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as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR,
HEALTH AND MEDICAL EDUCATION DEPARTMENT.

Notification

Srinagar, the 3rd September, 1992.

SRO-206.—In exercise of the powers conferred by section 16 of the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Act, 1963 (Act No. XXXIX of 1963) the Government hereby make the following rules, the same having been previously published vide notification dated 14-11-1991:—

1. Short title.—(1) These rules may be called the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Rules, 1991.

2. Definitions.—In these rules unless there is anything repugnant to the subject or context—

- (a) "Act" means the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Act, 1963 (XXXIX of 1963);
- (b) "Form" means a form appended to these rules;
- (c) "Schedule" means the schedule appended to these rules.

3 Register.—The supervising authority shall maintain a register in Form 'A' showing the names of persons registered under section 4 of the Act.

4. Application for registration.—Every person intending to open, keep or carry on a nursing home or a clinical establishment shall make an application to the supervising authority in Form B at least 30 days before the date on which he intends to open, keep or carry on such nursing home or clinical establishment. Such applications shall be accompanied by the fee prescribed hereunder:—

I. Nursing Homes :

- (i) up to 10 beds Rs. 100/-
- (ii) 11-30 beds Rs. 200/-
- (iii) 31-50 beds Rs. 300/-
- (iv) Above 50 beds Rs. 400/-

II. Laboratories

Rs. 50/- each.

5. Grant of certificate of registration.—The supervising authority shall, if satisfied that there is no objection to registration, register the applicant and issue to him a certificate of registration in Form C.

6. Renewal of registration.—(1) An application for renewal of registration shall be made every year in advance in Form B in the month of January and shall be accompanied by the fee prescribed in rule 4;

Provided that if the applicant applies for the renewal of licence after its expiry but within 6 months of such expiry, an additional fee shall be payable as prescribed hereunder.

Rate of additional fees.

"*up to*".

I. Nursing Homes :

- (i) up to 10 beds Rs. 100/-

- (ii) 11-30 beds Rs. 200/-
- (iii) 31-50 beds Rs. 300/-
- (iv) Above 50 beds. Rs. 400/-

II. Laboratories Rs. 50/- each.

(2) On receipt of an application under sub-rule (1) the supervising authority shall, if satisfied that the application is in order, issue a fresh certificate of registration in Form C.

7. Conditions for grant or renewal of licence.—Before a licence is granted or renewed, the following conditions shall have to be fulfilled by the applicant:—

- (a) that the nursing home shall be carried on under the supervision of competent technical staff consisting at least of one person who is a full time employee and who is a qualified medical practitioner and shall be in accordance with the requirements mentioned in Schedule I;
- (b) that the real object of the nursing home or clinical establishment is to use it for social or moral purpose;
- (c) that the nursing home is under the charge of a qualified medical practitioner residing therein and the nursing of persons received and accommodated therein will be under the superintendence of a qualified nurse residing therein;
- (d) in the case of maternity home such maternity home is under the charge of a qualified nurse and that the attendance on every woman before at or after child birth or on any child born is or will be under the superintendence of a qualified nurse residing therein;
- (e) that for reasons connected with the situation, construction or accommodation, staffing or equipment, a clinical establishment is fit to be used as a clinical establishment;
- (f) that the clinical establishment shall be under the charge of trained technician from any recognised Government institution who shall be supervising the work of such establishment;
- (g) the laboratory shall possess minimum requirement of equipment mentioned in Schedule II;

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8. Transfer of ownership etc.—Immediately after the transfer of ownership, proprietorship or management of a nursing home or clinical establishment, the transfer and transferees shall jointly communicate the transfer effected to the supervising authority and the transferees shall make an application for registration in accordance with the provision of rule 4.

9. Change of address.—A keeper of the nursing home or owner of the clinical establishment shall intimate to the supervising authority any intention to change the address or situation in respect of which he is registered and he shall change the address or location, as the case may be, only after permission is accorded for such change by the supervising authority.

