

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

**LOK SABHA
UNSTARRED QUESTION NO. 922
TO BE ANSWERED ON 07TH FEBRUARY, 2020**

UNETHICAL PROFITEERING BY PRIVATE HOSPITALS

922. SHRI THOMAS CHAZHIKADAN:

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

- (a) whether the Government is aware that private hospitals have been adopting various strategies for profiteering like bulk buying and insisting patients to buy drugs, devices and disposables from their own in-house pharmacies;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether this pertinent area has been left unregulated and States have been reluctant to adopt and implement the Clinical Establishment Act, 2010; and
- (d) if so, the steps taken by the Government to prevail upon the States including Kerala to adopt the said legislation or pass State-specific laws on similar ground?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SHRI ASHWINI KUMAR CHOUBEY)**

(a) & (b): Health is a State subject, and such complaints, whenever received are referred to respective State Government for further necessary action. The details in this regards are not compiled centrally.

Further, the National council for Clinical Establishments has approved Minimum Standards for Hospitals which require every hospital to provide Pharmacy Services which can be in-house or outsourced, and all applicable legal requirements shall be complied with.

(c): For the Clinical Establishments Act to be applicable in a State, it has to be adopted under article 252 of the Constitution of India. As on date, the Clinical Establishments (Registration and Regulation) Act, 2010 is applicable in 11 States viz. Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, Uttar Pradesh, Bihar, Jharkhand, Rajasthan, Uttarakhand, Haryana and Assam and all Union Territories except Delhi, Jammu & Kashmir and Ladakh. All other States have not adopted the Act as yet.

The implementation and enforcement of the said Act is within the remit of the respective State/UT Governments.

(d): Letters have been issued regularly from all levels to the States for adoption and implementation of the Clinical Establishments Act.

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