

Indian Constitutional Aid Association



ANALYSIS

The National Commission for Allied and Healthcare Professions Bill, 2020

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INTRODUCTION

On the exhortations of the Standing Committee on Health and Family Welfare which submitted its report in January, The Allied and Healthcare Professions Bill, 2018 was restructured as The National Commission for Allied and Healthcare Professions Bill, 2020 after it was presented in Rajya Sabha in September 2020. To provide a legal framework for education, practice, research, assessment of institutions and registration are some objectives mentioned in the Bill.

CONTEXT

1. Even countries like Indonesia (1.4%), and Sri Lanka (1.68%) have more public healthcare expenditure than India (1.28%). India's has merely improved 8 positions, 145 (out of 195 countries) in 2016 from 1990, when it stood at 153, on the Global Healthcare Access and Quality Index.
2. India ranks 179th out of 189 for budgetary allocation to health as per The Economic Survey of India.
3. The doctor-population ratio, as per data provided by the Ministry of Health and Family Welfare in September, 2020, stands at 1:1343. Moreover, average population served by a Government Allopathic Doctor is 10,926.

ATTRIBUTES

National Commission for Allied and Healthcare Profession

- The central government is going to constitute a National Commission for Allied and Healthcare Professions as the Bill demonstrates.
- The proposed act establishes that it shall consist of Chairperson, Vice-Chairperson, 11 exofficio members and 15 part time members, and in addition one part time member representing each Professional Council.
- Within 60 days of receiving the President's assent to the Act, The Bill give us for an Interim Commission to execute the functions of the National Commission.
- Functions of the proposed act include formulating policies, regulating professional conduct and ethics, perpetuating the Central Register, provide standards on education and training, prescribing qualifications, carry out uniform entrance exams, exit tests and so on.

Advisory Council

- A National Allied and Healthcare Advisory Council to be constituted under this Bill to advise the commission.

State Councils

- Constitution of a State Allied and Healthcare Council within 6 months of the commencement of the Act is necessary by State Governments.
- It's Duty to inspect allied and healthcare institutions and ensure compliance with Central directives is a function addition to those of Central Council.

Professional Councils

- The Bill entitles the National Commission to institute Professional Councils in certain categories which are enlisted in the Schedule of the Act.

Definitions: The bill gives the definition for:-

- Allied health professional as including an “associate, technician or technologist who is trained to perform any technical and practical task to support diagnosis and treatment of illness, disease, injury or impairment, and to support implementation of any healthcare treatment and referral plan recommended by a medical, nursing or any other healthcare professional.”
- Healthcare professional as including a “scientist, therapist, or any other professional who studies, advises, researches, supervises, or provides preventive, curative, rehabilitative, therapeutic, or promotional health services.”

National Register and State Registers

- An online and live Register called the Central Allied and Healthcare Professionals' Register is provided under the bill which include the name and qualifications of registered professionals.

Autonomous Boards

The Bill provides that the state councils are empowered to constitute 4 autonomous boards:-

1. Under-graduate Allied and Healthcare Education Board
2. Post-graduate Allied and Healthcare Education Board,
3. Allied and Healthcare Professions Assessment and
4. Rating Board, and the Allied and Healthcare Professions Ethics and Registration Board.

Establishment of New Allied and Healthcare Institutions

Without taking the permission of the State Council, no one can establish a new institution, create new courses, increase admission capacity or take up a new batch of students related to any qualification of allied and healthcare professionals.

Offences and Penalties

The Proposed Act lays down varying amounts of penalties and fines for the following offences (Maximum is Rs. 5 lakh fine & 3 years imprisonment):-

1. When a false claim is registered under the Act.
2. When misuse of titles of any allied and healthcare professional.
3. When failure to surrender the Certificate of Registration after removal of name from the State or Central Register.
4. Any other contravention of provision, rule or regulation under this Act.

FAULT-FINDING

Restrictive Short Tenure of the Commission Members

As mentioned in the standing committee's report that the tenure of the commission should be 3 years. A tenure of three to five years will ensure a uniform and consistent formulation and implementation of a long-term policy. Hence, a tenure of mere two years has been criticized.

Creating Permanent Bodies for various Professions

The Bill leaves it up to the National Commission to constitute these bodies without specifying the functions separately but the Standing Committee recommends that a clause should be inserted in the Bill to provide for the constitution of 8 professional councils. As Such professional councils would understand the technicalities and day to day tasks in a better way.

The Bill does not inscribe the lack of supply of Allied and Healthcare Professionals

There is a scarceness of 64 lakh professionals as per a Public Health Foundation of India Report. India has a critical deficit of allied healthcare professionals to address the needs of the citizens. The Bill does not address the bigger issue of lack of incentives for people to opt for such professions, given the vacancies available in this sector.

Stricter Punishments

The proposed act should place stricter punishments keeping in view the history of healthcare regulation in India and the high amounts of money involved.

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