SPEED POST
COURT MATTER/MOST URGENT

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF HEALTH SERVICES
F-17, KAKARDOOMA, DELHI-110032

No. F.13/2/3/09/NH/DHS/HQ/Pt.-IV/ 45672-45724 Dated: 26/9/11
45730-45771

To

1. All Medical Supdt./Director of
Identified Government Hospitals(as per list).

2. All Medical Supdt./Director of
Identified Private Hospitals(as per list).

Sub: Issuing of Fresh Guidelines in respect of provision of free treatment to the eligible patients of EWS category.

Madam/ Sir,

This is in continuation to the letters/circulars earlier issued by this directorate regarding provision of free treatment provided by Identified Private Hospitals to the eligible patients of EWS category in accordance to the directions of Hon'ble High Court judgment dated 22/3/2007 and the order dated 01/09/2011 of Hon'ble Supreme Court of India.

Accordingly , fresh guidelines alongwith annexures regarding free treatment provided by Identified Private Hospitals to the eligible patients of EWS category has been framed and is being enclosed herewith for immediate compliance.

This may be accorded on top priority and the send the compliance to the undersigned.

Yours Sincerely,

(DR. N. V. KAMAT)
Director Health Services,I
& Chairman, Monitoring Committee
Constituted by GNCT of Delhi

Encls: as above.

Dated:

No. F.13/2/3/09/NH/DHS/HQ/Pt.-IV/
Copy to:-
1. P.S. to Minister of Health, GNCTD, 6th level, A-wing, Delhi Sectt.,New Delhi.
2. P.S. to Secy. (H &FW), H & FW Deptt., GNCTD, 9th level, A-wing, Delhi Sectt.,N.D.
3. P.S. to DHS, DHS(HQ), F-17, Karkardooma, Delhi-32.

(DR. N. V. KAMAT)
Director Health Services,I
& Chairman, Monitoring Committee
Constituted by GNCT of Delhi

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FRESH GUIDELINES DATED 26/09/11 REGARDING FREE TREATMENT PROVIDED BY IDENTIFIED PRIVATE HOSPITALS TO THE ELIGIBLE PATIENTS OF EWS CATEGORY

The Hon'ble High Court of Delhi vide its judgement dated 22/3/2007 in the matter of Social Jurist Vs. GNCTD had held inter alia as under :

".....the such private hospitals have to provide free treatment to the indigent persons i.e. 25% OPD and 10% IPD completely free of charge in all respects...."

Out of 37 Identified Private Hospitals, 10 hospitals had filed Special Leave Petitions before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India vide its order dated 01/09/2011 in SLP (C) No. 18599 of 2007 held inter alia as under:

".....The special leave petitions are dismissed. 25% OPD and 10% IPD patients have to given treatment free of cost. The said patients should not be charged anything ...."

In view of this fresh guidelines are being framed as below:

(A) **FOR PRIVATE HOSPITALS**

(i) The Special Referral Desk for EWS patients must be functional round the clock and managed by a nodal officer whose name, Telephone No., e-mail ID must be prominently displayed & updated in the webpage.

(ii) In case of any change in the Nodal Officer the same must be updated in the webpage .

(iii) The hospitals must prominently display a board at a conspicuous place bearing the name, designation, and contact number of the Nodal Officer.

(iv) The status of availability of free beds (Critical & Non- Critical) must be updated in the website round the clock on a real time basis. If the webpage shows availability of such beds then there would be an unrebuttal presumption that free beds are available for referred EWS patients and the concerned Identified Private Hospital authority will be bound to receive and treat such patients irrespective of the vacancy.

(v) The hospital shall maintain the records which would reflect the name of the patient, father's/husband's name , residence, name of the disease suffering from, details of expenses incurred on treatment , the facilities provided, identification of the patient as poor and its verification done by the hospital .

(vi) The hospital shall also maintain details of reference from Govt. Hospital and the reports submitted by the private hospital to Govt. hospital in the form of feedback of treatment provided to the concerned patient.

(vii) The records so maintained shall have to be produced to the officers designated by the Govt. of NCT of Delhi for Monitoring the free treatment being provided to the eligible category of EWS patients in the IPD & OPD.

(viii) After the discharge of patients who have been provided free treatment, the concerned hospital shall submit a report to the referring hospital indicating there in the complete details of treatment provided and the expenditure incurred thereon.

(ix) All the facilities /treatment being provided to the paid patients by the concerned Identified Private Hospitals must also be provided to the eligible patients of EWS category.

