

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

**The Andhra Pradesh Allopathic Private Medical Care
Establishments (Registration and Regulation) Rules,
2007**

**HEALTH, MEDICAL & FAMILY WELFARE (K2)
DEPARTMENT**

G.O. Ms. No. 135

Dated: 28th April, 2007

Read the following: -

Act.No.13 of 2002 published in A.P. Gazette Part-iv-13
extraordinary issue dated 03-05-2002.

Act No.14 of 2006 published in the A.P. Gazette, part-iv-
B No.14 dated 09-01-2006.

Act.No.37 of 2006 published in the A.P. Gazette part-iv-
B No.48 dated 25-09-2006.

The appended notification will be published in the
extraordinary issue of the Andhra Pradesh Gazette dated
the 5th May, 2007.

**(BY ORDER AND IN THE NAME OF THE
GOVERNOR OF ANDHRA PRADESH)**

**P.K.AGARWAL,
PRINCIPAL SECRETARY TO
GOVERNMENT**

NOTIFICATION

In exercise of the powers conferred under section 18 of Andhra Pradesh Allopathic Private Medical Care Establishments (Registration and Regulation) Act 2002 (Act 13 of 2002) the Governor of Andhra Pradesh hereby makes the following rules for the registration and regulation of the Allopathic private medical care establishments: -

1. Short Title, extent and commencement

These rules may be called the Andhra Pradesh Allopathic Private Medical Care Establishments (Registration and Regulation) Rules, 2007.

These rules extend to the whole of the State of Andhra Pradesh and are applicable to all the Allopathic Private Medical Care Establishments in the State of Andhra Pradesh

These rules shall come into force on the date of their publication in the Andhra Pradesh Gazette

2. Definitions:

In these Rules, unless the context otherwise requires;-

‘Act’ means the Andhra Pradesh Allopathic Private Medical Care Establishments (Registration and Regulation) Act, 2002.

Rules' means the Andhra Pradesh Allopathic Private Medical Care Establishments (Registration and Regulation) Rules, 2007

State Level Advisory Committee' means the Committee constituted under Section 5A of the Act.

District Level Advisory Committee' means the committee constituted under Section 5 C of the Act.

Establishment' means Allopathic Private Medical Care Establishment

The words and expressions used herein and not defined but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

3. AUTHORITIES:

- (1) The composition of following Authorities shall be notified by Government from time to time for a period of 3 (three) years;-

A.P Allopathic Private Medical Care
Establishment Registering Authority
(APMCERA)

State Level Advisory Committees (SLAC)

District Level Advisory Committees (DLAC)

State Level Appellate Board (SLAB)

District Registering Authority (DRA)

- (2) The Committees shall meet at least twice in a year and the gap between the two meetings shall not exceed 6 (six) months
- (3) The Member – Convener shall send notice of the proposed meeting to the Members of the Committees concerned at least 15days in advance, indicating time, date and place of the meeting.
- (4) The Member Convener shall attend such functions and duties as may be assigned to him / her by the Chairman from time to time.
- (5) The Chairman of the District Registering Authority i.e. DM&HO shall receive the application in the prescribed Form-I annexed to these rules from the Establishments for registration along with the fees prescribed in **Rule 15**.

4. Registration:

- (a) The Allopathic Private Medical Care Establishment shall submit the application in the prescribed in **Form-I** (in duplicate) to District Registering Authority i.e. DM&HO of the District concerned for registration of Private Medical Care Establishments along with the fees prescribed in **Rule 14**.

If a private medical care establishment is offering services in more than one category as specified in the table given below, the establishment shall apply for separate registration for each type of category:-

Category. No	Description of Establishment
1	Clinics/consultation rooms (Solo Practitioners)
2	Poly Clinics (Group Practitioners)
3	Hospitals/ Nursing Homes less than 20 beds
4	Hospitals/ Nursing Homes with 21 to 50 beds
5	Hospitals/ Nursing Homes with 51 to 100 beds
6	Hospitals/ Nursing Homes with 101 to 200 beds
7	Hospitals/Nursing Homes with more than 200 beds
8	Diagnostic Centers (Basic Lab facilities)
9	Diagnostic Centres with Hi-end equipment(CT etc.)
10	Physiotherapy Units
11	Dental Clinics/ Hospitals

If a diagnostic center is a part of a hospital, no separate registration is required..

