regulate the standard of health education in the country. It shall repeal the Indian Nursing Council Act, 1947; the Pharmacy Act, 1948; the Dentists Act, 1948 and the Indian Medical Council Act, 1956 on such date as decided by the central government.
- The Bill seeks to set up the National Commission for Human Resources for Health (NCHRH), National Board for Health Education (NBHE), and the National Evaluation and Assessment Council (NEAC). It also establishes various professional councils at the national and state level and a NCHRH Fund to meet expenses.
- The NCHRH shall take measures to determine and maintain the minimum standard of human resources in health education. The measures may include (a) conducting studies to assess the needs of human resources in states; (b) conducting elections in the national councils; (c) providing grants to the NBHE, NEAC and councils, and (d) regulating the entry of foreign institutions in consultation with NBHE and any law that may come into force.
- The permission of NCHRH is required to establish an educational institution. The person has to submit a scheme for the institution to NCHRH which shall refer it to NEAC. NCHRH shall give permission based on NEAC's recommendation. In case the person is not informed of a decision within one year of submitting the scheme, it shall be deemed to have been approved. The NEAC shall evaluate every institution seeking permission to operate.
- The central government may appoint national councils such as Medical Council of India, Paramedical Council of India and Nursing Council of India. Every person who wants to practice medicine, sign a medical certificate or give evidence in a court as an expert has to be enrolled in the national or state registers to be maintained by these councils.
- The NBHE shall take measures to facilitate academic studies and research in emerging areas of health education. It shall conduct a screening test for medical practitioners before they can enroll in a professional council.
- An Indian citizen who wants to study medicine abroad has to obtain an eligibility certificate from NBHE, certifying that he fulfils minimum norm of getting admission in an MBBS course in India. He shall not be eligible to appear for the screening test if he has not obtained this certificate. A person may be exempted from the test if he is enrolled as a health practitioner outside India for at least three years.
- Any person who obtains a degree from a government institution and leaves India for higher education, shall endeavour to serve in India for three years. If he does not do so, his name shall be removed from the register. If he opts to return to India, he can get his name re-entered after fulfilling such conditions as specified by NCHRH. Any person who gets a degree from a private institution then goes abroad for higher education has to either return to India within three years or inform the respective council of his whereabouts. If he does not do so, it shall be construed as professional misconduct.
- The national and state councils shall have the power to inquire into any complaint of professional misconduct against any person enrolled in the register. If the person is found guilty, the council can impose certain penalties such as a warning, suspension, removal or fine. The decision of the national council can be appealed to the ethics committee under the NCHRH. "Professional misconduct" includes allowing any person to practice in his name falsely, revealing information about a patient without consent, and violating certain laws.
- If a person is aggrieved by the professional services rendered by a medical practitioner enrolled in the register, he may file a complaint with the state council within 60 days. The council shall decide the complaint within 120 days of receiving the complaint.
- The Bill constitutes the National Commission for Human Resources for Health Fund to meet the expenses of the various bodies. The Bill lists penalties for various offences such as running institution without permission, practicing without being enrolled, and enrolling without a screening test.



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