

Government of Jammu and Kashmir
Civil Secretariat; Health and Medical Education Deptt.

Subject: - OWP (PIL) No. 60/2006 and OWP No. 191/2006 titled Shri G. M. Khan Vs. State and others.

Government Order No. 349 - HME of 2006
D A T E D: 17.05.2006

In pursuance of directions of the Hon'ble High Court in OWP (PIL) No. 60/2006 and OWP No. 191/2006 titled Shri G. M. Khan Vs. State and others the registration of the Nursing Homes/Diagnostic establishments shall be under-taken after inspection by the Committee as under: -

For cities of Srinagar/Jammu.

1. Dy. Director, Health Services, Srinagar/Jammu.
2. Asstt. Director, (Health Services).
3. Medical Supdt./SMHS/SMGS.
4. A representative nominated by Director, ISM not below the rank of ADMO in respect of Unani/Ayurvedic Institutions.

The Committee will include the Specialist of Health/Medical Colleges in respect of specialties involved in registration of particular centre to be nominated by Director, Health Services/Principal, Government Medical Colleges.

For Districts

1. Chief Medical Officer.
2. Med. Supdt. of District Hospitals.
3. Senior most specialist in the District for concerned specialty.
4. ADMO of concerned District in respect of Unani/Ayurvedic Institutions.

For centres where specialists are not available in the District the same shall be included from Govt. Medical Colleges/Director, Health Services.

The Inspection Committee shall certify and furnish a report to the effect that the Nursing Home/Diagnostic Establishment/Clinical establishment fulfills the criteria as per the norms and only those establishments shall be registered who fulfills these prescribed norms.

In respect of Dental Clinics the inspecting authority will be nominated by the State Dental Council.

By order of the Government of the Jammu and Kashmir.

Sd/-

(Sonali Kumar)
Prpl. Secretary to Government
Health & Med. Education Department

No. HD - NUGS/2006-21
Copy to the: -

Dated: 17.05.2006

1. Id. Advocate General, J&K State, Srinagar.
2. Id. Addl. Advocate General, J&K State, Srinagar.
3. Director, SKIMS, Soura
- 4A - 4. Principal, Govt. Medical College, Jammu/Srinagar.
5. Director, Health Services, Jammu/Kashmir
6. Director, ISM, Srinagar.
7. Pvt. Secretary to Hon'ble Chief Minister.
8. Pvt. Secretary to Chief Secretary.
9. Pvt. Secretary to Prpl. Secretary to Hon'ble Chief Minister.
10. Pvt. Secretary to Prpl. Secretary to Govt. Health and Med. Education Department.
11. Legal Section.
12. Govt. Order File (w.3.s.c)

Additional Secretary to Government
Health and Medical Edu. Department

Government of Jammu and Kashmir
Civil Secretariat, Health and Medical Education Deptt.

Subject: - OWP (PIL) No. 60/2006 and OWP No. 191/2006 titled Shri G. M. Khan Vs. State and others.

Government Order No. 368-HME of 2006
D A T E D: 17.06.2006

Pursuant to the directions of the Hon'ble Divisional Bench of J&K High Court in the above titled case, the following guidelines/ norms as contained in Annexure-"A" to this order are prescribed for registration of Nursing Homes/Hospitals/Diagnostic Centres/Laboratories and Dental Clinics.

The intending persons are directed to apply to the supervisory authority viz Director, Health Services, Jammu/Kashmir /J&K State Dental Council within a period of 10 days from the publication of the guidelines for registration of their establishments. The prescribed application forms will be available in the offices of Director, Health Services, Jammu/Kashmir against the cash payment of Rs. 50/-. In respect of Dental Clinics same shall be available with Principal, Dental College, Srinagar/Jammu.

By order of Government of the Jammu and Kashmir.

