



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Medical Practitioners  
(Amendment) Bill, 2008**

(Bill No. 12 of 2008)

<sup>AS</sup>  
(~~To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM-GOA  
MARCH, 2008

# The Goa Medical Practitioners (Amendment) Bill, 2008

(Bill No. 12 of 2008)

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BILL

to amend the Goa Medical Practitioners Act, 2004  
(Act 9 of 2004)

5 Be it enacted by the Legislative Assembly of  
Goa in the Fifty-ninth Year of the Republic of India,  
as follows:—

1. *Short title and commencement.*— (1) This  
Act may be called the Goa Medical Practitioners  
(Amendment) Act, 2008.

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

15 2. *Amendment of section 2.*— In section 2 of  
the Goa Medical Practitioners Act, 2004 (Act 9 of  
2004) (hereinafter referred to as the "principal  
Act"), (i) after clause(f), the following clause shall  
be inserted, namely:—

20 "(ff) "diagnostic Centre" means any  
premises including the precincts thereof  
wherein the diagnosis of symptoms to decide  
the cause or nature of disease in humans is  
carried on with aid of instruments or  
equipments under the supervision of a  
qualified person deemed for that particular  
investigation;"

(ii) after clause (o), the following clause shall be inserted, namely:-

“(oo) “pathological Laboratory” means any premises including the precincts thereof wherein scientific investigations of human blood, excreta, urine, tissue, other body fluids, etc., is carried out to find the aetiology/ /causes/nature of the disease with the aid of instruments/equipments under the supervision of a qualified Pathologist;”.

3. *Amendment of section 3.*— After section 3 of the principal Act, the following section shall be inserted, namely:-

“3A. *Diagnostic Centre, Pathological Laboratory to be licenced.*— On and from the date of coming into force of the Goa Medical Practitioners (Amendment) Act, 2008, no person shall establish, run or maintain a Pathological Laboratory or a Diagnostic Centre in the State of Goa except under and in accordance with the terms and conditions of a licence granted under the provisions of this Act and the rules made thereunder:

Provided that any person in charge of or entrusted with, the management or running of a pathological laboratory or diagnostic centre, in operation before the commencement of the Goa Medical Practitioners (Amendment) Act, 2008, shall also apply for a licence to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time, within a period of one year from such day as

may be notified by the Government in this behalf and pending orders thereon, may continue to run such pathological laboratory or diagnostic Centre subject to the provisions of this Act.”.

4. *Amendment of section 5.*— In section 5 of the principal Act, after the words “or dentistry” and before the words “in the State of Goa”, the expression “or every person desiring to establish or run or maintain a Diagnostic Centre or Pathological Laboratory” shall be inserted.

5. *Amendment of section 7.*— In section 7 of the principal Act, (i) after clause (c), the following clauses shall be inserted, namely:-

“(d) whether the premises housing the pathological laboratory and diagnostic centre is adequately suitable, hygienically or otherwise;

(e) whether the pathological laboratory and diagnostic centre is adequately staffed with qualified medical practitioners, pathological technicians, paramedical and other technical staff, as the case may be, and conforms to the specified standards concerning laboratories, instruments or equipments and other facilities;

(f) whether the facility for disposing bio-medical waste as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 2003, is available;”;

(ii) existing clause (d) shall be renumbered as clause (g) thereof.

6. *Amendment of section 13.*— In section 13 of the principal Act,

(i) for the words "private doctor", wherever they occur, the expression "private doctor or pathological laboratory or diagnostic centre" shall be substituted; 5

(ii) in sub-section (2), for the words "said doctor", the expression "said doctor or person in charge of pathological laboratory or diagnostic centre" shall be substituted. 10

7. *Amendment of section 14.*— In section 14 of the principal Act, in sub-section (1), for the words "private doctor", the expression "private doctor or person in charge of pathological laboratory or diagnostic centre" shall be substituted 15

8. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1), for the word "five", the words "twenty five" and for the word "ten", the words "fifty", shall be substituted.

9. *Amendment of section 18.*— In section 18 of the principal Act, in sub-section (2) in clause (b) for the expression "sections 3 and 5", the expression "sections 3, 3-A and 5" shall be substituted. 20

### Statement of Objects and Reasons

There are number of private Hospitals/Nursing Homes/Pathological Laboratories/Diagnostics Centres in operation in the State of Goa. Most of these Hospitals/Nursing Homes are registered with the Association of Private Nursing Homes, Goa. Pathological Laboratories and Diagnostic Centres is around approximately 80.

This legislation is intended not only to recognize Pathological Laboratories and Diagnostic Centres, but also to have effective control over them so that they conform to the prescribed minimum standards of the cleanliness, hygiene etc. in the interest of the patient care.

This Bill seeks to achieve the above objects.

### Financial Memorandum

There are no financial implications involved on the part of the Government. On the contrary, some revenue will be generated by way of imposition of fines for contravening any of the provisions of the Act.

### Memorandum regarding delegated legislation

Clause 3 of the Bill empowers the Government to frame the rules as regards the establishment, running or maintenance of Pathological laboratory or Diagnostic Centre. Further, said clause 3 also empowers the Government to frame rules to specify the form of a Application for license, the manner of Application and the fees to be paid by

a Laboratory or Diagnostic Centre in operation before the commencement of this Act.

Clause 3 further empowers the Government to notify the date within which the application shall be made.

These delegations are of normal character.

Porvorim-Goa  
21st March, 2008.

VISHWAJIT RANE  
Minister for Health

Assembly Hall,  
Porvorim-Goa  
21st March, 2008

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.

