

**THE ODISHA CLINICAL ESTABLISHMENTS (CONTROL
AND REGULATION) AMENDMENT BILL, 2016**

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BILL

**TO AMEND THE ODISHA CLINICAL ESTABLISHMENTS
(CONTROL AND REGULATION) ACT, 1991.**

BE it enacted by the Legislature of the State of Odisha in the
Sixty-Seventh Year of the Republic of India as follows: —

Short title.

1. This Act may be called the Odisha Clinical Establishments
(Control and Regulation) Amendment Act, 2016.

Amendment of
section 1.

2. In the Odisha Clinical Establishments (Control and Regulation)
Act, 1991 (hereinafter referred to as the principal Act), in
section 1, in sub-section (4),—

Odisha Act 8
of 1992.

(i) for clause (b), the following clause shall be substituted,
namely:—

“(b) psychiatric hospital or psychiatric nursing home”
 established and licensed under the Mental Health Act, 1987.”; 14 of 1987.
 and

(ii) for clause (c), the following clause shall be substituted,
 namely:—

“(c) a clinical establishment established and maintained by
 a qualified Medical Practitioner only for treatment of
 outpatient care without any admission facility.”.

Amendment
 of section 2.

3. In the principal Act, in section 2,—

(a) for clause (b), the following clause shall be substituted,
 namely:—

“(b)” ‘clinical establishment’ means —

(i) an establishment by whatever name called, that
 offers services, facilities requiring diagnosis,
 examination, treatment or therapy or care for
 illness, injury, deformity, abnormality or pregnancy
 in any recognized system of medicine;

(ii) a place established as an independent entity or part
 of an establishment referred to in sub-clause (i), in
 connection with the diagnosis, examination,
 analysis or treatment of diseases where, biological,
 pathological, bacteriological, genetic, radiological,
 chemical, biochemical, investigations or other
 diagnostic or investigative services with the aid of
 laboratory or other medical equipment or the
 preparation of culture, vaccines, serum or other
 biological or bacteriological product are usually
 carried on;”;

(b) for clauses (c) and (d), the following clauses shall be
 substituted, namely: —

“(c) ‘emergency medical condition’ means a medical
 condition manifesting itself by acute symptoms of
 sufficient severity of such a nature that the absence of
 immediate medical attention could reasonably be
 expected to result in —

- (i) placing the health of the individual, or with respect to pregnant women, the health of the woman or her unborn child, in serious jeopardy; or
 - (ii) serious impairment to bodily functions; or
 - (iii) serious dysfunction of any organ or part of a body.
- (d) "Inspecting Authority" means such officer not below the rank of District Medical Officer, as may be appointed, or an Inspection team as may be constituted, by notification, by the State Government to carry out an inspection in accordance with the provisions of this Act;"
- (c) clauses (e) and (f) shall be omitted;
- (d) for clause (g), the following clause shall be substituted, namely;—
- "(g) 'prescribed authority" means the authority as may be prescribed in the rules to hear the appeals under this Act;"
- (e) after clause (k), the following clause shall be inserted, namely: —
- "(k-a) 'recognized system of medicine' means allopathic, yoga, Naturopathy, Ayurveda, Homeopathy, Siddha and Unani system of medicine or any other system of medicine as may be recognized by the Government;"
- (f) after clause (m), the following clause shall be inserted, namely:—
- "(m-a) 'Standards' in relation to registration of clinical establishment, means the standard of facilities and services as may be prescribed;"

Insertion of new section 4A.

"Power and functions of supervising authority.

4. In the principal Act, after section 4, the following section shall be inserted, namely:—

4A. without prejudice to generality powers and function of the supervising authority provided under this Act, he shall perform and following powers and functions namely:—

- (a) to compile and update register of clinical establishment;
- (b) to review and monitor implementation of the provisions of this Act and Rules.

(c) to send report or return relating to activities of clinical establishment to the State Government and to such other authorities as required by or under any law for time being in force;

(d) to publish annual report on the State implementation of Standard; and

(e) any other powers and functions as may be prescribed.”.

Amendment
of section 5.

5. In the principal Act, in section 5, in sub-section (1),—

(a) in clause (d), for the words “with the situation” the words “with any standard as may be prescribed, the situation” shall be substituted; and

(b) after clause (d), the following clause shall be inserted namely:—

“(e) the clinical establishment has provided necessary fire prevention, life safety and such other measures in accordance with the provisions as provided by or under the provisions of any law for the time being in force”.

Amendment
of section 6.

6. In the principal Act, in section 6,—

(a) in sub-section (4), for the words “of two years”, the words “of five years” shall be substituted;

(b) after sub-section (4), the following proviso shall be added, namely:—

“Provided that the certificate holder who has been granted with certificate of registration before the commencement of the Odisha Clinical Establishments (Control and Regulation) Amendment Act, 2015, irrespective of the fact whether validity period has expired or not shall apply within six months from the date of such commencement for renewal of the certificate of registration for the remainder period on payment of such fee as may be prescribed.”; and

(c) in sub-section (5), for the words “not less than one month”, the words “not less than six months” shall be substituted.

Amendment
of section 9.

7. In the principal Act, in section 9, for the words “the State Government” wherever it occurs, the words “prescribed authority” shall be substituted.

