

15 -ാം കേരള നിയമസഭ

12 -ാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിട്ട ചോദ്യം നം. 169

14-10-2024 - ൽ മറുപടിയ്ക്ക്

ഡോക്ടർമാരുടെ സ്വകാര്യ പ്രാക്ടീസ്

ചോദ്യം		ഉത്തരം	
<p>ശ്രീ ടി. വി. ഇബ്രാഹിം , ശ്രീ. നജീബ് കാന്തപുരം, ശ്രീ. എ. കെ. എം. അഷ്റഫ്</p>		<p>ശ്രീമതി വീണാ ജോർജ്ജ് (ആരോഗ്യ- വനിത-ശിശുവികസന വകുപ്പ് മന്ത്രി)</p>	
(എ)	<p>പ്രാഥമികാരോഗ്യകേന്ദ്രങ്ങൾ മുതൽ ജില്ലാ ആശുപത്രികളിൽ വരെ ജോലി ചെയ്യുന്ന ഡോക്ടർമാരുടെ സ്വകാര്യ പ്രാക്ടീസിന് നിയന്ത്രണങ്ങൾ ഏർപ്പെടുത്തിയിട്ടുണ്ടോ; വിശദമാക്കുമോ;</p>	(എ)	<p>ആരോഗ്യ വകുപ്പ് കാര്യലയത്തിന് കീഴിലുള്ള ഡോക്ടർമാരുടെ സ്വകാര്യ പ്രാക്ടീസ് സംബന്ധിച്ച് സ.ഉ.(കൈ) നം. 270/2005/ആകവ തീയതി 25/10/2005, സ.ഉ.(കൈ) നം. 350/2023/ആകവ തീയതി 27/12/2023, സ.ഉ.(കൈ) നം. 214/2024/ ആകവ തീയതി 31/08/2024 എന്നിവ പ്രകാരം വ്യക്തമായ മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചിട്ടുണ്ട്. ഉത്തരവുകളുടെ പകർപ്പുകൾ അനുബന്ധമായി ചേർക്കുന്നു.</p>
(ബി)	<p>കിടപ്പു രോഗികളെ വീട്ടിൽ പോയി പരിശോധിക്കാനോ ചികിത്സിക്കാനോ പാടില്ലെന്ന നിബന്ധനയുണ്ടോ; വ്യക്തമാക്കുമോ;</p>	(ബി)	<p>ആരോഗ്യ വകുപ്പിന് കീഴിൽ സാന്ത്വന പരിചരണ പരിപാടിയുടെ ഭാഗമായി ഡോക്ടർമാരുടെ ഭവന സന്ദർശനം നിഷ്കർഷിച്ചിട്ടുണ്ട്. ആയതിനാൽ പാലിയേറ്റീവ് കെയർ പദ്ധതിയുടെ ഭാഗമായി വീടുകളിൽ പോയി കിടപ്പുരോഗികളെ പരിശോധിക്കുന്നതിനോ ചികിത്സിക്കുന്നതിനോ തടസ്സമില്ല.</p>
(സി)	<p>നിയന്ത്രണങ്ങളിൽ ഡോക്ടർമാർ എതിർപ്പ് അറിയിച്ചിട്ടുണ്ടോ; അവരുടെ ആശങ്കകൾ പരിഹരിക്കാൻ എന്തെല്ലാം നടപടികൾ സ്വീകരിക്കാനാണുദ്ദേശിക്കുന്നത് എന്നറിയിക്കുമോ?</p>	(സി)	<p>ആരോഗ്യ വകുപ്പ് കാര്യലയത്തിന് കീഴിലുള്ള ഡോക്ടർമാരുടെ സ്വകാര്യ പ്രാക്ടീസ് സംബന്ധിച്ച് സ.ഉ.(കൈ) നം. 270/2005/ആകവ തീയതി 25/10/2005 എന്ന ഉത്തരവാണ് നിലവിലുണ്ടായിരുന്നത്. സ.ഉ.(കൈ) നം. 350/2023/ആകവ തീയതി 27/12/2023 പ്രകാരം ഈ ഉത്തരവിൽ ഏതാനും പരിഷ്കരണങ്ങൾ വരുത്തിയിരുന്നു. എന്നാൽ ഇതിൽ ചില പരിഷ്കരണങ്ങൾ അപ്രായോഗികമാണെന്ന് കാട്ടി ഡോക്ടർമാരുടെ സർവ്വീസ് സംഘടനകൾ നിവേദനങ്ങൾ നൽകിയിരുന്നു. ആയത് വകുപ്പ് തലത്തിലും സർക്കാർ തലത്തിലും വിശദമായി പരിശോധിക്കുകയും സ.ഉ.(കൈ) നം. 214/2024/ ആകവ തീയതി 31/08/2024 പ്രകാരം കൂടുതൽ വ്യക്തവും വിശദവുമായി മാനദണ്ഡങ്ങൾ വിവരിച്ചു</p>

