

GOVERNMENT OF PUNJAB

DEPARTMENT OF HEALTH AND FAMILY WELFARE

(HEALTH 6 BRANCH)

Notification

The 16th January, 2011

No. G.S.R. 1/C.A.61/1985/Ss.71 and 78/2011.—In exercise of the powers conferred by sub-section (1) of section 78 read with sub-section (2) of section 71 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act No. 61 of 1985), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for establishment, appointment, maintenance, management, superintendence of, and for supply of Narcotic Drugs and Psychotropic substances from, the centres established under sub-section (1) of the said section 71 and for the appointment, training, powers and duties of personnel employed in such centres, namely :—

1. Short title and commencement.—(1) These rules may be called the Punjab Substance Use Disorder Treatment and Counseling and Rehabilitation Centres Rules, 2011.

(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Narcotic Drugs and Psychotropic Substances Act, 1985 ;
- (b) “Appellate Authority” means the Chairman of the State Level Committee ;
- (c) “Centres” means the centres established under sub-section (1) of section 71 of the Act ;
- (d) “District Level Committee” means the Committee constituted under sub-rule (1) of rule 12 of these rules ;
- (e) “Form” means a form appended to these rules ;

(f) "Government" means the Government of the State of Punjab in the Department of Health and Family Welfare ;

(g) "Licensing Authority" means the Licensing Authority constituted under sub-rule (1) of rule 8 of these rules ; and

(h) "State Level Committee" means the State Level Committee constituted under sub-rule (1) of rule 3 of these rules ;

(2) The words and expressions used in these rules, but not defined, shall have the same meaning, as assigned to them in the Act.

Sections 71 and 78. 3. **Constitution of State Level Committee.**—(1) There shall be constituted a State Level Committee by the Government.

(2) The Committee, constituted under sub-rule (1), shall consist of the following members, namely :—

- | | |
|--|---------------------|
| (a) Administrative Secretary,
Health and Family Welfare ; | Chairman |
| (b) Administrative Secretary,
Medical Education and Research ; | .. Member |
| (c) Administrative Secretary, Social
Security, Woman and Child
Development ; | .. Member |
| (d) Administrative Secretary,
Technical Education ; | .. Member |
| (e) Administrative Secretary,
Higher Education ; | .. Member |
| (f) Administrative Secretary,
School Education ; | .. Member |
| (g) Director, Social Security
Woman and Child Development ; | .. Member |
| (h) Director, Health and Family Welfare ; | .. Member-Secretary |
| (i) Secretary, Punjab State Child
Welfare Council ; | .. Member |

- (j) Secretary, Punjab Red Cross .. Member
Society, Chandigarh ;
- (k) Head of the Department of Psychiatry, .. Member
Government Medical College, Amritsar ;
- (l) Head of the Department of Psychiatry, .. Member
Government Medical College, Patiala ;
- (m) Director, Institute of Medical Health, .. Member
Amritsar ;
- (n) Two lawyers of repute ; .. Member
(To be nominated by the Chairman)
- (o) Two representatives of existing Non- .. Member
Government organizations working in
the field of De-addiction in the State
of Punjab ;
(To be nominated by the Chairman)
- (p) The Committee may opt any other
member for a meeting, who has special
qualifications and experience in the field
of De-addiction for giving expert advice
to the Committee.

4. Functions of the State Level Committee.—The State Level Sections 71 and 78.
Committee shall,—

- (i) act as Supervisory, policy making and facilitatory body with
regard to treatment of substance use disorder patients and
their rehabilitation ;
- (ii) frame guidelines for the licensing and registering authority to
grant licenses for operation of centres ;
- (iii) ensure effective implementation of minimum standards of care
in the Centres as laid down by the Government of India or
any Statutory Body or this Committee from time to time ;
- (iv) help and guide to establish a collaborating treatment network
amongst the centres and Government and Non-Governmental
Health Care Facilities ;

- (v) conduct training programmes for the personnel, deployed in Centres ;
- (vi) undertake any other activity for the promotion of welfare and rehabilitation of addicts ; and
- (vii) decide the appeals against the decisions of the Licensing Authority.

Sections 71 and 78.

5. Disqualifications.—No person shall be appointed as a member of State Level Committee, if he,—

- (i) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude ; or
- (ii) is an un-discharged insolvent ; or
- (iii) is of unsound mind and stands so declared by a competent court ; or
- (iv) has been removed or dismissed from the Service of Government or a body corporate owned or controlled by the Government.

