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LEGISLATIVE SUPPLEMENT

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PART III
GOVERNMENT OF PUNJAB

DEPARTMENT OF HEALTH AND FAMILY WELFARE
(Health 6 Branch)

NOTIFICATION

The 28th August, 2020

No. G.S.R. 69/C.A.61/1985/Ss. 78 and 71/Amd.(1)/2020.- In exercise of the powers conferred by sub-section (1) of section 78 read with sub-section (2) of section 71 of the 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 further to amend the Punjab Substance Use Disorder Treatment and Counseling and Rehabilitation Centres Rules, 2011, namely: -

RULES

1. (1) These rules may be called the Punjab Substance Use Disorder Treatment and Counselling and Rehabilitation Centres (First Amendment) Rules, 2020.
(2) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. In the Punjab Substance Use Disorder Treatment and Counseling and Rehabilitation Centers Rules, 2011 (hereinafter referred to as the said rules), in rule 2, for clause (c), the following clause shall be substituted, namely: -
“(c) ‘Centre’ means a Centre established under section 71 of the Act, where treatment and counseling and other health services for drug addiction or substance abuse are provided as specified in rule 14 of these rules.”
3. In the said rules, in rule 10, -
 - (i) For sub-rule (1), the following sub-rule shall be substituted, namely: -
“(1) An application shall be submitted by a person to the Licensing Authority *online*, at its Official website ‘*www.pddrc.in*’ in Form-I along with a fee of one thousand rupees, to obtain a license for establishing a Centre.”
 - (ii) In sub-rule (2), for the word “separately”, the words “separately, in the name of Psychiatrist in-charge of each Centre” shall be substituted; and

(iii) for sub-rule (12), the following sub-rules shall be substituted, namely: -

“(12) The Psychiatric Nursing Homes or Hospitals or Centres,-

- (i) which hold a provisional or permanent registration under the Mental Healthcare Act, 2017, shall have to get themselves registered under these rules, within a period of three months from the date of coming into force of this amendment in these rules, if they are providing treatment for substance abuse as provided in rule 14 ;
- (ii) a Centre to which a license has been issued under these rules, shall include the name of the Psychiatrist working in such centre, and in the case of change of the psychiatrist-s appointed by that Centre, the same shall be informed immediately to the Licensing Authority in such manner as may be specified by it from time to time;
- (iii) no Centre shall admit a patient or dispense any medicine to a patient in the absence of a qualified psychiatrist;
- (iv) the Centres falling in category (II) of rule 14, shall be given a license in the name of the Psychiatrist in whose name such Centre is registered.

4. In the said rules, for rule 14, the following rule shall be substituted, namely: -

“14. Minimum standards. –

The Centres shall be of the following types, namely: -

- (I) Substance use disorder Treatment Centre (indoor and outpatient facility);
- (II) Substance use disorder Treatment Centre (Outpatient facility only);
- (III) Substance use disorder Treatment Centre (indoor facility with both de-addiction and rehabilitation); and
- (IV) Substance use disorder counseling and rehabilitation Centres, which shall maintain the minimum standards of care as specified below, namely: -

A. PHYSICAL STANDARDS

CENTRES WITH INDOOR FACILITY

- (1) Each Centre with indoor facility which falls in category (I),(III)and (IV) mentioned above, shall, -

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- (i) have requisite number of beds (one for each patient), adequate accommodation and proper spacing between the beds;
 - (ii) have sufficient ventilation and shall be pollution free in the entire area;
 - (iii) have potable drinking water facility and running water for washing, bathing and cleaning purposes;
 - (iv) have proper sanitation i.e. 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) reception, enquiry, registration counter, waiting space with seating arrangements at least for five persons;
 - (ix) cubicle room for providing individual counseling, group therapy and family counseling;
 - (x) space to store records of patients to ensure confidentiality and a system of easy retrieval;
 - (xi) related educational material such as posters to be prominently displayed at strategic points in the Centres;
 - (xii) Pamphlets, hand bills and other educational materials in vernacular shall be made freely available for the public;
 - (xiii) no centre shall keep the patients in basement; and
 - (xiv) shall have a prominent board/signage displaying the name of the facility in local language at the gate or on the building of the Centre.

(2) In each Centre with indoor facility which falls in category (I),(III) and (IV) of rule 14 mentioned above, the name of the doctors (with registration number), fee structure, timings and the services provided at the Centre, shall be well displayed in the language understood by the local public in the area.

(3) A Substance Use Disorder Counselling and Rehabilitation Centre, (i.e. Category (IV) shall have minimum area of at least 500 Sq. yards, to provide indoor residential and outdoor recreational activities. Provision of library, gym, outdoor and indoor games, newspaper and modes of communication with the family, for the admitted

patients in the Centres, shall be made available to the patients. The District Level Committee shall ensure compliance of the above conditions before recommending for license to a Centre.