കൊണ്ട് പുതുക്കിയ ഉത്തരവ് പുറപ്പെടുവിക്കുകയും ചെയ്തിട്ടുണ്ട്. ആയതിന്മേൽ നിലവിൽ പരാതികൾ ഒന്നും ലഭിച്ചിട്ടില്ല.

സെക്ഷൻ ഓഫീസർ

GOVERNMENT OF KERALA
Abstract

Health Services Department – Establishment – Private Practice by Government
Doctors - Guidelines issued

HEALTH & FAMILY WELFARE (A) DEPARTMENT
G.O.(MS) No.270/2005/H&FWD dated, Thiruvananthapuram, 25.10.05

Read:- 1. G.O. (Rt) No. 98/2001/H&FWD dated 11.1.20001
2. G.O. (Rt) No.127/2001/H&FWD dated 15.1.2001
3. G.O. (Rt) No.406/03/H&FWD dated 4-2-2003

ORDER

Doctors in Government Service are allowed to examine or treat patients outside duty hours at their residence or at the residence of the patients vide rule 50 of the Government Servants Conduct Rules, 1960. Request have been received from the Government doctors that proper guidelines should be issued to govern their private practice. Government have issued guidelines on private practice by Government doctors as per G.O read as 1st paper above. Subsequently Government have kept in abeyance clause 2 and 4 of the said G.O, as per G.O read as IInd paper above. After having discussions in the matter with the recognized Service Organizations Government constituted a committee as per G.O read as IIIrd paper above, for studying the case and to submit recommendations regarding guidelines for private practice by doctors in Government service. The committee has submitted their recommendations. Government, after examining the recommendations, are pleased to issue the following guidelines in conformity with the provisions under the Government Servants conduct rules, 1960, as under:-

1. The term 'private practice' is defined as the service for payment rendered by a doctor in Government service outside his duty hours to a person who is not an inpatient in the Government hospital where the doctor is employed.
2. The doctor should confine his private practice to his place of residence,

where he ordinarily resides. He should not engage in private practice in a commercial complex.

3. The doctors in Government service should not conduct private practice in private hospitals, clinics or in any other place other than his residence/ consultation room
4. He should use only a bare minimum of equipments and devices to diagnose the illness.
5. He should not procure or use equipments or devices for treating patients levying fee or charges on a commercial basis in the guise of private practice.
6. He should not engage a nurse or technician for the purpose of assisting him in private practice.
7. He should exhibit a sign board prominently in the consultation room stating that, no patient or his relative should come for consultation who is already an in-patient in the hospital where the doctor is serving. However the doctor will not be held responsible if any one violates this provision and approaches him for consultation without his knowledge.
8. In-patients in Government hospitals(including all Government medical institutions) should not go in for consultation at the residence of Government doctors. Relative/ friend/ representative/well-wisher or bystander of patients also should not be deputed to Government doctors for private consultation on behalf of inpatient in the hospital where the doctor is serving.