(x) For EWS patient referred from Government Hospitals, the Identified Private Hospitals are not required to ask the patient/attendant to fill another undertaking as the same has already been filled earlier and forwarded by the concerned Nodal Officer of the Govt. Hospital from where the patient has been referred.

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(xi) It may be assumed that the patients having either BPL card, AAY card or a valid income certificate issued by the office of concerned Dy. Commissioner, SDM, Tehsildar fall under the eligible category of EWS patients i.e. their monthly family income is less than the minimum wages of an unskilled worker, hence , such patients may not be asked to fill an undertaking and a copy of any of the above mentioned documents would suffice for their eligibility for free treatment.

For patients not carrying any of the above mentioned documents filling of an undertaking is mandatory.

Apart from the undertaking proforma provided by this Directorate the eligible category of EWS patients may not be asked to fill any other kind of undertaking by the Identified Private Hospitals for patients either referred by Government Hospitals or admitted by the Identified Private Hospitals on their own (for patients admitted by the Identified Private Hospitals on their own, the linked Govt. Nodal Officer may be informed to verify the genuinity of such patients . within 48 hours of admission).

(xii) If the concerned Identified Private Hospital has inadvertently charged for treatment of eligible patients of EWS category they must refund the amount to the said patient/attendant at the earliest and if they have charged from such patients deliberately it would be viewed as contempt of the orders of Hon'ble Supreme Court of India dated 01/09/2011 and High Court of Delhi dated 22/3/2007.

(xiii) Nodal Officers of the Identified Private Hospitals must send the information in the following format online on email ID freepatientcell@gmail.com 2 PM every day.

Name of the Identified Private Hospital :
Free Patients Report dated :
Name of the Nodal Officer :
Mobile No. of Nodal Officer:

Total number of free IPD patients on the said date:

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Total number of free OPD patients on the said date:

S.No.	Name of the Admitted Patient	Age/ Sex	Referred from/admitted on their own	Diagnosis	Department	D.O.A.	Mobile No. of patient/ attendant

(xiv) The hospital charging any money for treatment of eligible patients of EWS category shall be liable for action under the law and it would treated as violation of the order of the Court. The Director/M.S./Member of the Trust or the Society running the hospital shall be personally liable in the event of breach /default.

(B) **FOR GOVERNMENT HOSPITALS**

(i) The Special Referral Centre established by the Identified Govt. Hospitals must be managed by the concerned Nodal Officer who must be either the Addl. Medical Supdt. /Dy. Medical Supdt. alongwith an alternate Nodal Officer. After the working hours the Casualty Medical Officer would supervise the referral of EWS patients to Identified Private Hospital.

(ii) The Special Referral Centre/ Casualty must be provided with a computer alongwith an internet connection in order to facilitate a referral of eligible patients of EWS category. The availability of free beds in Identified Private Hospitals is displayed on www.health.delhigovt.nic.in ---> MIS link of Department of Health & Family Welfare ---> Free Bed Monitoring . For viewing the availability of free beds click the Calendar for the required date or it may be filled in the format DD-MM-YYYY.

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(iii) For such eligible patients reporting to the casualty who needed immediate care and if it is found that the particular facilities are not available or the beds are not available and the patient need urgent care, such patients may be referred to the Identified private hospitals as per the patient's choice / availability of free beds/ Specialty.

(iv) In case a decision has been taken by the treating doctor of the concerned department and the approval of the Senior doctor/ Incharge of the Unit has been sought to refer the particular EWS patient to Identified Private Hospital where the requisite facilities are available, the matter shall then be referred to the Nodal Officer/ CMO managing the Special Referral Centre for transfer of such patients.

(v) The nodal officer shall ensure that the Proforma for referral in triplicate (i.e one copy to retained by the referring hospital, second copy to be handed over to the patient, and third copy to be sent to DHS and the Undertaking are filled properly by the eligible patient of EWS category or by his/her attendant and the Transfer Summary containing the brief history of the treatment to be handed over to the patient for further treatment in the Identified Private Hospital.

(vi) The Nodal Officer / CMO before shifting a critical patient shall make liaison with the Nodal Officer at the concerned private hospital where such facilities are available regarding blocking of a critical bed in the Identified Private Hospital for the concerned patient and then shift the patient in the hospital ACLS ambulance accompanied by a doctor. He must also ensure that the proforma for referral and other enclosures are handed over to the patient/ accompanying doctor, so as to cause minimum inconvenience to the patient/relative. The accompanying doctor must physically hand over the patient to the doctor at the concerned hospital alongwith the transfer summary and necessary documents.