CENTRES WITH OUTPATIENT FACILITY ONLY

- (4) Each Centre with Outpatient facility only i.e which falls in category (II) as mentioned in rule 14 above: -
- (i) shall be developed and maintained to provide safe and secure environment for patients, their families, staff and visitors;
 - (ii) shall have a prominent board or signage displaying the name of the Centre in local language, the name of the doctors with their registration number, fee structure of the Centre, timings and the services provided within the Centre, in the language understood by the local public in the area, on the said board;
 - (iii) shall have adequate lighting and ventilation, shall take all precautions to control infections like practicing hand hygiene, shall follow Biomedical waste management rules; and
 - (iv) shall have, -
 - (a) the Doctor Rooms of not less than 100 Square feet;
 - (b) dispensing room with sufficient storage capacity;
 - (c) rooms for counselling of the patients (in case a separate counsellor is recruited for counselling);
 - (d) waiting area with provision of drinking water and rest room for OPD more than 50 per day;
 - (e) adequate space for storage of equipment and medicines as per manufacturer's guidelines;
 - (f) Provision of 2 beds is must to handle the emergency cases.

B. MEDICAL STANDARDS

- (i) Any Centre shall not compel any patient, to undergo detoxification treatment without explaining him the range of treatment options available to him including substitution, maintenance therapy, psychosocial interventions, for de-addiction;
- (ii) Each Centre shall follow the treatment protocol with established and evidence based medical practice and 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) Each Centre with indoor facility shall have the duly qualified nursing and other staff as per their job requirement which is competent to handle the work assigned to them. The Core Staff (doctors and nurses), shall have received the training in Substance Use Disorder treatment from a recognized institution;
- (iv) Each Centre which falls in category (I), (II) and (III) as mentioned in rule 14 above shall have a duly qualified Psychiatrist as officer in-charge of a Centre. In case of a substance use disorder counseling and Rehabilitation Centre i.e category (IV) mentioned above, the presence of an MBBS doctor, not less than four hours in a day, is must;
- (v) Each Centre shall display the arrangements on the notice board, for providing support and emergency services to the patients, if needed;
- (vi) Each Centre shall ensure adequate transport facility or ambulance for patients;
- (vii) Each Centre which falls in category (I), (III) and (IV) as mentioned in rule 1 above shall ensure round the clock medical nursing care of indoor patients; and
- (viii) Each Centre shall have adequate medicines available required for treatment of physical and psychiatric co-morbidities.

C. STAFF NORMS

- (1) Each Centre which falls in category (I) as mentioned above:
 - (i) shall have one full time Psychiatrist;
 - (ii) Shall have the Social Workers or Counsellors (with counsellor-patient ratio of 1:10), who are M.Phil. or M.A. in Psychology, Sociology or Social Work, preferably having training in Substance Use Disorder Treatment from a recognized institution;
 - (iii) shall have staff nurses (nurse-patient ratio of 1:20), for round the clock services, who are B.Sc. or Diploma in Nursing with training in Substance Use Disorder Treatment, from a recognized institution;
 - (iv) shall have Ward Attendants for round the clock services (Ward Attendant-patient ratio 1:20 ratio), 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 at the Centre;

- (v) shall have adequate Safai Karamcharis for round the clock cleanliness;
 - (vi) shall have adequate Cook-cum-Helper or regular arrangement for fresh nutritious food from outside;
 - (vii) shall have adequate Peer educator (Optional); and
 - (viii) Shall have adequate security guards for round the clock duty.
- (2) Each Centre which falls in category (III) and (IV) as mentioned above shall have additional staff in addition to that mentioned in (1) above:
- (i) One Project Director with graduation in any stream.
 - (ii) One MBBS doctor for at least 4 hours a day.
- (3) Centres with Outpatient facility only i.e which fall under category (II) as mentioned above, shall have :
- (i) Full time psychiatrist -1
 - (ii) Counselor-1 (Counseling service is mandatory. In case counseling is done by the psychiatrist himself/herself, this should be submitted at the time of application with self declaration). If daily OPD is more than 50 a separate counselor should be recruited.
 - (iii) Sweeper/ security/ helper/Staff nurse/Pharmacist may be recruited as per requirement.

D. SUPPORT SERVICES

- (1) Each centre which falls in category (I),(III) and (IV) as mentioned above, shall provide the following support services, namely: -
- (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.

(2) Centres with outpatient facility only ie. which fall under category (II) as mentioned above shall have a referral linkage with a nearby health facility for providing Emergency and other support services and an undertaking in this regard shall be given at the time of submission of application for grant of license.