Sd/-
(Sona Ji Kumar)
Prpl. Secretary to Government
Health & Med. Education Department

No. - HD - Drugs/2006-21
Copy to the:-

Dated: 17.06.2006

1. Ld. Advocate General, J&K State, Srinagar.
2. Ld. Addl. Advocate General, Srinagar.
3. Director, SKIMS, Soura
4. Principal, Govt. Medical College, Jammu/Srinagar.
5. Director, Health Services, Jammu/Kashmir
6. Director, ISM, Srinagar.
7. Pvt. Secretary to Hon'ble Chief Minister.
8. Pvt. Secretary to Chief Secretary
9. Pvt. Secretary to Prpl. Secretary to Hon'ble Chief Minister.
10. Pvt. Secretary to Prpl. Secretary to Govt. Health and Med. Education Department.
11. Legal Section.
12. Govt. Ord. (W.3.s.c)

Additional Secretary to Government
Health and Medical Education Department

DENTAL CLINICS/ESTABLISHMENTS

Registration of Dental Clinics/Establishments

The State Dental Council will register such Dental Clinics, Dental Laboratories & Extra-oral Dental X-ray Units in the State with following basic requirements to be adopted by each such dental clinic/establishment.

A. Dental Clinic

1. Dental Chair Unit with accessories like good illumination, basic cutting tools, spittoon and inlet/outlet water connection.
2. Facilities for complete & comprehensive sterilization should be available in the clinic with modern methods of sterilization. Autoclave / Hot Air Oven, Electrical sterilization & Chemical sterilization.
3. Complete & comprehensive instrumentation for:-
 - i). dental extractions;

- ii). Basic instrumentation for fillings of different types & Oral Prophylaxis.
 - iii). Basic instrumentation for clinical Prosthodontic procedures.
4. Material: Basic dental materials required for different dental procedures.
 5. Disposable methods shall be adopted wherever applicable like disposable syringes, gloves & face masks etc. Needle destroyer /burner should be available.
 6. A Dental Clinic shall be well aerated, well illuminated, spacious with minimum space as 8'x10'.
 7. Waiting room well aerated, well illuminated, neat & clean.
 8. A qualified Dentists shall have at least one helping hand in his/her dental clinic.
 9. Registered Dentists attending 1000 & above patients per month shall be required to obtain clearance from Pollution Control Board.

10. Registered Dentists who engage more than 4 auxiliaries employees shall have his/her clinic registered with Labour Department as well.
11. Life saving /emergency drugs should be available in the clinic.

B. Dental Laboratories

1. Dental Laboratory can be established by a registered Dental Graduate with BDS & above qualification / by a registered Dental Mechanic.
2. A Dental Mechanic should have passed the Dental Mechanic Course from a recognized institution.
3. A Dental Mechanic running the Laboratory should be registered with the State Dental Council.
4. A Dental Mechanic running Dental laboratory shall not have Dental Unit in his/her lab and he/she shall not attend to the patients or practice dentistry.

5. Minimum basic equipment required for making or repairing dentures and dental appliances shall be available in the lab.
6. A Dental Laboratory shall be well aerated, well illuminated, spacious with minimum space as 10'x12'.

C. DENTAL HYGIENIST

In no case a Dental Hygienist can establish dental clinic or practice dentistry. He/she can only work under a qualified/registered Dentist.

D. RADIOGRAPHY IN DENTISTRY

Intra-Oral X-ray units in dentistry in recent times have become an important accessory with most of the dental chair units and the x-ray units of this nature is of very low intensity. It is only 10mA as compared to 100-500 mA general purpose machines. Such intra-oral X-ray units can not be registered as a separate entity. X-ray establishments engaged in dental radiographic procedures like OPG & extra-oral radiographs can be registered as a separate entity by the State Dental Council. Basic minimum requirement for such procedures will be

same as is in the case of other x-ray establishments. However, in such x-ray establishment dentistry can not be practiced.

General Rules & Regulations for Registration Dental Clinics/Establishments.

