

THE MEMBERS OF THE KERALA LEGISLATIVE ASSEMBLY (MEDICAL FACILITIES) RULES, 1994

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RULES

1. *Short title and commencement.*-(1) These rules may be called the Members of the Kerala Legislative Assembly (Medical Facilities) Rules, 1994.

(2) They shall be deemed to have come into force on the 1st day September, 1992.

2 *Definition.*-In these rules, unless the context otherwise requires,

(a) "Authorised Medical Attendant" means the medical attendant appointed under rule 3;

(b) "Cost of treatment" means and includes all or any of the expenditure incurred by a Member during the course of treatment of the illness or the medical attendance of himself or that of any of the members of his family towards the charges of, any drug, essential vitamin preparation or injection, any medicine, pill or potion, any asava, arishta or the like, any choorna, mezhugu or the like or any payment made for consultation, nursing or cleaning or any pathological, bacteriological or radiological test or any other laboratory or paramedical test including biopsy or any kind of medical investigation or the cost of any disposable needle, syringe, surgical cotton or any device or facilities required for the convenience or safety of the Member or any of the members of his family during medical treatment or medical attendance or charges of any surgery or any human organ or skin or cornea purchased for transplantation or the cost of Oxygen, blood dialysis or of any such service or the charges of any artificial limb, artificial teeth or artificial eye ball purchased for the use of a Member or any of the members of his family, the rent paid for any payward, room or bed of a Government or Private Hospital or asylum during the course of treatment of the illness or convalescence of a Member or any of the members of his family, or the hire charges of ambulance or any other charges duly certified by the Authorised Medical Attendant or any medical practitioner or other person as having been incurred by a Member for himself; or for any of the members of his family for treatment of illness or medical attendance;

(c) "Government Hospital" means a hospital belonging to the State Government where medical treatment is given in any system of medicine including naturopathy or a Government institution where counselling for mental health is undertaken;

(d) "Medical practitioner or other person" means a medical practitioner whose name is registered in the register maintained by any medical council in India or abroad or a Dentist whose name is registered in the register maintained by any Dental Council in India or abroad and includes a person who practices by tradition any of the systems of medicine like Ayurveda, Sidha, Marma, Visha, Unani, Naturopathy, Homoeopathy or a Physiotherapist

whether of the modern system of medicine or that of the Indian systems of Medicine or a qualified Counsellor in mental health but does not include an occultist;

(e) "Member" means a member of the Kerala Legislative Assembly and includes the Ministers, the Speaker, the Deputy Speaker, the Leader of Opposition and the Chief Whip;

(f) "Member of the Family" means the wife or husband, children including adopted children and step children and parent wholly dependent on the Member;

(g) "Private Hospital" means any hospital other than Government Hospital where medical treatment is given in any system of medicine including naturopathy or an institution where counselling for mental health is undertaken by a qualified counsellor for mental health,

3. *Appointment of Authorised Medical Attendant.*-(1) the Government shall in consultation with the speaker appoint a Medical Officer not below the rank of an Assistant Professor having Post Graduate Degree in Medicine and working in the clinical wing of a Medical College as the Authorised Medical Attendant of the Members and the Members of their families.

(2) The Authorised Medical Attendant shall be present in the room made available to him in the Legislators' Hostel, Thiruvananthapuram between the hours of 4 p.m. and 5 p.m. on days when the Assembly is in session for consultation by the Members and members of their family. He shall also be available for consultation during non-session period by appointment outside his normal working time.

(3) The medicines, dressing materials and other equipments required by the Authorised Medical Attendant for treatment of the Members and the members of their family shall be supplied from the Medical stores of the Medical College Hospital, Thiruvananthapuram.

(4) The Superintendent, Medical College Hospital, Thiruvananthapuram shall depute a Nurse and an Attender working in the clinical branch of that hospital to assist the Authorised Medical Attendant,

(5) The Authorised Medical Attendant, the Nurse and the Attender shall be given such Remuneration as may be fixed by the Government from time to time, in lieu of the additional work done by them under these rules.

4. *Government to open a temporary dispensary in the Legislature Secretariat Buildings when the Assembly is in session.*-(1) When the Assembly is in session the Government shall open a temporary dispensary in the Legislature Secretariat Buildings to meet the urgent medical requirements of the Members.

