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## HEALTH & FAMILY WELFARE DEPARTMENT

### NOTIFICATION

The 19th November 2020

SUB—Change in Registering Authority and Enforcement for Clinical Establishments regarding:

No. 26620—HFW-DCMA-MISC-0036/2020-H.—Whereas, the Collectors and District Magistrate of each district are declared as the Supervising Authority/Registering Authority of the Clinical Establishments under Odisha Clinical Establishments (Control & Regulation) Act, 1990 and the Amendments and Rules thereunder vide Notification No. 6472—HFW-DCMA-MISC-0022/2016, dated the 6th May 2016;

And whereas, as per the Rule 3 and 4 of the Odisha Clinical Establishments (Control & Regulation) Rule, 2018, the Supervising Authority shall issue the new registration or renewal within 45 days of receipt of such application and it is a common observation that such registration and renewals are not done in due time as per the provisions of the rule and large numbers of Clinical Establishments are running without valid registration creating legal implications;

And whereas, as per the Odisha Right to Public Service Act, 2012, it is mandatory to provide the service within the stipulated period of time as notified by Health & Family Welfare Department from time to time.

Now, therefore, after careful consideration Government have been pleased to change the procedure as well as the authority for registration, renewal and enforcement of Acts and Rules for Clinical Establishments, which shall be followed scrupulously from the date of its notification.

The procedural guidelines shall supersede the earlier notifications in this regard and shall be applicable to the whole of the State.

### **Procedure for Registration, Renewal and Enforcement under Odisha Clinical Establishment (Control & Regulation) Rules, 2018**

#### 1. District Supervising/Registering Authority:

- (a) The CDM & PHO of each district are declared as the Supervising Authority/Registering Authority for concerned district under their administrative control in respect of all Clinical Establishments having 30 beds or less.
- (b) They shall designate an officer not below the rank of ADPHO, as the inspecting authority for the concerned district. A designated Cell consisting of a Jr. Clerk, a DEO with logistic support of a computer, printer and internet facility shall be created at each district level for managing the Online Clinical Establishment registration and renewal process.

## 2. State Supervising / Registering Authority:

- (a) The Director Medical Education & Training, Odisha or any Officer empowered by him shall be the State Level Supervising Authority/Registering Authority in respect of Clinical Establishments having more than 30 beds.
- (b) The Inspecting Authority of District Level shall also conduct inspection for the State Supervising Authority. A designated Clinical Establishment Management Cell consisting of one ASO, two DEOs with logistic support of computer, printer and internet facility shall be created at DMET Level for managing the Online Clinical Establishment registration and renewal process in the State.

## 3. Steps of Online Registration and Renewal:

- (a) Any person who intends to establish and maintain a Clinical Establishment, or want to renew the existing registration shall apply to the supervising authority by Online in the portal [www.cemso.nic.in](http://www.cemso.nic.in) or as may be specified by the Government from time to time.
  - (i) The minimum requirements and standard of services shall be complied as specified in the Schedules I and II of OCE (C&R) Rule, 2018 for different types of Clinical Establishments.
  - (ii) The application shall be accompanied by the documents specified in the Schedule III of OCE (C&R) Rule, 2018 along with the proof of payment of fees as specified in the schedule IV of OCE (C&R) Rule, 2018 which shall be deposited in the Government Treasury under the Head of Account "0210-MEDICAL AND PUBLIC HEALTH-01-URBAN HEALTH SERVICES-02-RECEIPTS FROM PATIENTS FOR HOSPITAL AND DISPENSARY SERVICES-0010-CHARGES FOR SERVICE PROVIDED-02087 OTHER FEES."
  - (iii) The fees for grant of a certificate of registration or renewal thereof shall be non-refundable in nature.
- (b) The Supervising Authority (State or District), on receipt of an application for grant of certificate of registration or renewal thereof, shall transmit the same to the Inspecting Authority of the concerned district within the period of seven working days from the date of receipt of the application for scrutiny to ascertain if the application is in conformity with the provisions of the Act and the Rules and also conduct physical inspection of the premises where the Clinical Establishment is proposed to be established.
- (c) The Inspecting Authority shall ascertain the availability of the minimum standard of requirements and whether other parameters as specified in different Schedules of OCE (C&R) Rule, 2018 have been complied and shall approve or disapprove the application which will be forwarded to the concerned Supervising Authority (State or District) from whom it was received.
- (d) The Supervising Authority shall consider the recommendation of Inspecting Authority keeping in view the conditions stipulated in rule and after being satisfied that there is no objection to grant certificate of registration, he shall approve for issue of certificate of registration or renewal within a period of forty-five days from the date of receipt of such application.
- (e) In case of refusal of grant of certificate of registration or renewal, the Supervising Authority, shall inform the applicant (through Online portal) indicating clearly the deficiencies or causes of rejections, with a direction to comply the deficiencies within a period of one month for consideration.

#### 4. Enforcement Mechanism :

##### (a) District Enforcement Authority :

- (i) In every district a team consisting of the representative of the Collector & District Magistrate, representative of the Superintendent of Police and representative of the CDM & PHO shall be the District Enforcement Authority.
- (ii) The District Enforcement Authority shall conduct regular random inspection for unauthorized functioning of Clinical Establishment or any contravention of the Odisha Clinical Establishments (Control & Regulation) Act and Rules thereunder and initiate action as per law.

##### (b) State Enforcement Authority:

- (i) At State Level a team/s under DHS, Odisha consisting of one Additional Director, one Joint Director and one ASO shall be the State Enforcement Authority. More number of teams may be formed looking to the need.
- (ii) In case the Inspecting Authority fails to inspect the institution and approve or disapprove the issue of registration or renewal within 30 days of receipt of the application, it will automatically be escalated to the DHS, Odisha, who in turn shall facilitate and ensure immediate inspection by a designated team. He will also initiate appropriate action against the District Registering Authority or Inspecting Authority for not adhering to the time limit for providing public service.

#### 5. Online Portal for Application:

The Online portal managed by NIC shall be appropriately modified immediately on notification of these guidelines. The designated cell in the DMET, Odisha shall supervise the Online process and respond to the queries by applicants.

#### 6. Submission of Data:

The District Level Supervising Authority shall ensure submission of following data to the Chairman State Regulatory Committee that is DMET, Odisha by 10th of every month positively.

- (a) Total list of registered Clinical Establishments with their validity.
- (b) Total applications under process.
- (c) Number of BPL patients given free treatment (in IPD and OPD)
- (d) Action taken against CEs for contravention of the Act.
- (e) Any other data as may be required by Govt. from time to time.

By order of the Governor

PRADIPTA KUMAR MOHAPATRA

Additional Chief Secretary to Govt.