01. All such Dental Establishments which includes Dental Clinics/ Dental Laboratories/ Extra-Oral Dental X-ray units , presently run by registered/qualified persons shall have to register their clinics/establishments.
02. Registered/qualified persons wanting to establish a new Dental Clinic/establishment shall have to register their clinics before starting such Dental Clinics/establishments.
03. State Dental Council shall be the Registering Authority to register all Dental Clinics/ Dental Laboratories/ Extra-Oral Dental X-ray units in the State of J&K.
04. Registered/qualified operators of Dental Clinics/ Dental Laboratories/ Extra-Oral Dental X-ray units shall apply on prescribed form with prescribed fee to State Dental

Council for registration of their clinics/establishments.

05. **Eligibility:-**

a). Dentists registered with State Dental Council shall be eligible to apply for registration of his/her Dental Clinic.

b). Registered Dentists/qualified Dental Mechanics shall be eligible to apply for registration of his/her Dental Laboratory.

c). Registered Dentist/ Registered Radiologist/qualified X-ray Technician with diploma in radiography shall be eligible to apply for registration of his/her Extra-oral Dental X-ray Unit.

06. State Dental Council shall send a team of Inspectors who shall verify & report to State Dental Council about the infrastructure, manpower & other facilities/requirements available as per the minimum norms proposed above.

07. State Dental Council if satisfied with the report shall issue a registration certificate to the eligible persons.
08. Dental Clinics/establishments already being run by the registered Dentists & not fulfilling the minimum prescribed norms at the time of first registration shall be given three months time to make up the deficiencies. A provisional registration certificate shall be issued to such Dental Clinics/establishments in the first instance. If they fail to make up the deficiencies at the end of prescribed time action may be initiated as per rule 9 of these rules.
09. State Dental Council shall seal the clinic if the basic minimum prescribed facilities are not available till such time the deficiencies pointed out are not met.
10. Unregistered Dental Clinics established by unqualified/unregistered persons shall be confiscated by the State Dental Council and shall be the property of State Dental Council

who can auction the same & the money so raised shall go the account of the State Dental Council.

11.
= State Dental Council shall also initiate legal action against unregistered/unqualified persons as per Dentist Act, 1948 & Jammu & Kashmir State Dental Council Rules, 2004 .
12. Registered Dentists involved in group practice shall have to register their clinic with name of all registered dentists practicing in that clinic.
13.
✓ Appointment of Inspectors for surveillance in different areas of the State to check the illegal & unregistered Dental Clinics/establishments be done by the State Dental Council from time to time or as it deems fit to such surveillance.
14. State Dental Council shall publish in local dailies the name alongwith address of the dental clinics/establishments confiscated by it for information of the general public.

15. Registration shall remain valid for three years and shall be renewed on payment of prescribed fee .
16. The money raised through registration/renewal fee shall be maintained under a separate account by the State Dental Council.
17. The money so raised shall be utilized by the council for carrying out the additional functions proposed herein.
18. Inspectors shall be paid remuneration for the job & also TA/DA as per prescribed norms by the State Dental Council.
19. The Certificate of registration of Dental Clinic/establishment shall be signed by the Registrar/Secretary of the council.
20. Under no circumstances any registered/qualified persons shall be allowed to sublet his/her Dental Clinic/ Dental Laboratory/ Extra-Oral Dental X-ray unit to any un-registered/un-qualified person. In the event of anybody found violating this rule,

his/her Dental Clinic/ Dental Laboratory/ Extra-Oral Dental X-ray unit shall be confiscated & his/her registration shall be cancelled forthwith.

21. If the name of any dentist is removed from the State Dentists Register under section 41 (1) (i), his/her clinical registration shall be deemed to have got cancelled.
22. If it comes to notice of the Council that the Inspector so appointed has falsely/intentionally submitted wrong report/information, the matter shall be referred to the Vigilance Organization/Crime Branch.
23. The Bio-Medical waste generated in such establishments will be disposed off scientifically as per Bio-Medical Waste (Management and Handling) Rules of 1998. Such establishments will also seek authorization from J&K State Pollution Control Board.