(2) During the days of sittings of the Assembly the Principal, Medical College Hospital, Thiruvananthapuram shall depute a Medical Officer not below the rank of an Assistant Professor having Post Graduate Degree in Medicine and working in the clinical branch of that College to the dispensary referred to in sub rule (1)

(3) The Director of Health Services shall,

(a) depute a nurse and a warden to the dispensary; and

(b) supply necessary medicines and other equipments required for the dispensary.

5. *Every member and members of his family entitled to free medical treatment in Government hospitals.*-(1) Every Member and members of his family shall be entitled to free medical treatment in any Government Hospital and to free medical attendance by any medical practitioner or other person in the service of the Government and accordingly no fee or other charges shall be realised from a Member or the members of his family towards the cost of medical attendance or medical treatment made available to such member or the members of his family in a Government Hospital.

(2) Notwithstanding anything contained in sub rule (1) if any expenditure towards the cost of treatment or medical attendance is incurred by a Member for the treatment or for the medical attendance of himself or any of the members of his family in a Government Hospital such cost of treatment or medical attendance shall be reimbursed to him in full.

6. *Every member and members of his family entitled to medical treatment in private hospital in the State at the expense of Government.*-(1) Every Member and the members of his family shall be entitled to medical treatment in any private hospital or institution in the State, and like-wise to medical attendance by any practitioner or other person other than those in the service of the Government, at the expense of the Government.

(2) The expenditure towards the cost of treatment or medical attendance incurred by a Member for himself or for any of the member of his family under sub rule (1) shall be reimbursed to him in full.

7. *Medical treatment or medical attendance outside the State but within India.*-(1) If,

(a) the Authorised Medical Officer; or

(b) a medical officer in any system of medicine belonging to a District hospital or a Collegiate hospital who is the head of the clinical branch in which a Member or any of the members of his family is treated or getting medical attendance; or

(c) a medical practitioner who has acquired a Post Graduate Degree in Medicine and not less than ten years of practical experience in medical treatment and who is working in a reputed private hospital in which there are facilities for specialised medical treatment or consultation; is of opinion that specialised medical treatment in the clinical branch in which the Member or any of the members of his family required the medical treatment or medical attendance is not well developed in the State or that in the interest of his safety or for securing the best and advanced specialised treatment it is necessary for him to take the treatment in a hospital outside the State but within India he may receive medical attendance by any medical practitioner or other person or medical treatment in the respective system of medicine from any hospital outside the State but within India at the expense of the Government.

(2) If a Member or any of the members of his family contracts illness while staying at a place outside the State, he is entitled to medical attendance by any medical practitioner or other person or medical treatment in any hospital outside the State but within India at the expense of the Government.

8. *Medical attendance or medical treatment abroad.*-If the condition, of a Member or his or her spouse undergoing medical treatment in a hospital or receiving medical attendance from any registered medical practitioner or other person within the State or outside the State but within India, is such that the Director of the System of Medicine in which he is undergoing medical treatment in the State or, as the case may be, the head of the medical institution from which he is receiving medical treatment or medical attendance from outside the State is of opinion that in the interest of his safety and for securing the best and advanced specialised treatment and for his speedy recovery it is essential for him to take treatment in a hospital or receive medical attendance by any medical practitioner or other person abroad he or as the case may be his or her spouse may with the consent of the Speaker receive such medical attendance from any medical practitioner or other person or medical treatment from any hospital abroad at the expense of the Government.

9. *Procedure for reimbursement of amount expended towards cost of treatment.*-(1) Subject to the provisions of rule 11 where any expenditure is required for a Member or any of the members of his family towards the cost of treatment or medical attendance by any medical practitioner or other person, the member shall pay the amount in the first instance and thereafter apply for the reimbursement of the amount.

(2) The application for the reimbursement of the amount referred to in sub rule (1) shall be in the form appended to these rules and shall be accompanied by the bills or vouchers evidencing payment duly signed by the authorised Medical Attendant or the medical practitioner or the person from whom medical treatment or medical attendance was received.

(3) The declaration on the application shall be signed by the Member who applied for the reimbursement of the amount.