10. Change of staff.—Any change in the medical, nursing or mid-wifery staff together with the dates on which such changes have taken place shall be communicated to the supervising authority immediately and in any case not later than three days of such change.

11. Loss of certificate.—In the event of a certificate of registration being lost or destroyed, the holder may apply to the supervising authority for a fresh certificate and the supervising authority may if it thinks fit issue such certificate upon payment of a fee of Rs. 10/-. A certificate issued under this rule shall be marked 'Duplicate'.

12. Record of patients admitted or children born in the nursing-home. (1) The keeper of a nursing home shall keep:—

- (a) in Form 'D' a register of patients admitted into the nursing home;
- (b) a correct alphabetical index of the names of the patients admitted in the nursing home;
- (c) record of health of every patient containing the following information in addition to any other information that may be required by the supervising authority:—

(i) Year _____

(ii) Registration No. _____

(iii) Name _____ S/o D/o _____

(iv) Occupation _____

(v) Sex _____

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- (vi) Religion _____
- (vii) Age _____
- (viii) Date of admission _____
- (ix) Date of discharge _____
- (x) Disease _____ (International Code Name)
- (xi) Result _____
- (xii) Date _____

History & Diet.
treatment.

- (d) a record of every maternity case admitted into the nursing home and of every child delivered;
- (e) a record of all the miscarriages, abortions and still births occurring in the nursing home.

(2) Where the register referred to in clause (a) of sub-rule (1) relates to a woman who has been admitted for delivery and where a child born to such woman is removed with the consent of the keeper of a nursing home and of the parents or mother, to the care of a person other than its father, mother, guardian or relative, the keeper of such nursing home shall, in addition to the particulars specified in sub-rule (1) also specify in the register the name and address of such person and the date on which and the consideration for which the child was so removed.

13. Intimation of death, abortion or miscarriage occurring in nursing home.—(1) If any death occurs in a nursing home, the keeper of the nursing home shall within twenty-four hours from the occurrence of the death furnish the following information in respect of such death to the supervising authority together with any other information that may be required by it and to the Medical Officer of Health having jurisdiction over the area in which a nursing home is situated:—

- (i) Date of the death.
- (ii) Name of deceased (in block letters).
- (iii) Name of father or of the husband of the deceased (in block letters).
- (iv) Male or female.
- (v) Age of the deceased.

(vi) Occupation of the deceased.

(vii) Cause of death.

(2) If any abortion or miscarriage occurs in a nursing home, the keeper of the nursing home shall report about such occurrence to the supervising authority and the Medical Officer of the Health Department, having jurisdiction over the area in which such nursing home is situated, without causing any delay.

14. Appeal.—(i) Under sub-section (3) of section 6 of the Act, memorandum shall be presented by the appellant or his agent to the Special Tribunal in person or be sent by registered post addressed to the Special Tribunal and shall be accompanied by a fee of Rs. 50/-.

(ii) Each memorandum shall be accompanied by a certified copy of the order appealed against and such of the documents as may be required to support grounds of the memorandum.

15. Inspection of nursing homes and clinical establishments.—Any officer of the Health Department not below the rank of Block Medical Officer and any officer of the Drugs and Food Organisation not below the rank of Deputy Controller may inspect a nursing home or clinical establishment to conduct an inspection as provided under section 7 of the Act.

By order of the Government of Jammu and Kashmir.

(Sd) VIJAY BAKAYA, I. A. S.,

Commissioner/Secretary to Government,
Health and Medical Education Department.

(7)

FORM 'A'

(See rule 3)

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Register showing names of persons registered under section 4 of the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Act, 1963.

Name (in full) of the applicant	Full address of the applicant	Nationality of the applicant	Name and other particulars of the nursing home/clinical establishment in respect of which the applicant is registered
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1	2	3	4
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Place where the nursing home/clinical establishment is situated	Total number of patients for the nursing home		Number and date of registration	Date of renewal of registration
	Maternity patients	other patients		
5	6	7	8	9

FORM 'B'

(See rules 4 & 6)

Application for registration/renewal of registration under
section 4 of the Jammu and Kashmir Nursing
Homes and Clinical Establishments (Registration
and Licensing) Act, 1963.