(d) The Chairman of the District Registration Authority or any person in his office authorized in this behalf, shall acknowledge the receipt of the application for

registration immediately in the acknowledgment slip prescribed in **Form II** annexed to these rules if delivered at the office of the Authority, or not later than the next working day if received by post.

- (e) The fee shall be paid by a demand draft from any Nationalised Bank drawn in favour of the District Registering Authority of the district concerned.
- (f) As soon as an application is filed, a temporary registration certificate in **Form-III** annexed to these rules shall be issued for a period of ninety days from the date of issue to the Applicant-Establishment.
- (g) On receipt of an application for registration, the Registering Authority shall conduct an inspection of the establishment within ten days by a team of two doctors, one of whom shall be a Member of either the District Registration Authority or the District Level Advisory Committee.
- (h) The inspection Team so, constituted by the Registering Authority shall inspect and submit a report with reference to the availability of minimum standards prescribed in **Appendix-I** and also detailing the specific deficiencies to be corrected, if any.
- (i) Copy of the inspection report pointing out the deficiencies, if any, shall be communicated to the Applicant-Establishment within seven days from the date of receipt of inspection report with a direction to rectify the deficiencies pointed out and

inform the Registering Authority within a period of two months.

- (j) The Applicant-Establishment shall cooperate and provide all the relevant information and necessary assistance to the inspection team for satisfactory completion of the inspection formalities. Refusal of entry of inspection teams to the Applicant-Establishment and non-cooperation during inspection is liable for rejection of the application for registration.
- (k) If the applicant-establishment does not comply with the direction to rectify the deficiencies pointed out in the inspection report within a period of two months, the defaulting applicant - establishment may be given extension of a further period of one month by imposing 50% of the registration fee as penalty.
- (l) If the defaulting applicant-establishment does not comply with the direction to rectify the deficiencies pointed out in the inspection report, even after the expiry of the extended period of one month, the temporary registration granted to Establishment shall be cancelled, under provisions of Section-9.

5. Certificate of Registration:

- (a) Based on inspection reports, the Registering Authority shall grant the applicant-establishment a certificate of registration (in duplicate), in the prescribed **Form- IV** annexed to these rules, after

satisfying itself that the applicant has complied with all the requirements, criteria, facilities, etc prescribed in the **Appendix-II**

- >Infrastructure including buildings
Essential medical equipment.
- >Equipment for protection from radiation.
Facility for disposal of bio-medical waste.
Effective maintenance of Sanitation &
Hygienic Standards
- Qualified Doctors.
- Qualified paramedical staff.
- Other essential staff
- Previous audit reports evidencing financial
capability.

One copy of the Certificate of Registration shall be displayed prominently at the reception /entrance of the Establishment. The Authority shall clearly specify in the certificate the category under which the Establishment is registered.

If, after detailed enquiry and due opportunity to the applicant the Establishment does not satisfy the standards prescribed for registration, the registering Authority shall, for reasons to be recorded in writing, reject the application for registration duly canceling the temporary registration granted earlier. Such rejection shall be communicated to the applicant in **Form V** annexed to these rules within a period of ninety

days from the date of receipt of application for registration.

The Certificate of Registration shall be non-transferable.

In the event of any change of ownership, management or name of the establishment, the Registering Authority shall be intimated before such change and the Certificate of Registration shall be surrendered to the Registering Authority the so as to issue a revised certificate of Registration after the inspection incorporating the changes.

On ceasing to function as a Establishment, or in case there is a change of category or change in address, both copies of the certificate of registration shall be surrendered to the Registering Authority and fresh registration shall be obtained after following the prescribed procedure.