Sections 71 and 78.

6. Term of the office of the non-official members.—(1) Every non-official member shall hold office for a period of three years from the date of his nomination and shall be eligible for re-appointment.

(2) A non-official member may at any time resign from the membership of the State Level Committee by sending his resignation to the Chairman, and such resignation shall take effect from the date on which it is accepted.

(3) When a vacancy occurs by resignation or otherwise of a non-official member, the person so nominated on such vacancy shall hold office for the remainder of the term of office of the member in whose place he has been so appointed.

(4) When the term of office of any non-official member is going to expire the Government may nominate his successor three months before the expiry of the term of such member, but the successor shall assume office only after the expiry of term of the member.

7. Requirement for license.—No centre in the State of Punjab shall be allowed to operate, unless it has obtained license from the licensing authority : Sections 71 and 78.

Provided that the centres, which are already existing before coming into force of these rules, shall have to obtain a license under these rules within a period of three months from the date of commencement of these rules, failing which, it shall not be allowed to operate.

8. Licensing Authority.—(1) There shall be constituted a Licensing Authority to issue license for the purpose of these rules. Sections 71 and 78.

(2) The Licensing Authority, constituted under sub-rule (1), shall consist of the following, namely :—

- (a) Director, Health and Family Welfare, Punjab ; and
- (b) Director, Social Security, Women and Child Development, Punjab.

9. Functions of the Licensing Authority.—The functions of the Licensing Authority shall be to,— Sections 71 and 78.

- (i) issue and renew licenses for the operation of Centres ;
- (ii) investigate complaints against Centres ;
- (iii) monitor, supervise and evaluate functioning of Centres ;
- (iv) ensure minimum standards of care in the Centres as per guidelines issued by the Government of India or any statutory body, or the State Level Committee from time to time ;
- (v) implement and monitor the guidelines issued by the State Level Committee for setting up and functioning of the Centres ;
- (vi) carry out periodic inspections of the Centres and in case of any violation initiate punitive proceedings against them ;
- (vii) maintain record in the form as specified by the State Level Committee from time to time.

Sections 71 and 78.

10. Procedure for issuing license.—(1) An application shall be submitted to the Licensing Authority by the person intending to obtain a license for establishing a Centre in Form-I along with a fee in the shape of Demand Draft of one thousand rupees payable in favour of Director, Health and Family Welfare, Punjab, Chandigarh.

(2) For every Centre, a license shall have to be obtained separately.

(3) Before issuing a license, the Licensing Authority shall get the Centre in question inspected from the District Level Committee and satisfy itself about the arrangements and infrastructure available in the Centre.

(4) If the Licensing Authority is satisfied, it shall issue a license in Form-III within a period of thirty days from the date of receipt of the report submitted by the District Level Committee :

Provided that a license shall be issued by the Licensing Authority within a period of three months from the date of submission of the application.

(5) A license issued under these rules, shall be valid for a period of three years from the date of its issuance, unless suspended, revoked and cancelled by the Licensing Authority.

(6) If the Licensing Authority, after receiving the report of the District Level Committee, is not satisfied that the license should be issued, it may refuse to issue license to the applicant :

Provided that before refusing to issue a license, the applicant shall be given a reasonable opportunity of being heard.

(7) In case a person is refused license, an intimation in this regard shall be given to him by the Licensing Authority in writing.

(8) The aggrieved person may prefer an appeal against such refusal to the Appellate Authority within a period of thirty days from the date of receipt of intimation of such refusal in Form IV alongwith a fee of three hundred rupees in the shape of demand draft payable in favour of the Director, Health and Family Welfare, Punjab at Chandigarh.

(9) The Licensee may get the license renewed before the expiry of a period of three years from the date of its issuance by making an application to the Licensing Authority in Form-II alongwith a fee in the shape of Demand Draft of five hundred rupees payable in favour of the Director, Health and Family Welfare, Punjab at Chandigarh.

(10) In case, the licensee fails to get the license renewed before the expiry of the specified period of license, then the Centre in question shall be deemed to have been closed.

(11) The Centres established by the Government of Punjab shall be exempted from the payment of license fee. However, such Centres shall have to get themselves registered with the Licensing Authority as per Form-III within a period of three months from the date of commencement of these rules.