(vii) In case of a patient is admitted directly by the private hospital on its own, the concerned private hospital shall be bound to intimate the

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Linked Govt. Nodal Officer within two days of his/her admission. The linked Nodal Officer of the Govt. hospital or any authorized officer of the concerned specialty for which the patient has been admitted shall be under obligation to visit the private hospital and verify the fact in regard to the genuinity of such person, the treatment provided to him, and the cost likely to be incurred by the private hospital. He /She shall make record of his/her visit.

(viii) It may be assumed that the patients having either BPL card, AAY card or a valid income certificate issued by the office of concerned Dy. Commissioner, SDM, Tehsildar fall under the eligible category of EWS pa..ents i.e. their monthly family income is less than the minimum wages of an unskilled worker, hence , such patients may not be asked to fill an undertaking and a copy of any of the above mentioned documents would suffice for their eligibility for free treatment. For patients not carrying any of the above mentioned documents filling of an undertaking is mandatory.

(ix) Nodal Officers of the Government Hospitals must send the following information online to the e-mail ID freepatientcell.dhs@gmail.com on a daily basis by 4 PM:

Name of the Government Hospital :
Free Patients Report dated :
Name of the Nodal Officer :
Mobile No. of Nodal Officer:
Total number of free IPD patients referred on that date :
Total number of free OPD patients referred on that date:

S.No.	Name of the Patient	Age/ Sex	Documents attached (BPL/AAY card/Valid Income Certificate/ Undertaking)	Name of the Identified Private Hospital Referred to	OPD /IPD	Mode of transport (Self/ Ambulance)

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(B) ELIGIBILITY CRITERIA
(FOR IDENTIFIED GOVERNMENT AND PRIVATE HOSPITALS)

Any patients who is resident of India, having a monthly family income less than the minimum wages of an unskilled worker which is presently Rs.6422/-, is considered as belonging to EWS category and therefore is eligible for free treatment in the Identified Private Hospitals.

The aforesaid criteria is linked with the minimum wages of an unskilled worker and revised accordingly. Such revisions shall be communicated from time to time.

Any one of the following documents would suffice the eligibility of such patients:

(i) Patients carrying BPL card/ AAY cards (bearing their names)

(ii) Patients carrying valid income certificate issued by the concerned Dy. Commissioner/SDM/ Tehsildar

(iii) Self declaration:-
By any poor patient or his/her attendant by filling an undertaking regarding his /her family income and is subsequently referred from Govt. Hospitals.

None of the Identified Private Hospitals shall refuse treatment to eligible patient of EWS category if he/she fulfills any of the above mentioned criteria.

Any poor patient admitted by the Identified Private Hospital own their own, the information about the same must be sent to the linked Nodal Officer of Identified Government Hospitals within 48 hours for verification of the genuinity of such patients.

(D) REFERRAL SYSTEM

(For Identified Government Hospitals)

1. Eligible patients of EWS category may be referred from Government Hospitals to the Identified Private Hospitals on the basis of their income proof such as BPL Card /AAY Card Valid Income Certificate issued by SDM/ Undertaking filled by the patient/attendant.

2. Eligible patients of EWS category with valid income proof may attend the Out- Patient Department of these concerned private hospitals directly during their OPD hours.

3. In cases of an emergency, the eligible patients of EWS category can go directly to the casualty/ emergency department of these concerned private hospitals, even if they are not carrying any proof of their income.

(E) SERVICES IN IN-PATIENT DEPARTMENT (IPD)

10 % of the total beds must be reserved/earmarked for eligible patients of EWS category and all the services should be provided **free of cost in all respects** to such poor patients, in the concerned Identified Private Hospital.

(F) SERVICES IN OUT-PATIENT DEPARTMENT (OPD)

25% of total OPD must be provided **free of cost in all respects** to the eligible patients of EWS category and the all the services should be provided to such patients attending the OPDs of the concerned Identified Private Hospitals.

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(G) EMERGENCY SERVICES

When an eligible patient of EWS category goes for treatment in the emergency/ casualty departments of the concerned Identified Private Hospital on his/her own, such poor patients must be treated free of cost in all respect.

The treatment must not be withheld for want of income proof of such patients, rather the treatment may be given priority without any delay whatsoever.

Such patient/his or her attendant may fill an undertaking regarding his/her income which would suffice for their eligibility for availing free treatment.

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