The Certificate of Registration shall be valid for a period of five (5) years from the date of issue, subject to the conditions of review.

6. Renewal:

The Establishment shall apply for renewal in **Form VI**, annexed to these rules, along with payment of the fees prescribed in the **Rule 15(a)**, three (3) months before

expiry of the registration period of five (5) years. The Renewal shall be granted by the Registering Authority within 3 months from the date of receipt of the application failing which it will be deemed to have been renewed. The renewal of the registration of certificate shall be granted in **Form VII** annexed to these rules

7. Suspension or Cancellation of Registration:

- (a) The Registering Authority on receipt of reliable information that the applicant for registration has been convicted or has been censured by any judicial or competent authority in relation to his/her professional character or has been guilty of any misconduct or on a written complaint that a Private medical care establishment has violated any of the terms and conditions of the registration or any of the given directions it was given or has contravened any of the provisions of the Act or these Rules, the Registering Authority after making enquiries there to and after written explanation is called for from Establishment on the allegations leveled against Establishment may order suspension of the certificate of registration for such a period as it may think fit, if the Registering Authority is satisfied that a prima-facie case has been made out.
- (b) The Registering Authority, immediately after suspending the Certificate of Registration shall send a registered notice to Establishment in writing in **Form VIII** informing the time, date and place at

which the case will be heard by the Registering Authority. The registered notice shall be sent to the Establishment at least by giving 15 days time for hearing. The Registering Authority shall also direct the establishment to surrender their Certificate of Registration on or before date of hearing.

- (c) The establishment shall be entitled to be represented either an authorized person or a legal practitioner.
- (d) If the establishment does not represent either by authorized person or a legal practitioner, the Registering Authority may proceed with the documentary evidence available with it and determine the case and order cancellation of Certificate of Registration or revoke the suspension of the Certificate of Registration by recording the reasons. The said order has to be communicated to the Establishment within three days from the date of such order in the prescribed **Form IX** annexed to these rules.

8. Appeal:

- (a) The Appellate Board constituted by the Government with the following Members shall receive and adjudicate the appeals preferred against the decision of the Registering Authority:

Principal Secretary, to Govt. HM&FW Dept. –
Chairman

Director of Medical Education, A.P., Hyd.
– Member-Convener

Director of Health, A.P., Hyderabad
– Member

>Commissioner, APVVP, Hyderabad
– Member.

One member from IMA nominated by the
– Member.

Government after duly consulting IMA
One member from APNA nominated by –
Member. Govt. after duly consulting the
APNA

- (b) Any Establishment, if aggrieved by the order of the Registering Authority, may prefer an appeal in the prescribed form (**Form X**) annexed to these rules, to the Appellate Board within thirty (30) days from the date of receipt of such order.
- (c) After receipt of the appeal, the Appellate Board shall fix the time and date for hearing and inform the same to the appellant and others concerned by a registered letter giving at least 15 days time for hearing of the case.
- (d) The appellant may represent by himself or authorized person or a Legal practitioner and submit the relevant documentary material if any in support of the appeal

(e) The Appellate Board, shall hear all the concerned, receive the relevant oral/documentary evidence submitted by them, consider the appeal and communicate its decision preferably within 90 days from the date of filing the Appeal in the prescribed **FORM-XI**

(f) If the Appellate Board considers that an interim order is necessary in the matter, it may pass such order, pending final disposal of the appeal.

(g) The decision of Appellate Board shall be final and binding.

(h) If no appeal is filed against the decision of the Registering Authority in the prescribed period (i.e.) within 30 days from the date of receipt of the order, the orders of the Registering Authority stands final.

9. Display of rates:

The Establishment shall display the rates charged for each type of service provided by them, for the benefit of the patients at the reception counter in both the local and English language. The list of minimum services for which rates are to be displayed are given in **Appendix –III**.