(4) The essentiality certificate in the application shall be signed by the Authorised Medical Attendant or the medical practitioner or other person who treated the Member or the members of his family mentioned in the application

(5) The essentiality certificate in the application shall be countersigned by,

(a) The Resident Medical Officer or in his absence the Chief Medical Officer of the Government Hospital relating to the system of medicine in which the treatment was taken or the authorised Medical Attendant in cases where the medical treatment was undergone in a Government Hospital or medical attendance was received from any medical practitioner or other person belonging to a Government Hospital.

(b) A Medical Officer, relating to the system of medicine in which the treatment was taken, who is not below the rank of the Resident Medical Officer of the Taluk Headquarters Hospital of the taluk in which the Member ordinarily resides or the authorised medical attendant in cases, where the medical treatment was undergone in a private hospital within the State or where medical attendance was received from a medical practitioner or other person not in the service of the Government.

(c) A Medical Officer, relating to the system of medicine in which the treatment was taken, who is not below the rank of a District Medical Officer of the District in which the Member ordinarily resides in cases, where the medical treatment was undergone in a hospital outside the State but within India or where the medical attendance was received from a medical practitioner or other person outside the State but within India.

(d) The Director relating to the system of medicine in which the treatment was undergone in cases where the medical treatment was taken in a hospital or medical attendance was received from a medical practitioner or other person abroad.

(e) The District Medical Officer of the Indian System of Medicine if the treatment was undergone in a Naturopathic Institution and a Psychiatrist of a Government Hospital if the treatment related to counselling in mental health.

(6) No countersignature is necessary if the essentiality certificate is signed by the authorised medical attendant.

(7) When the cost of treatment for a particular period is claimed the claim relating to that period shall be made in full.

(8) The reimbursement of the cost of treatment for more than one system of medicine at a time shall not be allowed. Provided that in cases where treatment in other systems of medicine is undergone by a Member or the members of his family the charges, if any, incurred for the purchase of any medicated oil in Indian System of medicine used for external application may be reimbursed.

10. *Travelling Allowance for journeys performed in connection with medical treatment or medical attendance.*-(1) A Member and any of the members of his family shall be entitled to travelling allowance at the rate admissible to the Member under the provisions of the Payment of Salaries and Allowances Act, 1951 (XIV of 1951) in force from time to time for journeys performed by him to receive medical treatment or medical attendance outside the State but within India.

(2) A Member and as the case may be his or her spouse shall be entitled to receive actual air travel charges incurred in connection with the journeys performed for receiving medical treatment or medical attendance abroad:

Provided that irrespective of the number of journeys performed under this sub rule the air travel charges admissible to a Member or his or her spouse shall not exceed the charges for to and from journey to the place where medical treatment or medical attendance is received.

(3) If any of the Medical Officer referred to in rule 7 or in rule 8 certifies that the condition of the Member or his or her spouse or the member of his family as the case may be requiring medical treatment or medical attendance is such that it is dangerous for him or his or her spouse or the member of his family to travel unaccompanied, not more than one person who has accompanied such Member or the spouse or the member of the family shall be entitled to travelling allowance at the rate admissible to the Member with whom or with whose spouse or the family member he accompanied.

11. *Advance for medical treatment or medical attendance.*- (1) When, (a) a Minister or the Leader of Opposition or the Chief Whip or any of the members of his family receives medical treatment from a hospital or medical attendance by a medical practitioner or other person within India if a medical officer not below the rank of a District Medical Officer, or

(b) a Minister or the Leader of Opposition or the Chief Whip or his or her spouse received medical treatment from a hospital or medical attendance by any medical practitioner or other person abroad, if the Director relating to the system of medicine in which treatment was undergone by him or by her, certifies that a substantial amount is required for such treatment or such medical attendance the Government may sanction such amount as they think fit towards advance payment relating to the cost of such treatment or such medical attendance.

(2) When, -

(a) the Speaker or the Deputy Speaker or a Member any of the members of his family receives medical treatment from a hospital or medical attendance by a medical practitioner or other person within India if a Medical Officer not below the rank of a District Medical Officer; or

(b) the Speaker or the Deputy Speaker or a Member or his or her spouse receives medical treatment from a hospital or medical attendance by a medical practitioner or other person abroad, if the Director relating to the system of medicine in which treatment was undergone by him or by her; certifies that a substantial amount is required for such treatment or such medical attendance the Speaker may sanction such amount as he thinks fit towards advance payment relating to the cost of such treatment or; such medical attendance.

