

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 638
TO BE ANSWERED ON 20th JULY, 2018**

NEGLIGENCE BY PRIVATE HOSPITALS

638. SHRI SANJAY HARIBHAU JADHAV:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether the Government takes *suo moto* cognizance of the negligence and unethical conduct against patients by private hospitals in the country and if so, the details thereof, State/UT-wise during the last three years;
- (b) whether the Government will allow hospitals to have their way to financially exploit the common man and not taking any action against them and if so, the details thereof; and
- (c) the steps taken/being taken by the Government to cap the cost of treatment by private hospitals and ensure better health care facilities in the country?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)**

(a): Health being a State subject, it is the responsibility of the respective State Government to take action to prevent and control such practices. Presently, such complaints, as and when these are received, are forwarded to the concerned States/UTs for appropriate action. Details of such complaints are, however, not maintained centrally.

(b): Health being a State subject, taking action against such clinical establishments falls within the purview of State/UT Governments.

The Government of India has, however, enacted the Clinical Establishments (Registration and Regulation) Act, 2010 and notified Clinical Establishments (Central Government) Rules, 2012. These provide for registration and regulation of Clinical Establishments including those in the private sector. Currently, the Act is applicable in 11 States namely Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, Uttar Pradesh, Bihar, Jharkhand, Rajasthan Uttarakhand, Assam and Haryana and all Union Territories except Delhi. Other States may adopt the Act under clause (1) of Article 252 of the Constitution.

(c): In accordance with the Clinical Establishments (Central Government) Rules, 2012 under the aforementioned Act, in the States/Union Territories where the said Act is in force, the clinical establishments are required to meet the norms such as minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and displaying of rates at a conspicuous place. The clinical establishments are also required to follow Standard Treatment Guidelines issued by the Central/State Governments and charge rates for each type of procedure and service within the range of rates determined from time to time in consultation with the State Governments. The National Council for Clinical Establishments has approved a standard list of medical procedures and a standard template for costing of medical procedures and shared the same with the States and Union Territories for appropriate action by them. The implementation and enforcement of the said Act falls within the ambit of the States/Union territories.