(12) The Psychiatric Nursing Homes or Hospitals which are holding license under the Mental Health Act, 1987 (14 of 1987 and the Central Mental Health Authority Rules, 1990) and are providing treatment and care to Substance dependents, shall also be exempted from obtaining license. They shall be governed under the provisions of Mental Health Act, 1987, however, they shall have to get themselves registered with the Licensing Authority as per Form-III within a period of three months from the date of commencement of these rules and they will submit data on Substance Disorder cases on the proforma, prescribed by the World Health Organization for the purpose of consolidation of data on Substance Use Disorders in the State.

11. Cancellation of License.—(1) The Licensing Authority may cancel the License if on inspection of the centre, it is found that the Centre is not adhering to the minimum standards of care as specified in these rules or on receipt of any report of violation of the human rights from the District Level Committee. Sections 71 and 78.

(2) On receipt of report from the District Level Committee of any deficiency in the minimum standards of care ; or violation of human rights in a Centre, the Licensing Authority may suspend the license and may initiate inquiry within a period of fifteen days from the date of such suspension.

(3) Such Centre shall be given an opportunity of being heard by the Inquiry Committee as constituted by the Licensing Authority. The Committee shall submit its report within a period of one month to the Licensing Authority. On receipt of the report from the Inquiry Committee, the Licensing Authority shall take decision thereon.

(4) If no inquiry is initiated or completed or inquiry report is pending without any decision within forty five days from the date of the suspension of license, the suspension shall stand automatically revoked.

(5) The aggrieved person may prefer an appeal against the cancellation of license to the Appellate Authority within a period of thirty days from the date of intimation of such cancellation in the Form-IV along with a fee of three hundred rupees in the shape of demand draft payable in favour of Director, Health and Family Welfare, Punjab at Chandigarh.

Sections 71 and 78.

12. District Level Committee.—(1) There shall be constituted a District and Level Committee by the Government.

(2) The Committee constituted under sub-rule (1) shall consist of the following, namely :—

- | | |
|---|-------------------------|
| (i) Deputy Commissioner or his
Nominee (not below the rank of
Additional Deputy Commissioner) | .. Chairman |
| (ii) Civil Surgeon of the district | .. Member-
Secretary |
| (iii) Government Psychiatrist of the district | .. Member |
| (iv) District Social Security Officer | .. Member |
| (v) Two representatives of the Non-
Governmental Organizations
(to be nominated by the committee
as per recommendations of the Civil
Surgeon and District Social Security
Officer of the district) | .. Member |

Sections 71 and 78.

13. Functions of the District Level Committee.—The functions of the District Level Committee shall be to—

- (i) periodically monitor, supervise and evaluate the functioning of the Centres in the district in accordance with the conditions of the license and guidelines framed by State Level Committee or Licensing Authority from time to time ;
- (ii) ensure that every Centre has a valid license ; and
- (iii) maintain the record in the form prescribed by the State Level Committee from time to time.

14. **Minimum standards.**—The Centre shall maintain the following Sections 71 and 78.
minimum standards of care, namely :—

A. PHYSICAL STANDARDS :

The Centre shall—

- (i) have requisite number of beds (one for each patient), adequate accommodation and proper spacing between the beds shall be provided.
- (ii) have sufficient ventilation and be free from any pollution which may be detrimental to the health of admitted patients.
- (iii) have potable/drinking water and running water for washing, bathing and cleaning purposes.
- (iv) have proper sanitation facilities in terms of clean and adequate number of bathrooms, toilets and sinks.
- (v) provide clean bed linen, utensils and articles for personal hygiene of the patients.
- (vi) provide fresh, nutritious and adequate meals to the admitted patients.
- (vii) have adequate recreational facilities for the patients.
- (viii) The following additional facilities shall also be provided in every Centre, namely :—
 - (a) Reception enquiry/registration counter/waiting space with seating arrangements for a minimum of five persons;
 - (b) Cubicle/room for providing individual counseling, group therapy and family counseling;
 - (c) Space to store records of patients to ensure confidentiality and a system of easy retrieval;
 - (d) Related educational material such as posters to be prominently displayed at strategic points in the centres; and
 - (e) Pamphlets, hand bills and other educational materials in vernacular shall be made freely available for the public.

B. MEDICAL STANDARDS :

- (i) No patient shall be compelled to undergo detoxification treatment without explaining the range of treatment options available to him including substitution/maintenance therapy, psychosocial interventions and his consent for undergoing treatment for de-addiction.

