

AS INTRODUCED IN LOK SABHA

Bill No. 159 of 2014

THE MEDICAL THERAPY PRACTITIONERS AND CLINICS
(REGULATION AND CONTROL) BILL, 2014

By

SHRIMATI SUPRIYA SULE, M.P.

A

BILL

to provide for regulation and control of medical therapy practitioners and medical therapy clinics in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Therapy Practitioners and Clinics (Regulation and Control) Act, 2014.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) 'Authority' means the Registration Authority for Registration of Practitioners and Clinics constituted under section 4; 5

(b) 'medical therapy' means medically directed therapy through physical agents including heat, cold, light, water, massage, electricity or manual exercises to persons with the aim of preventing or correcting any disability and includes occupational therapy;

(c) 'clinic' means any place used for carrying out any kind of medical therapy on human body for diagnosis and prevention or cure or any disability or disease; 10

(d) 'practitioner' means a person practicing medical therapy whose name has been entered in the Register of the Authority under section 4;

(e) 'Register' means the medical register maintained by the Authority under section 5; 15

(f) 'prescribed' means prescribed by the rules made under this Act.

Compulsory registration for practitioners and clinics.

3. (1) No person shall practice and no clinic shall permit medical therapy without prior registration with the Authority.

(2) Every practitioner and owner of every clinic shall apply to the Authority for registration of clinic within a period of thirty days from the date of coming into force of this Act. 20

Constitution of Registration Authority.

4. (1) **The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Registration Authority for Registration of Practitioners and Clinics.**

(2) **The Authority shall have its headquarter at New Delhi and may establish its regional offices at such places as it may deem necessary for the purposes of this Act.** 25

(3) **The Authority shall consist of a Chairperson and such other members being not less than six, to be appointed by Central Government in such a manner as may be prescribed.**

(4) **The Central Government shall appoint a Registrar of the Authority and make available such number of officers and staff as may be required for efficient functioning of the Authority.** 30

(5) **The salaries and allowances and terms and conditions of services of Chairperson, Registrar, officers and staff of the Authority shall be such as may be prescribed.**

Functions of the Authority.

5. The Authority shall—

(1) entertain application for registration from any individual who possess requisite qualification for practicing medical therapy and any owner who runs a clinic to provide medical therapy services to general public; 35

(2) maintain a Register of practitioners and clinics;

(3) inspect every registered clinic at least once in a year;

(4) **maintain a website to display names, addresses and other details of practitioners and clinics;** 40

(5) prescribe standards of professional conduct, etiquette and ethics for medical therapy practitioners;

(6) entertain complaints of misconduct against practitioners or clinics;

(7) investigate into the complaints and take necessary action against the practitioners or clinics, as the case may be; and

(8) perform such other functions in relation to practitioners and clinics as may be assigned to it by the Central Government.

5 **6. (1)** Where any practitioner or clinic, as the case may be, fails to comply with the provisions of this Act, the Authority shall cancel the registration of such practitioner or clinic. Cancellation of Registration.

10 (2) The Authority shall, before cancellation of registration under sub-section (1), give an opportunity of being heard to the practitioner or the clinic in the matter, as the case may be.

7. Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to three lakh rupees or with both. Penalty.

15 **8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money to the Authority, as may be necessary, for effective implementation of the provisions of this Act.** Central Government to provide fund.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act not in derogation of any other law.

20 **10. (1)** The Central Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.

25 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, 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 afore-said, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In recent years, there has been a sudden spurt in the number of medical therapy centres and clinics in the country. However, professionals such as individuals trained in therapeutic procedures such as physiotherapy, occupational therapy and others are not regulated by any law. Unlike the conventional medicine, where the conduct of the physicians and doctors are regulated by Medical Council of India Act, 1956 and the rights of the patients against medical negligence and malpractices governed by the Consumer Protection Act, the therapist professionals are not monitored by any legislation. A Government notification in 1998 included physiotherapists and occupational therapists under the Rehabilitation Council of India Act, 1992. However, a subsequent notification reversed that decision.

Advertisement and promises which are blatant lies are employed to take advantage of the ignorant patients. It is shocking to know that more than ninety per cent. of these services are not under the ambit of any medico-legal or tax law. It has a two-fold disadvantage, first there is no check over the quality of the services provided and second there is a huge loss to the exchequer in terms of undisposed income.

Since these therapists are also involved in treating children with special needs and senior citizens, it becomes all the more important to regulate these professionals. Recognising the grave situation, some States such as Madhya Pradesh, Delhi, Maharashtra and Himachal Pradesh have passed laws setting up State Councils to regulate physiotherapists and occupational therapists. However, no such regulation is available at the national level. Therefore, there is an urgent need to formulate a legal framework for the regulation of medical therapy practitioners and clinics in the country.

Hence this Bill.

NEW DELHI;
November 11, 2014

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of an Authority for registration of medical therapy practitioners and clinics. Clause 8 provides that the Central Government shall provide funds for the purposes of the Bill. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore Per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shrimati Supriya Sule, M.P.)