The replies to be written
in this column.

1. Full name of the applicant.
2. Full residential address of applicant.
3. Technical qualifications, if any, of the applicant.
4. Nationality of the applicant.
5. Situation of the registered or principal office of the Company, Society, Association or other body corporate.
6. Name and other particulars of the nursing home in respect of which the registration is applied for.
7. Place where the nursing home is situated.

*In case the application is made on behalf of a Company, Society, Association or other body corporate, the name and residential address of the person in charge of the management of such Company, Society, Association or body corporate should be given. This item is applicable only when the application is made on behalf of a Company, Society, Association or other body corporate.

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Form 'B' (Contd.)

The replies to be written
in this column.

8. Brief description of the construction, size and equipment of the nursing home/clinical establishment or any premises used in connection therewith as detailed below :—
- (i) Floor space of bed-rooms provided for patients giving number of beds.
 - (ii) Arrangements made for medical check-up and immunization of the employees.
 - (iii) Floor space of kitchen, servant's room and other rooms giving details of user and area of each room.
 - (iv) Details of arrangements made for sanitary convenience for patients and employees giving their numbers.
 - (v) Details of arrangements made for storage and service of food.
9. Whether the nursing home or any premises used in connection therewith are used or are to be used for purposes other than that of carrying on a nursing home.
10. (a) Number of beds for maternity patients.
- (b) Number of beds for other patients.
11. Names, ages and qualifications of the members of the nursing staff in the nursing home.

Form 'B' (Contd.)

The replies to be written
in this column:

12 Place where the nursing staff
is accommodated.

13. Names, ages and qualifications
of the resident or visiting
physicians or surgeons in the
nursing home.

*14. (a) Whether the nursing home
is under the supervision of
qualified medical practitioner
or a qualified nurse, and if
so, his or her name, age and
qualifications.

(b) Proportion of the qualif-
ied and unqualified nurses on
the nursing staff.

**15. (a) Whether the nursing home
is under the supervision of a
qualified nurse or midwife and
if so, her name, age and
qualifications.

(b) Whether any unregis-
tered medical practitioner or
unqualified midwife is employ-
ed for nursing any patient
in the nursing home.

18. Whether any person of alien
nationality is employed in the
nursing home and if so, his
name and other particulars.

*The queries made in this item should be answered only
when the nursing home is a non-maternity or mixed home (i. e.
home having maternity and non-maternity wards). In the case of
a mixed home, the queries should be answered with reference to
the non-maternity ward.

**The queries made in this item should be answered only
when the nursing home is a maternity or mixed home (i. e. home
having maternity and non-maternity wards). In the case of a
mixed home the queries should be answered with reference to the
maternity ward.

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Form 'B' (Concl'd.)

The replies to be written in this column.

17. Fees charged from patients.

18. Whether the applicant is interested in any other nursing home or business and, if so, the place where such nursing home is situated or where such business is conducted.

*19. No. and date of expiry of the certificate of registration.

I solemnly declare that the above statements are true to the best of my knowledge and belief.

Date

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Signature of the applicant.

*This item is applicable when the application is made for renewal of registration.

FORM 'C'

(See rule 5)

Certificate of Registration under section 4 of the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Act, 1963.

No.

This is to certify that Shri/Smt. _____ has been registered under the Jammu and Kashmir Nursing Homes and Clinical Establishments (Registration and Licensing) Act, 1963, in

respect of _____ situated at _____
(Here insert the name of the Nursing Home/Clinical Establishment) and has been authorised to carry on the said nursing home/clinical establishment.

Registration No.

Date of registration.

Place

Date of issue of certificate.

This certificate of registration shall be valid up to 31st March, 19_____

(Here insert the name of Local Supervising Authority).

Signature of the registering authority.

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FORM 'D'

(See rule 12)

Register of patients admitted to ----- Nursing Home.