While there will be no compromise on the quality of services to be provided in the urban, rural and semi-urban areas. However the registration/renewal fee which will vary in urban and rural areas and it will be as follows: -

- a. Registration Fee
- b. Renewal Fee

a. Registration Fee

The registration fee will be deposited alongwith application for registration by the applicant. In order to encourage the creation of infrastructure in the rural areas, the fee will be charged in three categories: -

1. Fee for Health care establishments in cities of Jammu and Srinagar.
2. Fee for health care establishments at District Headquarters.
3. Fee for health care establishments at rural areas (other than District Headquarters).

The Registration fee for the different Health Care institutions will be as under: -

Type of facilities.	Jammu/ Srinagar Cities.	District Headquarters	Rural areas (Other than Distt; Headquarters
Nursing Homes upto 50 beds	Rs.10,000/-	Rs.7500/-	Rs.5000/-
Nursing Homes more than 50 beds	Rs.20,000/-	Rs.15,000/-	Rs.10,000/-
Laboratories			
Clinical Lab.	Rs.3000/-	Rs.2000/-	Rs.1000/-
Specialized Lab.	Rs.5000/-	Rs.4000/-	Rs.3000/-
X-Ray Clinic	Rs.3000/-	Rs.2000/-	Rs.1000/-
Specialized Radio Diagnostic Centre	Rs.10,000/-	Rs.8,000/-	Rs.5,000/-
Ultra-Sound Clinic	Rs.5000/-	Rs.3000/-	Rs.2000/-
Specialized Procedural Centres	Rs.5,000/-	Rs. 3,000/-	Rs.2000/-
a. Calth .Lab	Rs. 20,000/-	Rs.15,000/-	Rs.10,000/-
Physiotherapy Centre	Rs.5000/-	Rs.3000/-	Rs.2000/-
Rehabilitation Centre	Rs.5000/-	Rs.3000/-	Rs.2000/-
Eye Clinic	Rs.3000/-	Rs.2000/-	Rs.1000/-
Eye Clinic With O.T.facility.	Rs.10,000/-	Rs.7,500/-	Rs.5000/-
Dental Clinic	Rs.5,000/-	Rs.3000/-	Rs.2000/-

- i. Dental Lab. & Dental Radiography will be treated at par with the Lab and X-Ray Clinic.
- ii. The Collection Centres will be treated at par with the Clinic Lab. and they shall have the qualified staff and proper infrastructure.

b. Renewal Fee;

The registered health care institutions will have to deposited the renewal fee every three years and the health authorities will be at liberty to inspect these institutions any time in the year.

The renewal fee structure every three years will be as under: -

Type of facilities.	Jammu/ Srinagar	District Headquarters	Rural areas (Other than Distt; Headquarters
Nursing Homes upto 50 beds	Rs.5,000/-	Rs.3,500/-	Rs.2500/-
Nursing Homes more than 50 beds	Rs.10,000/-	Rs.7,500/-	Rs.5,000/-
Laboratories			
Clinical Lab.	Rs.2500/-	Rs.1500/-	Rs.1000/-
Specialized Procedural Centres	Rs.2,500/-	Rs. 1,500/-	Rs.1000/-
a. Calth .Lab	Rs. 10,000/-	Rs.7,500/-	Rs.5,000/-

Specialized Lab.	Rs.4000/-	Rs.2500/-	Rs.1500/-
X-Ray Clinic	Rs.2500/-	Rs.1500/-	Rs.1000/-
Specialized Radio Diagnostic Centre	Rs.5,000/-	Rs.4,000/-	Rs.2,500/-
Ultra-Sound Clinic	Rs.2,500/-	Rs.1500/-	Rs.1000/-
Physiotherapy Centre	Rs.2,500/-	Rs.1500/-	Rs.1000/-
Rehabilitation Centre	Rs.2500/-	Rs.1500/-	Rs.1000/-
Eye Clinic	Rs.2500/-	Rs.1500/-	Rs.1000/-
Eye Clinic With O.T.facility.	Rs.5,000/-	Rs.3,500/-	Rs.2,500/-
Dental Clinic	Rs.2,500/-	Rs.1,500/-	Rs.1000/-

Fee Structure for the Govt. doctors who are allowed private practice.

