
Assam Health Establishments (Amendment) Act, 2003

4 of 2004

[02 March 2004]

CONTENTS

1. Short title and commencement
2. Amendment of Section-3
3. Amendment of section 9
4. Amendment of section 10
5. Amendment of section 12
6. Amendment of section 13
7. Insertion section 13A
8. Amendment of section 15
9. Amendment of section 21

Assam Health Establishments (Amendment) Act, 2003

4 of 2004

[02 March 2004]

PREAMBLE

An Act

further to amend the Assam Health Establishments Act, 1993

Whereas it is expedient further to amend the Assam Health Establishments Act, 1993 (Assam Act XVIII of 1993), hereinafter referred to as the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Fifty-fourth Year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Assam Health Establishments (Amendment) Act, 2003.

(2) It shall come into force at once.

2. Amendment of Section-3 :-

In the principal Act, for section 3, the following section shall be

substituted, namely:-

"3. No person shall establish or maintain a health establishment without registration and a licence granted therefor under this Act; Provided that health establishment already in existence prior to commencement of this Act shall have to be registered and a licence shall be obtained therefor under this Act."

3. Amendment of section 9 :-

In the principal Act, in section 9,-

(i) for sub-section (2), the following subsection shall be substituted, namely:-

"(2) The Health Authority, if satisfied that the applicant and the health establishment fulfill the conditions specified under section 10, shall register the applicant in respect of such establishment and shall grant a licence therefor within 45 days from the date of application for registration and licence. The registration and the licence shall be valid for a period of one year.

(ii) in sub-section (3), in the first line, in between the words "application" and "if", the following words shall be inserted, namely:-

"within forty-five days from the date of receipt of the application."

4. Amendment of section 10 :-

In the principal Act, in section 10, after clause (e), the following clause shall be inserted, namely:-

"(cc) (i) that the health establishment shall have its own specialist Doctors for respective disciplines recognised by Medical Council of India as required;

(ii) that the health establishment shall have Clinical Laboratory with requisite infrastructure for necessary laboratory examinations for diagnosis and treatment of different ailments;

(iii) that the health establishment fulfils the criteria as regards to specialist Doctors for different disciplines recognised by Medical Council of India with atleast three resident Doctors upto thirty beds and proportionate nursing staff, equipment and other staffs:

Provided that the number of resident Doctors, nurses, equipments and other staffs shall be increased proportionately by the health establishment having more than thirty beds;

(iv) that for establishing and maintaining a Clinical Laboratory for carrying out biological, pathological and biochemical tests for diagnostic purposes, atleast one fulltime pathologist with required

number of laboratory technician and required staff shall be appointed having requisite qualifications like degree/diploma from the Government recognised institutions:

Provided that an M.B.B.S. Doctor, who establishes or maintains a Clinical Laboratory for carrying out biological, pathological and biochemical tests for diagnostic purposes, in his own name, shall be competent to carry out such routine examinations, as may be specified by regulations;

(v) that for a Clinical Laboratory having radiological facilities at least one qualified Radiologist and such other Radiographer and staffs shall be appointed as required for the purpose:

Provided that an M.B.B.S. Doctor, who establishes or maintains a Clinical Laboratory having Radiological facilities shall be competent to carryout basic radiological investigations as may be specified by regulations;

(vi) that there shall be a dietician in such category of hospitals as may be specified in the regulations;

(vii) that the health establishment shall have adequate parking place for vehicles and arrangement of Ambulance;

(viii) that the health establishment has made provisions for concession or rebate or free treatment to the economically weak patient whose annual family income from all sources does not exceed rupees twenty five thousand or such amount as may be specified by the Government, by order, from time to time, as well as for the patient of the families belonging to the Below Poverty line of the Society, as the case may be."

5. Amendment of section 12 :-

In the principal Act, for section 12, the following section shall be substituted, namely:-

12. "Cancellation or suspension of registration and licence.

(1) The Health Authority may, suo moto or on complaint for any breach of the provisions of the Act, the rules or the regulations by any health establishment, issue notice to it to show cause within fifteen days as to why its registration and licence should not be suspended or cancelled for the reasons mentioned in the notice.

(2) On receipt of the show cause and after giving a reasonable opportunity of being heard to the health establishment if the Health Authority is satisfied that there has been a breach of the provisions of the Act, or the rules or the regulations it may, without prejudice to the criminal action that it may take against such health

establishment, suspend its registration and licence for such period as it may think fit, or cancel its registration or licence, as the case may be."

6. Amendment of section 13 :-

In the principal Act, in section 13, in sub-section (1), in the first paragraph, for the words "cancelling licence", the words "suspending or canceling a licence" shall be substituted.

7. Insertion section 13A :-

In the principal Act. after section 13, the following section shall be inserted, namely:-

13A. "Order for closure of the Health establishment.

If the appeal preferred under section 13 is rejected by the Government in respect of any health establishment, the Health Authority shall thereafter issue order for closure of the Health Establishment with the approval of the Government and the health establishment shall remain close for such period till the suspension order is withdrawn or a fresh registration and licence is granted in respect of that establishment."

8. Amendment of section 15 :-

In the principal Act in section 15, in sub-section (1), for the words "five thousand rupees" and "ten thousand rupees" the word "twenty thousand rupees" and "fifty thousand rupees" respectively shall be substituted.

9. Amendment of section 21 :-

In the principal Act, in section 21, the following section shall be substituted, namely:--

21. "Saving.

Nothing contained in this Act. rules and regulations framed thereunder shall apply to health establishment established mainly by the State Government, Central Government, Defence, Railway, Public Sector Undertakings and local authority."