



Standing Committee Report Summary

The Clinical Establishments (Registration and Regulation) Bill, 2007

- The Standing Committee on Health and Family Welfare submitted its 32nd Report on ‘The Clinical Establishments (Registration and Regulation) Bill, 2007’ on October 24, 2008. The Chairperson was Shri Amar Singh.
- The Committee recommends that the title of the Bill be changed to “the Healthcare Establishments (Registration and Regulation) Act, 2007”.
- The definition of “clinical establishment” includes only those establishments having the facility of beds. The Committee suggests that the definition be suitably modified to include Out Patient Department services. Also, establishments involved in independent research and development activities in the context of new drugs, establishment run by charities and partnerships and mobile units should be included in the definition.
- The Committee is of the opinion that army health establishments (except those based in combat areas) should be brought under the ambit of the law.
- Instead of appointing the Director General of Health Services (DGHS) as the Chairperson of the National Council, the Committee recommends appointment of a full time Chairperson who has the required experience of hospital administration. Also, the National Council should include representatives from reputed NGOs, consumer protection associations, and eminent medical professionals from the private sector. Nominated members should also have a three year term similar to that of elected members.
- The two main functions of the National Council are to determine standards for ensuring proper healthcare by the clinical establishments and to develop the minimum standards and periodic review. However, the Bill does not include any time span for achieving these mandates. The Committee, thus, suggests that this be included in the Bill.
- The Committee is of the opinion that there is a conflict of interest in having the DGHS as the Registrar. It recommends that a multi-member autonomous authority be constituted for such a purpose.
- The Committee feels that provisional registration should be allowed only till the minimum standards are fixed. After they have fixed no provisional registration should be allowed. Also, no permanent registration should be granted without the Authority conducting an inspection.
- The Committee suggests that the Authority be given the power to enter and search establishments which are suspected to be running without registration.
- The Committee states that patients and their care takers may be allowed to have the right to appeal in case of medical negligence on the part of the clinical establishment.
- The Committee proposes the enhancement of penalties in case of second offences. It also states that there should be provision for rights of patients and duties of healthcare establishments.
- There should be a confidentiality clause in the Bill to protect patients and clinical establishments.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