Doctors working in the govt. sectors who are allowed to do private practice after duty hours will be regulated as follows:-

S.No.	Category	Fee (Rupees)
1	Assistant Surgeons with MBBS/BDS	Rs.50/-
2.	Assistant Surgeons with PG and above qualification / Lecturer	Rs.75/-
3.	B-Grade Spl. / Asstt.	Rs.100/-

GENERAL CONDITIONS;

1. Un-authorized /illegal Health Care Establishments/quacks;

The functionaries of department of health Director, HS, Srinagar/Jammu/ Dy. Director, HS, Srinagar/Jammu/CMO's/ BMO's/officers authorized from time to time and Director, ISM (for specialties like Auryeda, Unani, Homeopathy, Sidha, Yoga, etc.), will be empowered to take the punitive action against the defaulters like: -

- a. Doctors registered for one system of medicine and prescribing the medicine of other system of medicines.
- b. Un-qualified persons (quacks) practicing medicine in various forms.
- c. Un-registered Clinics/establishments.
- d. Institutions registered for one purpose and are performing other health care activities for which they are not registered.

Principals of Govt. Medical Colleges, Jammu/Srinagar and Medical Supdts. of Associated

Hospitals Srinagar/Jammu shall be empowered to take punitive action against the defaulters working in their jurisdiction on reference.

The following punitive actions will be initiated: -

- i) De-registration.
- ii) Closure/sealing of Institutions under rules.
- iii) Action under Section 420 of IPC.

If the health care functionaries mentioned above, notice any un-authorized/un-registered/quack doing any type of medical practice shall take help of the concerned Police Station to restrain such person/institution from such activity and initiate action under rules.

2. The Health care establishments will be inspected by Health authorities periodically (at-least once in a year) for verification of the prescribed standards/ norms.

3. The Nursing Homes/Private Hospitals/Health Care establishments will participate in National Health Programmes on the request of the Health authorities.
4. The Health care establishments will follow the provision of various enactments already in existence like Organ Transplantation Act, Drugs and Cosmetics Act, MTP Act, PNDT Act and so on.
5. The Clinics/Consultation Chambers, where procedures/interventions are carried out by doctors will have to get their clinics registered. They will ensure the safety of the patients during such procedures and adhered to the prescribed standards in terms of instruments/equipments, life saving drugs, infrastructure and other safety norms. The registration and renewal fee of such clinics will be on the patron of X-Ray Clinic/Eye Clinic/General Lab.
6. No registration /renewal certificate will be issued unless the owner produced clearance from Income Tax Department for last three years.
7. The Nursing Homes/Clinical Establishments will maintain regular bill books/receipt books which should be available 24 hours to the Inspecting Team.

8. Professional Service Tax or any other tax wherever applicable by the Sale Tax Department should be charged and no objection certificate should be obtained from them.
9. All charitable Institutions getting subsidy from the Central /State Government should adhere to the prescribed norms by way of keeping a provision for free service to 25% of the patients attending to the Institutions.
10. Every Nursing Home/Private Hospital should tie up with one of the registered Blood Bank for the purposes of safe blood transfusion and charges for the same should be fixed and displayed in bold.
11. The certificate of Registration of the Nursing Home/Clinical Establishment, having its registration Number and date of validity shall be displayed prominently.

**APPLICATION FORM FOR REGISTRATION OF DENTAL
CLINICS/ESTABLISHMENTS**

(Enclose photocopies of all requisite documents.)