- (ii) Treatment protocol of the Centres shall follow the established and evidence based medical practice and the guidelines published by the World Health Organization (WHO), Government of India, and the Indian Psychiatric Society (IPS) including the harm minimization practices advocated from time to time.
- (iii) Nursing and other staff employed in Centre shall be duly qualified as per their job requirement and shall be competent to handle the work assigned to them. The Core Staff (doctors and nurses) should have received training in Substance Use Disorder treatment from a recognized institution.
- (iv) Officer in-charge of a Centre, shall be duly qualified Psychiatrist or Doctor (M.B.B.S.) with at least three months training in Substance Use Disorder Treatment.
- (v) Where an M.B.B.S. doctor manages a Centre, it shall have a Psychiatrist on its roll, visiting the Centre at least once a week.
- (vi) Each Centre shall display the arrangement on the notice board for providing support and emergency services to the in-patients, if needed.
- (vii) Adequate transport/ambulance for patients shall be ensured by the Centre.
- (viii) Round the clock medical nursing care to the patients shall be ensured by the Centre.
- (ix) There shall be adequate and readily available stock of medicines required and related physical and psychiatric co-morbidities.

C. STAFF REQUIREMENT:

(1) For a Substance Use Disorder Treatment Centre :

- (i) One part-time (4 hours a day minimum) doctor who is MD Psychiatry (preferably) or an M.B.B.S. doctor with at least three months in Substance Use Disorder Treatment from a recognized institution (Doctor-Patient ratio of 1:20) ;
- (ii) Two Social Workers/Counselors who are in M.Phil./M.A. in Psychology, Sociology or Social Work preferably with training in

Substance Use Disorder Treatment from a recognized institution
(Counselor-Patient ratio of 1:10) ;

- (iii) Four staff nurses for round the clock services who are B.Sc. or Diploma in Nursing with training in Substance Use Disorder Treatment Centre from a recognized institution (Nurse-Patient Ratio of 1:20) ;
- (iv) Three Ward Attendants who have passed 10+2 examination from a recognized Board or institution, as the case may be, with orientation to handle Substance Use Disorder patients to be provided at the Centre within three months ;
- (v) Two Safai Karamcharis ;
- (vi) One Cook-cum-Helper or regular arrangement for fresh nutritious food from outside ;
- (vii) Peer educator (Optional) ; and
- (viii) Three security guards/Chowkidars.

(2) For a Substance Use Disorder Counseling and Rehabilitation Centre :

(No patient/client shall be admitted to Rehabilitation Centre till he has undergone detoxification from a recognized Centre. This fact should be on record with evidence.)

- (i) One Project Director/Programme Officer ;
- (ii) Three Social Workers/Counselors with basic qualification of M.Phil. or M.A. in Psychology or Sociology or Social Work preferably with training in Substance Dependence treatment from a recognized institution ;
- (iii) Three Ward Attendants with basic qualification of 10+2 examination from a recognized Board or institution, as the case may be, with Orientation to handle substance dependents to be provided at the Centre within three months ;
- (iv) Two security guards/Chowkidars ;

- (v) Two safai karamcharis ; and
- (vi) One Cook-cum-Helper (Optional) or regular arrangements for fresh nutritious food from outside.

D. SUPPORT SERVICES :

Each Centre shall provide the following support services :—

- (i) Emergency Medical Care ;
- (ii) Recreational/rehabilitation facilities and outdoor activities ;
- (iii) Regular daily outpatient service ;
- (iv) Referral linkage for specialist medical services, laboratory services, HIV/AIDS centres, RNTCP centres; and
- (v) Adequate transport facilities for patients for the purpose of linkage activities and Emergency Medical Care.

E. RECORD MAINTENANCE AND DISSEMINATION :

- (i) It shall be mandatory for all the Centres to maintain personal and treatment record of all the patients.
- (ii) These records shall be confidential and available only to the authorized persons on request at with the discretion of Officer-in-charge of the Centre.
- (iii) All the data on activities of the Centre shall be sent on Drug Abuse Monitoring System (DAMS) Performa, developed by the Government of India's Union Ministry of Health and Family Welfare, to the Director, Health Services, Punjab and to the Director, Health and Family Welfare, Ministry of Health and Family Welfare, Government of India, on the quarterly basis for the purpose of information and compilation of State and National data.

