

## **KARNATAKA LEGISLATURE (MEMBERS MEDICAL ATTENDANCE) RULES, 1968**

### CONTENTS

1. Title and commencement
2. Definitions
3. Charges for medical attendance
4. Special treatment in certain cases
5. Reimbursement of medical expenses
  - 5A1. Treatment for Tuberculosis
  - 5A2. Reimbursement of expenses incurred at any place other than in a Government or notified hospital or dispensary
  - 5A3. (I) Reimbursement of expenses incurred at any place other than in a Government hospital or dispensary and other than hospital and dispensary notified by the Karnataka Legislature
6. Claims for reimbursement of medical charges
7. Scrutiny by the Secretary
8. Determination of medical charges
9. Interpretation
10. Repeal and savings

## **KARNATAKA LEGISLATURE (MEMBERS MEDICAL ATTENDANCE) RULES, 1968**

In exercise of the powers conferred by sub-section (1) of Section 15 of the Karnataka Legislature Salaries Act, 1956 (Karnataka Act 2 of 1957), the Government of Karnataka hereby makes the following rules, namely:

### **1. Title and commencement :-**

(1) These rules may be called the Karnataka Legislature (Members' Medical Attendance) Rules, 1968.

(2) They shall be deemed to have come into force on the Tenth day of August, 1967.

### **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a) "Authorised medical attendant" means.

(i) in the case of Members residing in places where there are

Government hospitals or dispensaries, the medical officers, whether Gazetted or Non-Gazetted, in-charge of such hospitals or dispensaries;

(ii) in the case of Members residing in places where there are no Government hospitals or dispensaries, the medical officers, whether Gazetted or non-Gazetted, in-charge of local fund dispensaries, health units or health centres, at such places;

(iii)<sup>1</sup>in the case of Members suffering from Tuberculosis and receiving treatment at the Karnataka Health Institute, Ghataprabha, the Chief Medical Officer of the said Institute:]

Provided that honorary specialists, honorary medical officers, part-time specialists and part-time medical officers shall not be deemed to be authorised medical attendants;

(b) "Controlling Officer" for the purpose of claims for reimbursement of expenditure incurred in connection with medical attendance, means the Secretary, Mysore Legislature;

(c) "Form" means a form appended to these rules;

(d) "Medical attendance" means attendance at a Government hospital or dispensary including such pathological, bacteriological, radiological or other methods or examination for the purpose of diagnosis, as are available in the Government hospital and are considered necessary by the authorised medical attendant, and such consultation with a specialist in Government employ within the State or other medical officer similarly in Government employ within the State as the authorised medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorised medical attendant, determine;

(e) "Member" means a Member of the Karnataka Legislative Assembly or the Karnataka Legislative Council <sup>2</sup> [x x x x];

(f) "Patient" means a Member to whom those rules apply and who has fallen ill;

(g) "Secretary" means the Secretary of the State Legislature and includes the Deputy Secretary of the State Legislature, and any Under Secretary of the State Legislature;

(h) "Treatment" means use of all medical, X-ray and surgical

facilities available at the Government Hospital or Dispensary in which a Member is treated and includes.

(i) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorised medical attendant;

(ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital or dispensary;

(iii) the supply of such medicines, vaccines, sera or other therapeutic substances as the authorised medical attendant may certify in writing to be essential of the recovery, or for the prevention of serious deterioration in the condition of the Member and which are not ordinarily available with the authorised medical attendant;

(iv) treatment of confinement cases of a Member;

(v) such accommodation as is ordinarily provided in the hospital, and accommodation in the ward of the highest class available at the time of admission of the patient in the hospital;

(vi) in the case of a member who is an in-patient in a hospital such nursing and diet as is ordinarily provided to in-patients by the hospital.

Explanation. For purposes of sub-clause (iii), prescription of expensive drugs, tonics, laxatives or other elegant and proprietary preparations for the use of Members when drugs of equal therapeutic value are available in the hospital or dispensary is prohibited.

1. Clause (iii) inserted by Notification No. LAW 149 LGR 69, dated 4-8-1970, w.e.f. 4-8-1970 and shall be deemed always to have been inserted

2. The words "and includes the Deputy Speaker of the Legislative Assembly and the Deputy Chairman of the Legislative Council" omitted by GSR 166, dated 11-6-1979, w.e.f. 11-6-1979

### **3. Charges for medical attendance :-**

(1) A Member shall be entitled free of charge to medical attendance and treatment by the authorised medical attendant. Medical officers shall not charge any fees from or for Members for whom they are authorised medical attendants.

(2) No Member shall be entitled to any free services by Dentists or Opticians except for eye diseases requiring medical treatment and prescription of glasses and for removal of teeth.<sup>1</sup> [Refund in respect of the cost of spectacles where necessary, shall be allowed once during his/her term as Legislator, subject to the condition that the amount claimed does not exceed twenty-five rupees.

(3) No Member shall be entitled to free treatment at any Government hospital for venereal diseases or any disease brought about by his intemperance.

(4) No fee shall be charged for sterilisation of instruments used in connection with operations performed on the Members.

1. Substituted for the words "The cost of glasses shall not be borne by the Government" by Notification No. LAW 197 LGR 78, dated 6/8-1-1981 (GSR 12) and shall be deemed to have come into force on 28-12-1977

#### **4. Special treatment in certain cases :-**

If an authorised medical attendant is of the opinion that the case of the patient is of such serious or special nature as to require medical attendance by some persons other than himself or that the patient requires anti-rabic treatment, he may, with the approval of the Director of Health Services (which shall be obtained before hand unless the delay involved entails danger to the health of the patient), send the patient to the nearest specialist or other medical officer in Government employ by whom, in his opinion, medical attendance is required for the patient or in the case of anti-rabic treatment, to the nearest place where such treatment is available, or if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.

