



To study the compliances of Licenses required in Non-Clinical department

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Introduction

A Hospital requires different licenses and permits to open in India. It is better to adhere to the governing laws in order to avoid legal complications in the future. Hospitals can primarily be of two types- government or private. Further, they can be general, speciality or multispecialty hospitals. Following are the Licenses for Non-Clinical department which one needs to keep in mind and set in place for setting up a private hospital in India. In today's legal landscape, commencing a private practice as a health care service provider be it a small Clinic, individual practice, diagnostic services, a single specialty hospital or multi-specialty hospital attracts licensing and compliance requirements. As a first step, before starting a Clinic/ hospital, it is imperative for you to become aware of the various legal requirement.

Objectives

- To study which licenses are required to establish a hospital?
- To understand what are the compliances of Non-Medical Department Licenses.
- To understand what are the mandatory requirements to get a license for Non-Medical Department

Methodology

- A Descriptive Qualitative study using Secondary data for Licenses in Non- Medical was carried out in Shalby Hospital Jaipur under the guidance of Deputy CAO for a period of one month.
- He is responsible for the validation of Licenses whether it's Clinical or Non-Clinical. Under his guidance it was understood what are the different licenses which are required in a Non-Clinical Dept .
- All dept. were physically visited and crossed checked for all the compliances with the respective Head of the Dept. through which it was understood that each and every compliances are followed up and properly maintained and which are the additional compliances that need to get followed up.

List of licenses

LICENSE/CERTIFICATE	ISSUING AUTHORITY	SOURCE OF DATA COLLECTION
Registration under Clinical Establishment Act	CMHO	https://rajasthan.gov.in/
Registration under Shops and Establishments Act	Dept. of Labour	https://labour.rajasthan.gov.in/
Bio-Medical Waste Management	Rajasthan State Pollution Control Board	https://environment.rajasthan.gov.in/
Consent Under Water (Prevention and Control of Pollution)Act	Rajasthan State Pollution Control Board	https://environment.rajasthan.gov.in/
Consent Under Air (Prevention and Control of Pollution)Act	Rajasthan State Pollution Control Board	https://environment.rajasthan.gov.in/
Authorization under Hazardous Waste (Management and Handling Rules, 1989).	Rajasthan State Pollution Control Board	https://environment.rajasthan.gov.in/
Employee Provident Fund	Dept. of Labour	https://www.epfindia.gov.in/
PAN		
Fire (NOC)	Municipal Corporation Fire Station, Nagar Nigam	https://urban.rajasthan.gov.in/
Canteen / F&B License	FSSAI	https://www.fssai.gov.in/
Rectified Spirit and ENA	District Excise Officer	https://rajexcise.gov.in/
DG License	Energy Dept.	https://energy.rajasthan.gov.in/
NOC for Height Clearance	Airport Authority of India	https://nocas2.aai.aero/

CLINICAL ESTABLISHMENT ACT

COMPLIANCES

- Each patient shall undergo an initial assessment by qualified and/or trained Personnel.
- The ward should have designated areas for nursing station, doctors' duty room, store, clean and dirty utility, janitor room, toilets and this shall be provided from circulation area.
- Waste management guidelines shall be followed in the case of Mercury & other toxic materials as per applicable local laws
- Prescription shall include name of the patient, date, name of medication, dosage, route, frequency, duration, name, signature and registration number of the medical practitioner in legible writing

Penalties

- No one can run a clinical establishment without registration monetary penalty would be imposed in case, a clinical establishment is being run without registration
- First contravention - up to Ten thousand rupees
- Second contravention - up to Fifty Thousand rupees
- Any subsequent contravention - may extend to five lakh rupees.
- If a Clinical establishment fails to pay fines imposed, it would be recovered as an arrear of land revenue. The clinical establishment may be shut down by district administration.

WATER, AIR, HAZARDOUS

WASTE, BMW

- BMW Rules 1998, Water and Air Prevention Act and Hazardous Waste i.e., 1974 & 1981, 1989 should be followed
- Consent to establish (let's call it CTE) will have to be obtained prior to commencement of construction
- Hospital bar-code system should be established within 1 year of establishment.
- Hospital shall maintain record of collection, Segregation, Treatment of BMW to CBWTDF submitted to HO & Regional office quarterly.