(3) The amount, if any, sanctioned under sub rule (1) or sub rule (2) shall be adjusted subsequently from the amount due under these rules to the Member concerned.

FORM OF APPLICATION FOR CLAIMING REIMBURSEMENT OF COST OF TREATMENT OR MEDICAL ATTENDANCE BY MEMBERS

{ See Rule 9 (1) and (2) }

1. Name and office held (in block letters) :
2. Residential address :
3. Name of patient and relationship with
the Member :
4. Place at which the Member/Spouse/
family member fell ill :
5. Whether hospitalised or not :
6. If hospitalised within the State, whether
in Government hospital or Private hospital

with the name of hospital :

7. If hospitalised outside the State or
abroad, name of Institution with address :

8. In the case of treatment outside the
State or abroad, whether certificate
of the authority mentioned in Rule 7 or
rule 8 is attached :

9. Whether consent of the Speaker obtained
for treatment abroad :

10. Cost of treatment (List of medicines, cash
memos and essentiality certificate
should be attached) :

(i) Charges for consultation, nursing etc. :

(ii) Charges for medicine :

(iii) Charges for surgery :

(iv) Charges for laboratory services etc. :

(v) Charges for accommodation :

(vi) Charges for diet :

(vii) Charges for purchase of human organs :

(viii) Charges for purchase of artificial teeth,

eye ball etc. :

(ix) Charges for blood, oxygen etc. :

(x) Other charges :

11. Total amount claimed (in figures and words) :

12. List of enclosures :

(i) Essentiality Certificates :

(ii) List of cash bills. :

DECLARATION TO BE SIGNED BY MEMBER

I do

hereby declare that the statement given above is true to the best of my knowledge and belief and that the medical expenditure is incurred for me/my spouse/member of my family.

Place : *Signature of Member preferring claim.*

Date :

ESSENTIALITY CERTIFICATE

Part A

I, ¹Dr do hereby
certify that ²Shri/Smt

.....M.L.A./Spouse of/member of the family of ³ Shri/Smt.....

.....M.L.A. has been receiving medical treatment from this
hospital/medical attendance in my hospital/at his/her residence for the period from

..... to and that the under mentioned medicines prescribed by me in this connection were essential for the recovery/prevention of serious deterioration in the condition of the patient.

Name of medicine

Price

he patient was suffering from⁴

A sum of Rs.....was charged for consultation, nursing etc.

A sum of Rs.....was charged for administering medicines /injections in my hospital.

A sum of Rs.....was charged for laboratory services.

A sum of Rs.....was charged for surgical operation.

A sum of Rs..... was charged for blood transfusion, oxygen etc.

A sum of Rs.....was charged for purchase of human organs.

A sum of Rs.....was charged for other charges.

I referred the patient to ⁵Dr.....in the interest of his/her safety/securing the best and advanced special treatment for speedy recovery.

Signature

Place :

Name of Medical Officer

Date :

Name of Institution

ESSENTIALITY CERTIFICATE

Part B

(For use when a patient is referred to another doctor)

I⁵Drdo

hereby certify that the patient was admitted to this hospital on the advice of¹Dr.....and that the patient had been under my treatment for the period from to and also that the under mentioned medicines prescribed by me in this connection were essential for the recovery /prevention of serious deterioration in the condition of the patient.

Name of medicine

Price

A sum of Rs..... was charged for consultation, nursing etc.

A sum of Rs..... was charged for administering medicines/injections in my hospital

A sum of Rs..... was charged for laboratory services.

A sum of Rs..... was charged for surgical operation.

A sum of Rs..... was charged for blood transfusion, oxygen etc.

A sum of Rs..... was charged for purchase of human organs.

A sum of Rs.....was charged for other charges.

Signature

Place :

Name of Medical Officer

Date :

Name of Institution

COUNTERSIGNED

I certify that the patient has been under treatment at the hospital and that the facilities provided, the medicines administered or other medical treatment given were the minimum which were essential for the medical treatment of the patient.

Signature

Name

(of R.M.O./Authorised Medical Officer/D.M.O./Director)

Place :

Date

Address:

1. Here enter name of doctor
2. Here enter name of Member, name of spouse or name of family member
3. Here enter name of Member
4. Here enter name of disease
5. Here enter name of the doctor whom the patient was referred to by the old doctor
6. Here enter name of hospital

Strike out what is not necessary.