S. No.	Reference No. of patients	Full name and address of patient.	Date of admission	Nature of disease at the time of admission.	Nature of the patient suffered from an infectious disease during his stay in the home the nature of such disease and action taken.
1	2	3	4	5	6

Additional particulars to be filled in respect of maternity cases.

Date and hour of delivery, miscarriage or abortion as the case may be.	Sex of the child whether born alive or dead.	The name and address of persons attending to delivery.	Method of feeding each child in the home and the period
7	8	9	10
In case of death of patient or child, the date and hour of death.		Date of discharge of the patient from the home.	Remarks.
11		12	13

SCHEDULE—I

(See rule 7)

Requirements of nursing homes :—

(a) Location and surroundings. — The nursing home shall be situated in a place having clean surroundings and shall not be adjacent to an open sewer, drain or public lavatory or to a factory emitting smoke obnoxious odour.

(b) Building. — (i) The building used for the nursing home shall comply with the relevant municipal bye-laws in force from time to time.

(ii) The rooms in the nursing home shall be well ventilated and lighted and shall be kept in clear and hygienic conditions. Arrangements shall be made for cooling them in summer and heating them in winter.

(iii) The walls of the labour room and operation theatre up to a height of four feet from the floor shall be of such construction as to render it water proof. The flooring shall be such as not to permit retention of accumulation of dust. There shall be no chinks or crevices in the walls or floors.

(iv) Aseptic conditions shall be maintained in labour room and the operation room.

(v) Adequate arrangements shall be made for isolating septic and infection cases.

(c) Space accommodation for the patient etc. — (i) The floor space in nursing home shall be 120 square feet for one bed and additional 80 square feet for every additional bed in the room.

(ii) Labour room/operation theatre shall be provided with minimum floor space of 180 square feet.

(iii) A duty room shall be provided for the nursing staff on duty.

(iv) Adequate space for storage of medicines, food articles, equipments etc. shall be provided.

(d) Water supply — The water used in the nursing home shall be pure and of drinkable quality.

2. Health, clothing and sanitary requirements of staff:—

- (i) The staff employed shall be free from contagious disease and shall be provided with clean uniforms suitable to the nature of their duties.
- (ii) The workers shall be medically examined at the time of employment and periodically so examined thereafter. The workers shall be inoculated against enteric and cholera.

3. Equipment and linen etc.—The nursing home shall provide and maintain:—

- (i) Adequate number of commodes, bed pans and soap sinks with flushing arrangements;
- (ii) High pressure sterilizer and instrument sterilizer;
- (iii) Oxygen cylinder and necessary attachment for giving oxygen;
- (iv) Apparatus for transfusions;
- (v) Adequate equipments, instruments and apparatus;
- (vi) Adequate quantity of bed sheets, mattresses, pillows, blankets, draw sheets and other linens; and
- (vii) An almirah under lock and key for poisons.

4. Food.—If the nursing home provides diet to the patients it shall be prepared and served in hygienic conditions.

5. Nursing staff.—One nurse shall be on duty at all times for every ten beds or a fraction thereof in the nursing home. Provided that a part of nursing staff may be substituted with the prior approval of the supervising authority by other trained staff like midwife, pharmacist, dressers etc. according to the specific needs of the nursing home.

6. Records.—Separate stock registers shall be maintained by the nursing home for (a) equipment (b) instruments and (c) linen.

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SCHEDULE—II.

(See rule 7)

1. Colorimeter.
2. Microscope.
3. Centrifuge Machine.
4. Heomoglobino meter complete.
5. Incubator.
6. Hot air oven.
7. Refrigerator.
8. W. B. C. & R. B. C. counting chamber.
9. FSR stand C Westergreen Pipettes.
10. Dressing Drum.
11. Auto Clave.
12. Sterilizer.
13. Water bath.
14. Slide tray (Steel).
15. Differential calculator.
16. Water tank/wash basin.
17. Balance.
18. Test tube stand.
19. Test tube.
20. Pipettes.
21. Dropper.
22. PH meter.

(Sd.) R. L. ZUTASHI,

Under Secretary to Government,
Health and Medical Education, Department.