A N N E X U R E

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Extract of the section, 2, 3, 5, 7, 13, 14, 15  
and 18 of the

Goa Medical Practitioners Act, 2004 (Act 9 of 2004)  
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Section 2

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

- (a) "appointed day" means the date on which the provisions of this Act shall come into force;
- (b) "appellate authority" means any person or persons or authority appointed by the Government to perform the functions of appellate authority under this Act, and different persons or authorities may be appointed to perform different functions;
- (c) "Central Government" means the Government of India"
- (d) "competent Authority" means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act, and different persons or authorities may be appointed to perform different functions;
- (e) "dentist" means a dentist as defined under the Dentists Act, 1948 (Central Act 16 of 1948);
- (f) "dentistry" shall have the meaning assigned to it under the Dentists Act, 1948 (Central Act 16 of 1948);
- (g) "emergency" means the situation when the patient requires immediate medical assistance, which, if not provided promptly, may endanger his life or cause permanent damage;
- (h) "Government" means the Government of Goa;

- (i) "Government doctor" means a medical practitioner or a dentist who is in employment of the Government/Central Government or any Undertaking owned and controlled or managed by such Government;
- (j) "inspecting authority" means the authority appointed by the competent authority for the purpose of this Act;
- (k) "licence" means a licence granted under the provisions of this Act;
- (l) "medicine" means modern scientific medicine in all its branches including surgery and obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha System of medicine, but not including veterinary medicine and surgery;
- (m) "medical practitioner" means a person who is qualified and engaged in the practice of modern scientific medicine in any of its branches including Surgery and Obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha System of medicine, but not including Veterinary medicine/surgery, and registered in the State of Goa under the law in force for the registration of medical practitioners;
- (n) "medical treatment" means treatment in medicine or dentistry given by a qualified and registered medical practitioner or dentist;
- (o) "Official Gazette" means the Government Gazette;
- (p) "private doctor" means a medical practitioner or a dentist who is not a Government doctor;
- (q) "prescribed" means prescribed by rules framed under the provisions of this Act;
- (r) "register" means a register of medical practitioners prepared and maintained under this Act;

### Section 3

3. *Doctors to be licensed.*— On or after the appointed day, no doctor shall establish a clinic or hospital or nursing home or practice medicine or dentistry in the State of Goa, except under and in accordance with the terms and conditions of a licence granted under the provisions of this Act and the rules made thereunder:

Provided that the doctor already having a clinic or hospital or nursing home or practicing medicine or dentistry immediately before the appointed day shall also apply for a licence to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time, within a period of one year from such day as may be notified by the Government in this behalf, and pending orders thereon, may continue to run such clinic or hospital or nursing home or practice medicine or dentistry subject to the provisions of this Act.

*Explanation.*— No Government doctor can apply for a licence nor shall he be entitled for such a licence under the provisions of this Act and the rules made thereunder for so long as he remains in Government service.

### Section 5

5. *Application for licence.*— Every private doctor desiring to establish, run or maintain a clinic or hospital or nursing home or practice medicine or dentistry in the State of Goa shall make an application to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time.

### Section 7

7. *Factors to be taken into account in disposing of application.*— In disposing of an application under

section 6, the competent authority shall have regard to the following factors:-

- (a) whether the private doctor is holding the qualifications prescribed by a statute or an enactment or allied laws in any system of medicine/dentistry recognized by the Government/Central Government and is registered with the Medical Council of India/ Dental Council of India or the Goa Medical Council/Goa Dental Council or the Goa Board of Indian System of Medicine and Homoeopathy;
- (b) whether the place where private practice is carried on is hygienically suitable and conforms to the minimum standards as prescribed under section 4;
- (c) where the private doctor has more than one place of private practice, whether all such places conform to the norms as specified in clause (b) above;
- (d) such other factors as may be prescribed.

### Section 13

13. *Inspections.*— (1) The competent authority or the inspecting authority may at any time, visit a private doctor to verify as to whether the provisions of this Act and the conditions of the licence are being duly observed.

(2) If, as a result of such inspection, any defects or deficiencies are noted, the competent authority or the inspecting authority, as the case may be, may, by order, direct the private doctor to remedy the same within such time as may be specified in the order. Thereupon, the said doctor shall comply with every such direction and submit a compliance report to the competent authority, or the inspecting authority, as the case may be.

### Section 14

14. *Default.*— (1) If any private doctor willfully obstructs or prevents a free access for inspection, the competent authority, after receiving such information, and after giving the concerned person an opportunity of being heard, may, by order, impose a fine which may extend to rupees two thousand.

(2) The fine imposed shall be paid within a period of fifteen days from the date of the order referred to in subsection (1). In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the law for the time being in force.

(3) In case of defaults exceeding two in a year, the competent authority may suspend the licence for a maximum period of 90 days.

### Section 15

15. *Penalty.*— (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder or the terms and conditions of a licence, shall be liable, on conviction, to payment of fine of rupees five thousand for the first such offence, and fine of rupees ten thousand and/or imprisonment of six months for every subsequent offence.

(2) An offence under this Act shall be cognizable.

### Section 18

18. *Rules.*— (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters:-

- (a) the minimum standards referred to in section 4;

- (b) the form and manner of application and fees under section 3 and 5;
- (c) conditions subject to which licence may be granted under section 6;
- (d) other factors to be taken into account under section 7;
- (e) the form and manner of application and fees under section 10;
- (f) the manner of preferring appeal and fees for appeal under section 12;
- (g) any other matter required to be prescribed.

Assembly Hall,  
Porvorim-Goa  
21st March, 2008

R. KOTHANDARAMAN  
Secretary to the Legislative  
Assembly of Goa.