
Karnataka Private Nursing Homes (Regulation) Act, 1976

75 of 1976

[01 December 1976]

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An Act to provide for the regulation and control of private nursing homes in the State. WHEREAS the privatenursing homes in the State are being run in an unregulated manner; and WHEREAS it is expedient in public interest to regulate them; BE it enacted by the Karnataka State Legislature in the Twenty--seventh Year of the Republic of India as follows :--

1. Short Title And Commencement :-

- (1) This Act may be called the Karnataka Private Nursing Homes (Regulation) Act, 1976.
- (2) It shall be deemed to have come into force on the Fourth day of

November, 1976.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (1) appointed day means the date specified in sub--section (2) of section 1;
- (2) competent authority means any person or persons or authority appointed by the State Government to perform the functions of the competent authority under this Act and different persons or authorities may be appointed to perform different functions;
- (3) licence means a licence granted under the provisions of this Act ;
- (4) manager in relation to a private nursing home means the person, by whatever name or designation called, who is in charge of, or is entrusted with, the running of a private nursing home ;
- (5) medical treatment means treatment in modern medicine or in any other system of medicine like the Ayurvedic, the Unani, the Homeopathic and the Naturopathic ;
- (6) modern medicine means the western methods of allopathic medicine, obstetrics and surgery ;
- (7) nursing home means a hospital or a clinic or any other place where human diseases are given preventive and/or curative medical treatment ;
- (8) private nursing home means a nursing home which is not owned or sponsored by the State or the Central Government ;
- (9) section means a section of this Act.

3. Private Nursing Home To Be Licensed :-

On or after the appointed day, no private nursing home shall be established, run or maintained in the State except under and in accordance with the terms and conditions of a licence :

Provided that a private nursing home in existence immediately before the appointed day shall apply for the licence within a period of 1[eight months] from such day and pending orders thereon may continue to be run but subject to the other provisions of this Act.

1. Substituted by Act 9 of 1977 w.e.f. 30.12.1976

4. Standards :-

Every private nursing home shall conform to the standards which may be prescribed regarding the operation theatre, the nursing and

other staff and their qualifications, facilities to be provided to the patients, maintenance and like matters.

5. Fees To Be Charged :-

(1) For the medical treatment given, no private nursing home shall charge or collect fees in excess of the scales of fees that may be prescribed.

(2) Fees shall be prescribed having regard to the nature of the disease, the treatment and other like matters.

6. Application For Licence :-

Every person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in such form and along with such fee as may be prescribed.

7. Disposal Of Applications :-

(1) On receipt of the application under section 6 and after such enquiry as he may deem necessary, the competent authority may, by order, grant or refuse to grant the licence. Where the licence is refused, brief reasons for such refusal shall be given.

(2) Every order under sub--section (1) shall, as soon as may be after it is made, be communicated to the applicant :

Provided that where no such communication is issued before the expiry of ninety days from the date on which the application was made, the licence shall be deemed to have been refused.

8. Factors To Be Taken Into Account In Disposing Of Applications :-

In disposing of the applications under section 6, the competent authority shall have regard to the following, namely :--

(a) whether the premises housing the nursing home is suitable, hygienically or otherwise ;

(b) whether the nursing home is adequately staffed with qualified doctors, nurses, technical and other personnel ; and

(c) such other factors as may be prescribed.

9. Inspections, Etc :-

(1) The competent authority may at any time inspect a private

nursing home to satisfy himself that the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the competent authority may, by order, direct the manager to remedy the same within such time as may be specified in the order. Thereupon, the manager shall comply with every such directions and make a report to the competent authority.

10. Defaults :-

If any private nursing home commits default in observing any of the conditions of the licence or fails to comply with any direction issued under section 9 or contravenes any of the provisions of this Act, the competent authority may, by order, revoke the licence: Provided that no such order shall be made except after giving the persons concerned an opportunity of making representations against the proposal.

11. Appeals :-

(1) Any person whose application for licence is refused or deemed to have been refused and any person aggrieved by any other order under this Act may prefer an appeal to the prescribed appellate authority.

(2) Every such appeal shall be preferred within thirty days from the date the order appealed against is communicated or is deemed to have been made. The order of the appellate authority on appeal shall be final.

12. Penalty :-

Whoever contravenes any of the provisions of this Act or the terms and conditions of a licence shall be liable, on conviction, to imprisonment which may extend to six months or with fine which may extend to five thousand rupees.

13. Cognizance Of Offences :-

No offence under this Act shall be taken cognizance of except on complaint preferred by the competent authority.

14. Indemnity :-

No suit or other legal proceeding shall lie against the State

Government or any officer of the State Government in respect of anything which is in good faith done by or under this Act.

15. Rules :-

(1) The State Government may, by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:--

(a) the standards referred to in section 4 ;

(b) form of the application under section 6 ;

(c) conditions subject to which licence may be granted;

(d) other factors to be taken into account under section 8 ;

(e) fees to be paid on applications and appeals ; and

(f) the fees to be charged for the medical treatment given, the accommodation and facilities provided.

16. Rules To Be Placed Before The State Legislature :-

Every rule made under this Act, shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the Government in the official Gazette have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification, annulment shall be without prejudice to the validity of anything previously done under such rule.

17. Repeal Of Karnataka Ordinance No. 25 Of 1976 :-

(1) The Karnataka Private Nursing Homes (Regulation) Ordinance, 1976 (Karnataka Ordinance No. 25 of 1976) is hereby repealed.

(2) Notwithstanding such repeal,--

(i) anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act;

(ii) any application made for permission to establish, run or

maintain a private nursing home, shall be deemed to be an application made for licence under this Act and shall be disposed of accordingly.