A copy of such list shall be sent to the Registering Authority by **1st of June** every year for record.

The details of services and rates shall be explained to the patients or their attendants at the time of admission without any ambiguity.

10. Display of Registration number etc.

- (a) The establishment shall display the names of the doctors at the reception counter working or associated with it
- (b) The establishment shall indicate the name and registration number allotted to Doctors by the State Medical Council/ Medical Council of India in all the Prescriptions, Certificates given to the patients.
- (c) Every Doctor shall display the registration number allotted to by the State Medical Council/ Medical Council of India in clinic and in all prescriptions, certificates, money receipts etc given to patients.

11) Fund of Registering Authority

The fees payable to Registering Authority/State Appellate Board shall constitute the fund of the Registering Authority.

The Chairman of the District Registering Authority i.e. DM&HO shall receive the moneys./fees through Demand Draft. Only. He shall open an account in a nationalized bank in the name of the Registering Authority and remit the same into the account.

The amount so collected shall be utilized by the Authority for the activities connected with the implementation of the provisions of the Act and these

rules, viz, payments to professionals, legal counsels, honorarium to the Members of the Committees who attend meeting, Members of Inspection Teams etc.

The Chairman of the District Registering Authority is the custodian of the fund and he shall operate the fund.

The cheques of the Authority shall be signed by the Chairman and another authorized member of Registering Authority.

The Chairman shall maintain general cash book and enter therein all the amounts received and spent immediately.

The Chairman of the Registering Authority shall keep a sum of Rs. 2000/- (Rupees two thousand only) as office imp rest for the maintenance of day to day expenditure.

All the fees shall be paid by a Demand. Draft drawn on a nationalized bank at headquarters of the District concerned in favor of “**DRA&DM&HO**”

The Accounts shall be maintained properly, audited by engaging an approved Chartered Accountant for every financial year.

12) Annual Accounts

The annual accounts of the authority shall be audited, and certified by the Approved Chartered Accountants appointed by the Registering Authority and forwarded to the Government along with the annual report, for placing it before the Legislature

13) Fees payable to the Authority

a) Fees for Registration or Renewal:

Sl. No	Description of Establishment	Annual Fee (Rs.)
1	Clinics/consultation rooms (Solo Practitioners)	250
2	Poly Clinics (Group Practitioners)	500
3	Hospitals/ Nursing Homes less than 20 beds	750
4	Hospitals/ Nursing Homes with 21 to 50 beds	1500
5	Hospitals/ Nursing Homes with 51 to 100 beds	2000
6	Hospitals/ Nursing Homes with 101 to 200 beds	3000
7	Hospitals/ Nursing Homes with more than 200 beds	7500
8	Diagnostic Centers (Basic Lab facilities)	500
9	Diagnostic Centres with Hi-end equipment (CT etc.)	2000
10	Physiotherapy Units	750

b) For filing an appeal before the State Appellate Board:

Rs:- 500/- (Rupees Five hundred only)

14. Medical Records:

The Establishments shall maintain medical records of the patients treated by it and health information in respect of national programmes and furnish to authorities as and when they are required. The minimum medical records to be maintained by the Establishments are prescribed in **Appendix–IV, V & VI.**

15. Medical Audit:

All Establishments shall formulate appropriate mechanism for constant review of hospital procedures to assess the cause of death and to explore better preventive measures and effective treatment.

16. Offences and Penalties:

If the Registering Authority comes to a conclusion based on any enquiry report that any offence against any of the provisions under **Sections 11,12,13&15** of this Act or these Rules has been committed by Establishment and there is over whelming evidence that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any Director, Manager, Doctor or any other Officer of the said Establishment, a case shall be filed either by Registering Authority or by an Officer authorized by it before the first class Judicial Magistrate

or a Metropolitan Magistrate, as the case may be, for trial.

17. Interpretation of the Rules

If there is any doubt or dispute regarding the application or the interpretation of the Rules, the decision of the Government thereon shall be final.