Sections 71 and 78.

15. **Admission.**—Admission to the Centre shall be made only with informed consent of the patient, after discussing risks, benefits and alternatives to the treatment, to be recorded in writing. A copy of the Consent Form shall be provided to the patient. The patient shall have the right to refuse and discontinue treatment at any time.

FORM-I

[(See rule 10(1), (11) and 12)]

APPLICATION FOR REGISTRATION/LICENSE

From

The _____

To

Director Health and Family Welfare,
Punjab, Chandigarh.

Sir,

Subject.—Application for Registration/License of

- (a) Establishment/Maintenance of Substance Use Disorder Treatment Centre, at _____.
- (b) Establishment/Maintenance of Substance Use Disorder Counseling/ Rehabilitation Centre, at _____.

I request you kindly to issue me Registration/License for the period of _____ for the above said institution/s. I am providing the facilities as prescribed by the Act and the rules framed thereunder. I have attached herewith a Demand Draft for Rs. 1000 bearing No. _____ dated _____.

I hereby give an undertaking to the effect that I shall protect the human rights of the admitted patients and shall not engage in the activities adversely affecting the patients such as solitary confinement, forced labour, punishment, beating, psychological torture, chaining or locked up. The patients's liberty shall be protected at all time. I shall allow private interaction with family and provide communication to the patients under supervision of the authorized person of the centre. I will ensure confidentiality of medical and counseling records of the patient, except from the caregivers and under judicial orders.

Thanking you

Yours faithfully,

Signatures _____

Place _____

Dated _____

FORM-II

[See rule 10(9)]

APPLICATION FOR RENEWAL OF REGISTRATION

From

To

Director, Health and Family Welfare,
Punjab, Chandigarh.

Sir,

Subject.—Renewal of Registration/License No. _____ dated _____ of

(a) Maintenance of Substance Use Disorder Treatment Centre,
at _____.

(b) Maintenance of Substance Use Disorder Counseling and
Rehabilitation Centre, at _____.

I request you to kindly renew my Registration/License No. _____
dated the _____ for the next three years from _____
to _____, for the above said institution/s. I am providing the facilities as
prescribed by the Act and the rules framed there under. I have attached herewith
a Demand Draft for Rs. 500/- bearing No. _____ dated _____.

Thanking you

Yours faithfully,

Signatures _____

Place : _____

Dated : _____

FORM-III

[See rule 10(4), (11) and (12)]

LICENCE/RENEWAL/REGISTRATION CERTIFICATE

We, _____, being the Licensing Authority under Narcotic Drugs and Psychotropic Substance Act, 1985 (Central Act No. 61 of 1985), after satisfying the requirement of the Substance Use Disorder Treatment Centres/Rehabilitation, hereby grant the Registration certificate/licensee for the

- (a) Establishment/maintenance of Substance Use Disorder Treatment Centre,

- (b) Establishment/Maintenance of Substance Use Disorder Counseling/
Rehabilitation Centre, _____

2. The Registration Certificate/License shall be valid for a period of three years, commencing from _____ and ending with _____. The registration shall be subject to the conditions laid down in the Section 71 of the Narcotic Drugs and Psychotropic Substance Act 1985 and the rules made there under.

Licensing Authority

Director, Social Security, Women
and Child Welfare (Punjab)

Director, Health
and Family Welfare,
(Punjab)

Place : _____

Date : _____

FORM-IV

[See rule 10(8) and 11(5)]

APPLICATION FOR APPEAL

To

The Appellate Authority,
Government of _____
_____.

Sir,

I _____ of _____ had applied for a
Registration/License for establishing the Substance Use Disorder Treatment/
Rehabilitation Centre. (Copy of the earlier application is to be attached). My
application was rejected by the Authority *vide* its letter No. _____
dated _____ for the following reasons.

1. _____
2. _____
3. _____

(Copy enclosed)

The aforesaid reasons for refusal/cancellation of registration are not valid.
You are, therefore, requested to reconsider my application for registration on the
following grounds namely :

1. _____
2. _____
3. _____

I am willing to appear before you for a personal hearing, if necessary,
I am enclosing herewith a draft for Rs. 300 bearing No. _____
dated _____.

Thanking you,

Yours faithfully,

Signatures _____

Place : _____

Dated : _____

SATISH CHANDRA,
Principal Secretary to Government of Punjab,
Department of Health and Family Welfare.