1. Name of the clinic: _____
2. Name of the Dentist(s) _____
3. State Dental Council Regn. No. _____
4. Qualification:- _____
Year of passing B.D.S _____
Year of Passing M.D.S. _____
5. Residential Address _____
6. Clinical Address: _____
7. Owned/Rented (enclosed Rented Deed if rented) _____
8. Telephone Nos:
a). Residential _____ b). Clinic _____ c). Mobile _____
9. Consultation Hours: _____
10. Description of Clinic _____
11. Main Operatory _____
12. Waiting room _____
13. List of Equipments: _____
14. List of Instruments _____
15. List of materials _____
16. Auxillary staff with name : _____
17. Pollution Certificate if applicable _____
18. Registration Certificate of State Labour Department if applicable.

**Space for
photograph.**

DECLARATION

The information given by me in this form and enclosures is true and correct to the best of my knowledge and I have not concealed or misrepresented any facts. In the event of anything found false I undertake that I shall be personally responsible for the consequences whatsoever.

Signature of the Applicant.

Inspection Report of State Dental Council.

APPLICATION FORM FOR REGISTRATION OF DENTAL LABORATORY
(Enclose photocopies of all requisite documents.)

1. Name of the Lab : _____
2. Name of the Dental Surgeon/ Dental Mechanic:

3. State Dental Council Regn. No. as Dentist/
Dental Mechanic: _____
4. Qualification:-
Year of passing B.D.S (if applicable) _____
Year of Passing M.D.S (if applicable) _____
Year of passing of Dental Mechanic course in case of Mechanics: _____
5. Residential Address _____
6. Address of the Lab: _____
7. Owned/Rented (enclosed Rented Deed if rented) _____
8. Telephone Nos:
a). Residential _____ b).Clinic _____ c).Mobile _____
9. Working Hours : _____
10. Description of Lab _____
11. Main Operatory _____
12. List of Equipments: _____
13. List of Instruments _____
14. List of materials _____
15. Auxiliary staff with name : _____
16. Pollution Certificate if applicable _____
17. Registration Certificate of State Labour Department if applicable.

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Inspection Report of State Dental Council,

APPLICATION FORM FOR REGISTRATION OF DENTAL LABORATORY
(Enclose photocopies of all requisite documents.)

1. Name of the Lab : _____
2. Name of the Dental Surgeon/ Dental Mechanic:

3. State Dental Council Regn. No. as Dentist/
Dental Mechanic: _____
4. Qualification:-
Year of passing B.D.S (if applicable) _____
Year of Passing M.D.S (if applicable) _____
Year of passing of Dental Mechanic course in case of Mechanics: _____
5. Residential Address _____
6. Address of the Lab: _____
7. Owned/Rented (enclosed Rented Deed if rented) _____
8. Telephone Nos:
a). Residential _____ b). Clinic _____ c). Mobile _____
9. Working Hours : _____
10. Description of Lab _____
11. Main Operatory _____
12. List of Equipments: _____
13. List of Instruments _____
14. List of materials _____
15. Auxiliary staff with name : _____
16. Pollution Certificate if applicable _____
17. Registration Certificate of State Labour Department if applicable.

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Signature of the Applicant.

Inspection Report of State Dental Council.
APPLICATION FORM FOR REGISTRATION OF DENTAL X-RAY UNIT
(Enclose photocopies of all requisite documents.)

1. Name of the X-ray Unit: _____
2. Name of the Dental Surgeon/ Radiologist/ X-ray Technician: _____
3. State Dental Council Regn. No. as Dentist: _____
4. Qualification:-
Year of passing B.D.S (If applicable) _____
Year of Passing M.D.S. (If applicable) _____
Year of passing of radiology course:- _____
5. Residential Address _____
6. Address of the Lab: _____
7. Owned/Rented (enclosed Rented Deed if rented) _____
8. Telephone Nos:
a). Residential _____ b).Clinic _____ c).Mobile _____
9. Working Hours : _____
10. Description of X-ray Establishment _____
11. Main Operatory _____
12. Capacity of the X-ray Unit: _____
13. Waiting room _____
14. List of Equipments: _____
15. List of Instruments _____
16. List of materials _____
17. Auxiliary staff with name: _____
18. Pollution Certificate if applicable _____
19. Registration Certificate of State Labour Department if applicable.

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