

The Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982

(Ordinance NO. IV OF 1982)

[27th May, 1982]

An Ordinance to regulate medical practice and functioning of private clinics and laboratories.

WHEREAS it is expedient to regulate medical practice and functioning of private clinics and laboratories;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) “Director-General” means the Director-General of Health Services, Government of the People's Republic of Bangladesh;

(b) “medical practice” includes 1[* * *] surgical operation, conduction of labour, pathological or radiological examination and any other medical examination or service;

(c) “prescribed” means prescribed by rules made under this Ordinance;

(d) “private clinic” means a clinic, hospital or nursing home, by whatever name called, owned by any person, other than the Government, where patients are admitted and kept for treatment;

(e) “private laboratory” means a laboratory or clinic, by whatever name called, owned by any person, other than the Government, where tests, investigations or examinations, including X-ray and electrocardiogram, are held for diagnosis or clinical purposes;

(f) “recognised additional medical qualification” means any medical qualification included in the Third Schedule to the Medical and Dental Council Act, 1980 (XVI of 1980);

(g) “registered medical practitioner” means a person registered or provisionally registered as such under the Medical and Dental Council Act, 1980 (XVI of 1980);

(h) “Schedule” means a Schedule to this Ordinance.

Charges and fees in private clinics

²[3. The maximum charges and fees that may be demanded in a private clinic or private laboratory for surgical operations, conduction of labour, electrocardiogram, pathological or radiological examinations and other medical examinations or services, as the case may be, shall be such as are specified in Schedule 'A':

Provided that these charges and fees shall not apply in the case of patients who are not Bangladeshis.]

Prohibition of private medical practice during office hours

4. No registered medical practitioner in the service of the Republic shall carry on private medical practice during office hours.

Maintenance of Chambers

5. Every registered medical practitioner carrying on private medical practice shall maintain a chamber in a hygienically sound condition with necessary facilities for the examination of patients and a room for the waiting of patients and their attendants.

Maintenance of registers, etc.

6. (1) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall maintain a register showing the names and addresses of the patients.

(2) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall issue receipts in printed form for the charges and fees realised from the patients and preserve the counterfoils of such receipts for inspection.

Display of charges and fees

7. Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall prominently display in the chamber, clinic or laboratory, as the case may be, a list of charges and fees that may be ³[demanded by him or it.]

Licence to establish private clinic

8. No person shall establish a private clinic without a licence under this Ordinance.

Conditions for licence

9. No licence for establishing a private clinic shall be issued unless the following conditions are fulfilled, namely:-

(a) there is proper accommodation with hygienic environment for the patients;

(b) there is at least eighty square feet of floor space for each patient;

(c) there is an air-conditioned operation theatre;

(d) there are such essential equipments as are specified in Schedule B;

(e) there are adequate supply of life-saving and essential medicines;

(f) there are such number of full-time registered medical practitioners, nurses and other staff as are specified in Schedule C;

(g) there are specialists for the operation, treatment and supervision of patients.

**Application
for licence**

10. (1) Any person intending to establish a private clinic shall apply in the prescribed form to the Director-General for a licence.

(2) The owner of a private clinic already in existence shall, on or before the 30th June, 1982, apply in the prescribed form to the Director-General for a licence.

(3) The Director-General may, on receipt of an application under sub-section (1) or (2), make such enquiries as he considers necessary, and shall grant the application, if he is satisfied that the conditions for running a clinic as mentioned in section 9 have been fulfilled, or, by order, reject it, if he is not so satisfied.

(4) If the Director-General grants the application, he shall issue, in the prescribed form, a licence to the applicant.

(5) A private clinic already in existence shall close down after the 30th June, 1982, unless an application for a licence has been made under sub-section (2).

(6) Where an application for a licence made under sub-section (2) is rejected, the clinic shall close down after the expiry of thirty days from the date of receipt of the order of such rejection and if an appeal against such order is preferred under section 12, and such appeal is rejected, the clinic shall close down on the date of receipt of the order of such rejection.

**Inspection,
etc.**

11. (1) The Director-General or any officer authorised by him in this behalf may inspect any chamber of a registered medical practitioner or a private clinic or private laboratory to see if the provisions of this Ordinance are being followed.

(2) If on such inspection it is found that the registered medical practitioner or the owner of the clinic or laboratory has contravened or failed to comply with any provision of this Ordinance, the Director-General may,-

(a) in the case of a registered medical practitioner, recommend to the Government to debar him from carrying on private medical practice;

(b) in the case of a clinic, by order, cancel the licence in respect thereof:

Provided that no such licence shall be cancelled unless the owner of the clinic has been given an opportunity of showing cause against such cancellation;

(c) in the case of a laboratory, recommend to the Government to close down the laboratory.

(3) If, upon consideration of a recommendation made under sub-section (2), the Government decide to take the action recommended, it may, by order,-

(a) in the case of a registered medical practitioner, debar him from carrying on private medical practice for such period as it may specify;

(b) in the case of a laboratory, close it down:

Provided that no such action shall be taken unless the registered medical practitioner or as the case may be, the owner of the laboratory has been given an opportunity of showing cause against such action.

Appeal and review

12. (1) Any person aggrieved by an order of the Director-General may, within thirty days from the date of receipt of the order, prefer an appeal to the Government.

(2) Any person aggrieved by an order of the Government may within thirty days from the date of receipt of the order, make a petition to the Government for review of the order.

(3) The decision of the Government on an appeal or a petition for review shall be final and shall not be called in question in or by any Court.

Penalty

13. (1) If any registered medical practitioner or any owner of a private laboratory contravenes any provision of this Ordinance, he shall be punishable with fine which may extend to five thousand Taka, and the Court,

while convicting such owner may order forfeiture to the Government of all or any of the movable property in the laboratory.

(2) If any owner of a private clinic contravenes any provision of this Ordinance, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand Taka, or with both, and the Court, while convicting such owner, may order forfeiture to the Government of all or any of the movable property in the clinic.

Cognizance

14. No Court shall take cognizance of an offence under this Ordinance except on a complaint in writing made by the Director-General or an officer authorised by him in this behalf.

Power to amend Schedules

15. The Government may, by notification in the official Gazette, amend the Schedules from time to time.

Power to make rules

16. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

¹ The words and comma “medical consultation,” were omitted by section 2 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984)

² Section 3 was substituted by section 3 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984)

³ The words “demanded by him or it” were substituted for the words “demanded under this Ordinance” by section 4 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984)