A Board should be exhibited in all Government hospitals informing the public that –

- i No payment need be made to any doctor for any service rendered in the hospital.
- ii They are not expected to visit the doctors at their residence for any service rendered in the hospital and
- iii Demanding or offering money to doctors for services in a Government

Hospital are offences

9. The doctors complain of harassment by the Police Officers, alleging acceptance of money while on private practice. Here after the doctors shall not be held responsible, if any patient or his relative/ friend/ anybody else approaches the doctor at his place of residence for the purpose of private practice, as the doctor may not be able to identify or recognize all of them and confirm whether the patient for whom consultation is sought is an in-patient of the hospital where he is serving. They may exhibit a notice to the effect that, non in-patient in the hospital where he is serving shall come for consultation at his residence.
10. Money should not be accepted for services rendered/proposed to be rendered in Government hospitals.
11. During duty hours doctors, should not engaged in private practice.
12. Doctors should not attend patients at private institutions
13. Any person having a complaint of violations of these guidelines by any Government doctor shall sent such complaints to DMO/ Principal of the Medical College or any higher authority of the concerned Department. Complaints of violations of these guidelines received by any other authority shall also be referred to DMO of the concerned Department/Principal of the concerned Medical College
14. All complaints received regarding violations of these guidelines shall be referred to a committee consisting of following members

At the District level

President, District Panchayat.
DMO/ Principal, Medical College
Superintendent of Police.

A senior doctor in the concerned specialty, who will be nominated by the District Collector in consultation with the DMO/ Principal. The DMO/ Principal will be in the Convener of the Committee.

At the State Level, there may be an Appellate Authority with the following members:

Principal Secretary, Secretary to Government Health & Family Welfare Department	:: Chairman
DHS/ DME/ Head of the Dept.	:: Convener
Director General of Police or His Nominee/ representative	:: Member
A Specialist Doctor in the Concerned Subject/ Speciality	:: Member

By Order of the Governor

Dr.VISHWAS MEHTA

Secretary to Government



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Establishment - Private practice by Government Doctors - Modified Guidelines - Issued.

HEALTH & FAMILY WELFARE (A) DEPARTMENT

G.O.(Ms)No.350/2023/H&FWD Dated, Thiruvananthapuram, 27-12-2023

Read G.O(MS) No.270/2005/H&FWD Dated 25.10.2005.

ORDER

Government as per the Order read above have issued guidelines for private practice of Medical Officers in Government Service in conformity with provisions under the Government Servants Conduct Rules, 1960. It has come to the notice of Government that despite the existing guidelines, several Medical Officers are violating these norms.

2) Government have reviewed the matter in detail and are pleased to issue the following further modifications :

a) In Serial No. 1 under Para No. 1 of the Government Order read above the word "in-patient" is modified and read as "in-patient / proposed to be an in-patient".

b) In Sl. No.3 under para 1 of the Government Order read above the words "his residence / consultation room" is modified and read as "the place where the medical officer usually resides".

c) The Medical Officer shall produce Residential Certificate issued by the Secretary of the Local Self Government concerned , when a complaint/investigation is held with respect to the building, where the private practice is being conducted.

3) The Guidelines in the Government Order read above will stand modified to the above extent.

(By order of the Governor)
A P M MOHAMMED HANISH

G.O.(Ms)No.350/2023/H&FWD

PRINCIPAL SECRETARY

To:

The Director of Medical Education, Thiruvananthapuram.
The Director of Health Services, Thiruvananthapuram.
The Director, Indian System of Medicine, Thiruvananthapuram.
The Director, Ayurveda Medical Education, Thiruvananthapuram.
The Director of Homoeopathy, Thiruvananthapuram.
The Principal, Government Homoeo Medical College,
Thiruvananthapuram.
The President, Kerala Government Medical Officers Association, Red
Cross Road, Thiruvananthapuram.
The General Secretary, Kerala Government Medical Officers
Association, Red Cross Road, Thiruvananthapuram.
President, Kerala Government Medical College Teachers Association.
The Director General of Police, Thiruvananthapuram.
The Director of Vigilance and Anti Corruption Bureau,
Thiruvananthapuram.
All District Collectors.
All District Medical Officers.
The Director of Public Relations Department, Thiruvananthapuram.
All Sections of Health & Family Welfare Department.
Stock File.
Copy to: The Private Secretary to Hon'ble Minister (Health)

Forwarded /By order

Section Officer



GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Health Services - Establishment - Private practice by Government Doctors - Modified Guidelines - Issued.

HEALTH & FAMILY WELFARE (A) DEPARTMENT

G.O.(Ms)No.214/2024/H&FWD Dated,Thiruvananthapuram, 31-08-2024

Read 1 G.O(MS) No.270/2005/H&FWD Dated 25.10.2005.