E. RECORD MAINTENANCE AND DISSEMINATION

- (i) Every Centre shall maintain personal and treatment record of all the patients.
- (ii) Every Centre shall enter data online on the portal of Government at *www.pddrc.in*, failing which license shall be immediately suspended and doctor shall be debarred from practice for a period as prescribed by Government;
- (iii) Every Centre shall maintain the confidentiality of the patients and show patient's records only to the authorized persons, on request, with the permission of Officer-in-charge of the Centre;
- (iv) Every Centre shall maintain medical records of patients as per provisions of Indian Medical Council Regulations 2002;
- (v) Every Centre shall maintain record of each purchase of the Opioid Drugs in the Central Consumable Stock Register (Separate Register or Pages for each medicine); and
- (vi) Every Centre shall maintain a separate page in a Register for each patient.

F. TREATMENT PROTOCOL

Every Centre shall follow the treatment guidelines or any other instructions issued by the Department of Health and Family Welfare, Punjab.

G. MONITORING EVALUATION

- (i) Every centre shall make available the data of the Centre for inspection in case of any complaints;
- (ii) Every centre shall ensure that the manufacturer who supplies any medicine to the Centre gets the batch being supplied, tested from the State Food and Drug Testing Laboratory, Kharar, S.A.S. Nagar; and should not dispense any batch of medicine which has not been tested.
- (iii) Every centre shall comply any other instructions in this regard as and when issued by the Government.

H. ANNUAL REPORT

Every Centre shall submit the Annual Report to the State Mental Health Authority constituted under the Mental Health Care Act, 2017, for the duration between 1st January to 31st December of every year. Such report must be submitted by 31st January in a format as prescribed by the Punjab State Mental Health Authority.

5. In the said rules, after rule 15, the following rule shall be inserted, namely: -

“16. Power to regulate and monitor the treatment charges and prices of the drugs dispensed in the De-addiction Centres, and Centres with Outpatient facilities. - The State Government may regulate and monitor the treatment charges and prices of the drugs dispensed in the De-addiction Centres and Outpatient facilities for providing the necessary treatment and may segregate prescription and dispensing units in larger public interest if required. State Government shall issue relevant guidelines as per the revisions in its policy.”

6. in the said rules, for Forms I, II and III, the following Forms shall be substituted, namely: -

“FORM - I
{(See rule 10(1) (11) and 12)}
APPLICATION FOR REGISTRATION/LICENSE

To

Director Health and Family Welfare,
Punjab, Chandigarh.

Sir,

Subject: Application for Registration/ License of

- (a) Establishment/ maintenance of Substance Use Disorder Treatment Centre (Indoor Facility), at_____.
- (b) Establishment/Maintenance of Substance Use Disorder Treatment Centre integrated facility (de-addiction and rehabilitation):_____
- (c) Establishment/ maintenance of Substance Use Disorder Treatment Centre: Outpatient facility, at_____.
- (d) Establishment/ maintenance of Substance Use Disorder Counseling and rehabilitation Centre, at_____.

I request you 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 there under. I have attached herewith a Demand Draft for _____/- 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 patient'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

To

Director, Health and Family Welfare
Punjab, Chandigarh.

Sir,

Subject: Renewal of Registration/ License No. _____ dated _____ of
(a) Establishment/ maintenance of Substance Use Disorder Treatment
Centre (Indoor Facility), at _____.
(b) Establishment/ maintenance of Substance Use Disorder Treatment
Centre Integrated facility (deaddiction and rehabilitation): _____
(c) Establishment/ maintenance of Substance Use Disorder Treatment
Centre: Outpatient facility, at _____.
(d) Establishment/ maintenance of Substance Use Disorder Counseling and
rehabilitation Centre, at _____.

I request you to 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. _____ bearing No.
_____ dated _____

Thanking you

Yours faithfully,

Signatures _____

Place: _____

Dated: _____

FORM III

{ See rule 10(4), (11) and (12) }

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 Centre indoor facility/ Integrated center/ Outpatient facility, hereby grant the Registration certificate/ licensee for the

- (a) Establishment/ maintenance of Substance Use Disorder Treatment Centre (Indoor Facility), at _____.
- (b) Establishment/ maintenance of Substance Use Disorder Treatment Centre integrated facility (deaddiction and rehabilitation): _____
- (c) Establishment/ maintenance of Substance Use Disorder Treatment Centre: Outpatient facility, at _____.
- (d) Establishment/ maintenance of Substance Use Disorder Counseling and rehabilitation Centre, at _____.

1. 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.

Place: _____

Date: _____

Director,
Health and Family Welfare,
Punjab.

HUSSAN LAL,

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