#### **5. Reimbursement of medical expenses :-**

(1) The refund of the cost of preparations which are not medicines but are primarily foods, tonics, toilet preparations or disinfectants is not admissible under these rules. Lists of items for which refund is not admissible under these rules will be issued by the Director of Health Services from time to time:

Provided that the cost of any therapeutic substance included in such list, which is prescribed by the authorised medical attendant as absolutely essential for the recovery of the patient shall be reimbursed by Government, if the Government after consultation with the Director of Health Services is satisfied that such

therapeutic substance was absolutely essential for the recovery of the patient, and makes an order to that effect.

(2) Sales Tax paid by Members while purchasing special medicines from the market is refundable. Packing and postage charges paid by the Members for purchasing special medicines from out-stations are not refundable.

(3) If an ambulance is used to convey a patient to a place of treatment or to convey a patient from one hospital to another hospital for purposes of medical examination, the charges incurred by the Member on that account are refundable.

(4) The cost of Ayurvedic and Unani preparations (other than preparations specified from time to time by the Director of Health Services as inadmissible) is refundable to the Members.

(5) Refund in respect of dentures, where necessary shall be allowed upto a maximum of fifty rupees in each case, subject to production of a certificate by the authorised medical attendant. Where the dentures are made of special material like gold or silver, their cost shall not be borne by the Government.

**5A1. Treatment for Tuberculosis :-**

<sup>1</sup> Treatment of a Member suffering from Tuberculosis at the Karnataka Health Institute Ghataprabha, shall be deemed to be treatment in Government Medical Hospital and the Member in such a case shall be entitled to get refund of the ward charges and reimbursement of the medical expenses admissible under these rules.

1. Rule 5-A inserted by GSR 289, dated 4-8-1970, w.e.f. 20-8-1970

**5A2. Reimbursement of expenses incurred at any place other than in a Government or notified hospital or dispensary :-**

<sup>1</sup> In respect of expenses incurred by a member for the medical attendance and treatment obtained by him and Members of his family in any hospital or dispensary maintained by the State Government, or in any hospital or dispensary notified by the Karnataka Legislature, he shall be entitled for reimbursement of the expenses incurred thereon. The expenses shall be inclusive of the charges for accommodation in the place where such treatment is taken.

1. Rules 5-A and 5-A(I) substituted for Rule 5-A by Notification-3 No. ACTS-I/ACT/28/97-98, dated 1-4-1998 and shall be deemed to have come into force w.e.f. 1-9-1997

**5A3. (I) Reimbursement of expenses incurred at any place other than in a Government hospital or dispensary and other than hospital and dispensary notified by the Karnataka Legislature :-**

In respect of expenses incurred by a member for the medical attendance and treatment obtained by him in any place other than in a Hospital or Dispensary maintained by the State Government and other than Hospital or Dispensary notified by the Karnataka Legislature he shall be entitled to reimbursement of the expenses incurred to the same extent as he is entitled under these rules for reimbursement of expenses incurred by him for medical attendance and treatment obtained in such Hospital or Dispensary. The expenses shall be inclusive of the charges for accommodation in the place where such treatment is taken.

Explanation. For the purpose of this rule "Member of Family" means husband, wife, son, unmarried daughter, father and mother and mother-in law/father-in-law in case of only female members of Legislature.

**6. Claims for reimbursement of medical charges :-**

(1) All claims for refund of expenses incurred on account of the purchase of special medicines should be accompanied by an "essentiality certificate" in Form A from the authorised medical attendant, and countersigned by the Dean or Vice Dean in charge of the Government hospital in Bangalore, Mysore, Hubli or Bellary, and by the District Surgeon or any other Medical Officer authorised by the Director of Health Services in other places. The countersigning officer shall satisfy himself that the authorised medical attendant has complied with these rules, the verification of medicines being made with reference to the lists of non-reimbursable medicines specified by the Director of Health Services from time to time.

(2) Claims for reimbursement for the expense incurred in connection with medical charges shall be preferred in Form B and shall be sent to the Secretary within a period of one year. Claims preferred after the said period of one year will be subject to pre-audit by the Accountant-General. The expenditure relating to medical charges shall be debited against the allotment of the State

Legislature under the head "18. Parliament, State/Union Territory Legislatures B. State/Union Territory Legislatures".

**7. Scrutiny by the Secretary :-**

The amount to be reimbursed shall be drawn from the treasury on a salary bill duly countersigned by the Secretary and supported with the necessary bills and receipts including essentiality certificate signed and countersigned by the authorised medical attendant and other competent medical authority in accordance - with Rule 6.

**8. Determination of medical charges :-**

Charges for service rendered in connection with, but not included in medical attendance on, or treatment of a patient entitled free of charge to medical attendance or treatment under these rules, shall be determined by the authorised medical attendant and paid by the patient.

**9. Interpretation :-**

If any question arises as to whether any service is included in the medical attendance or treatment, it shall be referred to the Government and the decision of the Government thereon shall be final.

**10. Repeal and savings :-**

The Karnataka Legislature (Members' Medical Attendance) Rules, 1958, are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything done or any action taken thereunder.