2 G.O(MS) No.350/2023/H&FWD Dated 27.12.2023.

3 Letter No.EH1 - 2243/2024/DHS dated 22.06.2024 from the Director of Health Services, Thiruvananthapuram.

ORDER

Government as per the Order read as 1st paper above have issued guidelines for private practice of Medical Officers in Government Service and made amendments as per Government Order read as 2nd paper above in conformity with provisions under the Government Servants Conduct Rules, 1960.

2)The Director of Health Services as per letter read as 3rd paper above recommended to review the norms of private practice and submitted proposal for revising the Government Orders read as 1st and 2nd papers above.

3) Government examined the proposal forwarded by the Director of Health Services and are pleased to make following amendments :

(a) Para (2) (a) of the Order read as 2nd paper is withdrawn and Sl. No.(1) under Para (1) of the Government Order read as 1st paper above is restored.

(b) Para 2) (b) of the Order read as 2nd paper above is modified as "Government doctors shall not conduct private practice in the premises within one kilometer radius of the hospital where the doctor is presently working except when practicing in their own house or in government quarters of the hospital where he/she is working. Government doctors shall not make private practice in buildings constructed for commercial purposes or in a place which is attached with laboratories, scanning centers, medical institutions and pharmacies".

(c) Para (2) (c) of the Order read as 2nd paper above is modified as "The Medical Officer shall produce any of the documents such as Aadhaar card, Latest Electricity Bill/ Water Bill / Telephone Bill or Latest Building Tax Receipt if the building is owned by him and he is residing at that building. If none of these document is available, the Residence certificate issued by the Local Self Government Institution concerned where the building is located has to be produced. If the Medical Officer is doing practice in a rented building, the rent agreement as per rules shall be produced at the time of inspection/inquiry".

(d) Sl. No.4 under Para 1 of the Order read as 1st paper above is modified as "The Medical Officer should use only a bare minimum of equipments and devices to diagnose the illness. But the use of dental chair and some minimal equipments are allowed in case of Dental Doctors" .

(e) A Notice Board shall be displayed in the front area of the private practice place, notifying the conditions stipulated in Sl. No. (8) under para (1) of the Order read as 1st paper above.

(f) The Medical officer should not send patients from their private practice

to Government institutions/place of work, for any services like getting injection, administration of medicine, suturing, cleaning and dressing or any of such kind. Also the Doctors should not utilize the medicines and other facilities in the Government Hospitals during their private practice.

(g) A doctor should not conduct private practice in more than one place.

(h) Government doctors should not advertise their qualification/s and private practice information through media/social media, advertisement boards etc. They can exhibit their name boards as per the Medical/ Dental council norms and they also should exhibit a notice board in the private practicing place to the effect that "The relatives/friends of in-patients in the Government Hospital that the doctor is serving shall not come for consultation" .

(i) The private practice should be confined to their private practice place itself and should not utilize the Government institution/s or its mechanism in any manner.

4) The Government Order read as 1st and 2nd paper above will stand modified to the above extent.

(By order of the Governor)

CHITHRA K DIVAKARAN

JOINT SECRETARY

To:

The Director of Medical Education, Thiruvananthapuram

The Director of Health Services Thiruvananthapuram.

The Director, Indian System of Medicine, Thiruvananthapuram

The Director, Ayurveda Medical Education, Thiruvananthapuram

The Director of Homoeopathy, Thiruvananthapuram

The Principal, Government Homoeo Medical College,

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The President, Kerala Government Medical Officers Association, Red

Cross Road; Thiruvananthapuram.
The General Secretary, Kerala Government Medical Officers
Association, Red Cross Road, Thiruvananthapuram
President, Kerala Government Medical College Teachers Association.
The Director General of Police, Thiruvananthapuram .
The Director of Vigilance and Anti Corruption Bureau,
Thiruvananthapuram.
All District Collectors.
All District Medical Officers.
The Director of Public Relations Department, Thiruvananthapuram
All Sections of Health & Family Welfare Department.
Stock File.

Copy to: The Private Secretary to Hon'ble Minister (Health)

Forwarded /By order

Signed by

Anupama G Nair

Date: 30-08-2024 17:08:11