

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 29
TO BE ANSWERED ON 2ND FEBRUARY, 2024**

OVERCHARGING BY PRIVATE HOSPITAL

29. SHRI KULDEEP RAI SHARMA:

DR. SUBHASH RAMRAO BHAMRE:

SHRIMATI SUPRIYA SULE:

DR. DNV SENTHILKUMAR S.:

DR. AMOL RAMSING KOLHE:

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

- (a) whether the Government's attention is drawn towards excessive amounts being charged from patients by the private hospitals while giving treatment;
- (b) if so, the number of complaints received against such private hospitals for charging excessive amounts for treatment of patients;
- (c) the number of such cases registered against the private hospitals in the country during the last three years in the State of Maharashtra, Tamil Nadu and Andaman & Nicobar Islands and the action taken against such private hospitals;
- (d) whether the Government has taken any steps to curb exploitation of people while taking treatment from private hospitals and if so, the details thereof;
- (e) whether the Government has taken measures to monitor the business activities of such hospitals operating in small cities and towns across the country; and
- (f) if so, the details thereof and if not, the reasons therefor and other necessary steps taken/proposed to be taken in this regard?

ANSWER

**THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY
WELFARE
(PROF. S.P. SINGH BAGHEL)**

(a) to (f) As per constitutional provisions, 'Health' is a State subject. It is the responsibility of respective State / UT Governments to take cognizance of cases of excessive amount being charged by private hospitals while giving treatment and take action to prevent and control such practices. Complaints, as and when received, are forwarded to the concerned State/UT Government, which regulate the hospitals as per the provisions of Acts and Rules applicable in the concerned State/UT. Details of such complaints, however, are not maintained centrally.

The Government of India, however, has enacted The Clinical Establishments (Registration and Regulation) Act, 2010 (CE Act) and notified Clinical Establishments (Central Government) Rules, 2012 thereunder to provide for registration and regulation of Government (*except* those of Armed Forces) as well as private hospitals belonging to

recognized systems of medicine (i.e. Allopathy, Yoga, Naturopathy, Ayurveda, Homoeopathy, Siddha and Unani System of medicines, or any other system of medicine as may be recognised by the Central Government). The States / UTs which have adopted the CE Act are primarily responsible for regulating their hospitals including private hospitals as per provisions of the Act and Rules thereunder to ensure provision of affordable and quality healthcare to patients. As per the Act, 2010, the private hospitals are required to fulfil the conditions of minimum standards of facilities and services, minimum requirement of personnel, maintenance of records and reports and other conditions including ensuring compliance to Standard Treatment Guidelines issued by the Central / State Government and display of rates charged by them at a conspicuous place. This Act is empowered to take actions including imposing penalties in respect of violation of its provisions through a registering authority at District level under the chairmanship of District Collector / District Magistrate.

The Central Government has already advised all States / UTs for adoption of 'Dos and Don'ts' of the Charter of Patients' Rights and Responsibilities (As approved by National Council for Clinical Establishments) displayed at the weblink (<http://clinicaestablishments.gov.in/WriteReadData/3181.pdf>) so that fundamental grievances and concerns of patients are addressed while ensuring smooth and cordial environment in hospitals. As per the Charter, the patient has the right to choose source for obtaining medicines or tests and the hospitals should not force the patients to purchase the medicines from the hospital pharmacies, and if they are able to get medicines from outside at lower price/cost, that should be acceptable.

Under the CE Act, for registration and continuation, every hospital is, *inter-alia*, required to fulfil the following conditions among others:

- i) Display the rates charged for each type of service provided and facilities available in the local as well as in English language at a conspicuous place for benefit of the patients.
- ii) Ensure compliance with Standard Treatment Guidelines issued by the Central/State Government. So far Standard Treatment Guidelines for 227 medical conditions in Allopathy, 18 conditions in Ayurveda and 100 conditions in Siddha, have been issued.
- iii) Charge the rates for each type of procedure and service within the range of rates determined and issued by the Central Government in consultation with the State Government. For this, a standard list of medical procedures and standard template for costing have been finalized and shared with the States / UTs where the Act is applicable.

As on date, the CE Act has been adopted by 12 States, *namely* Arunachal Pradesh, Assam, Bihar, Himachal Pradesh, Jharkhand, Mizoram, Rajasthan, Sikkim, Uttar Pradesh, Uttarakhand, Haryana, Telangana and 7 Union Territories (all except Delhi). The implementation and monitoring of the provisions of the CE Act is within the ambit of the respective State Government/UT Administration.