PENALTIES:

- As Per Rule 25(2) Of the Hazardous Waste (Management, Handling, and Trans boundary Movement) Rules, 2008- If there is any violation of provisions under the rules laid by the State Pollution Control Board, an occupier and the operator must be liable to pay financial penalties as levied.
- As Per Section 15 of the Environment (Protection) Act, 1986 Section 15 of the Environment (Protection) Act, 1986, lays down a provision for penalty for contravention of any provisions of the Act and the Rules, orders, and directions issued thereunder.
- For imprisonment for the term of 6 months which further may extend to 5 years or,
- With fine which may extend to one lakh rupees, or with both.
- In case the contravention continues, then an additional fine will be levied which may be extended to Rs, 5,000 for every day during such failure or contravention continues after failure or contravention of first conviction.

FSSAI LICENSE FOR F&B

- FIFO norms to be followed for raw material, ingredients, finished products
- The manufacturer/ importer/ distributor shall buy and sell food products only from, or to, licensed/ registered vendors and maintain record thereof .
- License granted in Form C should be displayed at prominent place in the premises all the time.
- Alternatively, regular testing through an accredited lab.

Penalties

- Food quality not in compliance with act-2 Lakh Petty manufacturer – 25,000/-
- Sub-standard food-5 Lakh
- Misbranded Food-3 Lakh
- Misleading advertisement or false description-10 Lakh
- Extraneous matter in food-1 Lakh
- Failure to comply with Food safety officer direction-2 Lakh
- Unhygienic processing or manufacture-1 Lakh

Fire

- Ramps, Horizontal exits; and Fire tower should be present.
- Patient lifts should be provided with enough room for transporting a stretcher trolley.
- Adequate Fire Fighting system across Hospital i.e., sprinklers, extinguishers, hydrants (NBC guidelines)
- Bare minimum quantities of flammable material such as chloroform, ethyl alcohol, spirit, etc. shall be allowed to be stored and handled.
- Any area exceeding 500 m² shall be divided into compartments by fire resistant walls and One electric & one diesel pump of capacity 2280 lpm and one electric pump of capacity 180 lpm need to install.

Penalties

- In case of delay a fine of Rs 5000 must be paid.
- In case of delay of renewal of license, a fine of Rs 5000 per day has to be paid.
- In case of any kind of NC building can be shut done by the Municipal Corporation.

RECOMMENDATIONS:

- According to the Clinical Establishment act Emergency Ward should be placed at Ground floor but in the hospital, it is present in the basement floor.
- Ramp should be present as an alternative option in case of fire emergencies which is not there in the Hospital.
- Food Waste Composting Machine should be there so that any waste can be turned into useable fertilizer.
- Segregation of waste should be done at the point of generation in colour coded bags.
- Metal Detector should be used for Frisking at the entrance level.
- GPS tracker should be installed in all Ambulance as per the RTO.
- Location of CSSD should be either on the brink of OT or should be connected to OT with safe & quick transfer mechanism, like dumbwaiters and therefore the direction should be Unidirectional.
- Screening of parasites and Salmonella typhi should be done every 6 month and whenever a staff re-joins after taking 15 days or more leave. For other tests annual check-ups are often done.

CONCLUSION

From the study conducted on the Compliances of Non-Clinical Licenses it is understood that it is very important for a Hospital to follow all the legal protocols, if they are not following it, it may lead to NC of that dept. also renewal of all the Licenses should be done on time as it will reduce the chances of paying a fine or a penalty. Also, Compliances are very important for a hospital as it tells the overall Quality Standard of that Hospital the compliances should not only be maintained while taking a License or renewal of a license it should be maintained throughout the Hospital is run as it is for the betterment of the Hospital ,also the Patients are attracted to a Hospital which provides proper Quality Standards, and which are Accredited to NABH & JCI. If in near future Shalby Hospital, Jaipur extends its Scope of Services(like – Organ Transplant, Blood Bank etc) it must follow many Compliances to get their MOU's or Certification. Though there are multiple services which are offered by Shalby hospital Jaipur, and it is Accredited to NABH but it in near future it goes for JCI Accreditation it must work on its Quality Standard so that the quality of treatment provided by them can be enhanced whether it is infrastructure or scope of the services.



THANK YOU