

NOTIFICATION

Public Health Department
G.T. Hospital Compound, 10th Floor,
New Mantralaya, Mumbai 400 001

Date :- 1st June, 2021

References:

- 1) The Epidemic Diseases, 1897.
- 2) The Disaster Management Act, 2005.
- 3) Indian Penal Code, 1860.
- 4) The Maharashtra Essential services Maintenance (Amendment) Act, 2011.
- 5) The Maharashtra Nursing Home (Amendment) Act, 2006.
- 6) Bombay Public Trusts Act, 1950 (for short B.P.T Act).
- 7) Public Health Department Notification No. CORONA-2020/C.R.97/Aro-5, dated 30.04.2020 and 21.05.2020.
- 8) Public Health Department Notification No. CORONA-2020/C.R.97/Aro-5, dated 31.08.2020, 30.11.2020, 15.12.2020 and 27.02.2021.
- 9) Order dated 23.10.2020 passed by Hon.High Court, Mumbai bench Nagpur in WP No.1936/2020.

No.CORONA-2020/ C.R.97/ Arogya-5:- Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid 19 epidemic already declared as a pandemic by World Health Organization and accordingly in exercise of the powers conferred as per the enabling provisions of all above Acts, has issued notifications referred in Sr.No.7 and 8 above.

Whereas the public Charitable Trusts registered under the provisions of the Bombay Public Trusts Act, 1950 (for short 'B.P.T. Act') which are running Charitable Hospitals, including nursing homes or maternity homes,



dispensaries or any other center for medical relief and whose annual expenditure exceeds Rs.5 Lacs are “ State aided public trust “ within the meaning of clause 4 of section 41AA;

Whereas The public Charitable Trust covered by aforesaid paragraph are under legal obligation to reserve and earmark 10% of the total number of operational beds for indigent patients and provide medical treatment to the indigent patients free of cost and reserve and earmark 10% of the total number of operational beds at concessional rate to the weaker section patients as per the provisions of section 41 AA of the B.P.T. Act;

Whereas a large number of persons including those affected by Covid-19 are in need of treatment and various Hospitals, Nursing Homes, Dispensaries (hereinafter referred as Healthcare Providers) registered under Bombay Nursing Home (Amendment) Act, 2006 are treating such patients;

Whereas many Healthcare Providers in Mumbai, Thane, Navi Mumbai, Panvel and Pune have specific agreements/ understanding with General Insurance Public Sector Associations (GIPSA) as a member of Preferred Private Network (PPN) regarding rates of various treatment packages and some Healthcare Providers in Mumbai are not part of GIPSA- PPN;

Whereas many Healthcare Providers situated in State of Maharashtra are not part of GIPSA- PPN and have their own specific agreements/ understanding with various Third Party Administrators (TPA) regarding rates of various treatment packages and each Healthcare Provider may have different rates for same treatment packages among various TPAs operating in that Healthcare Provider;

Whereas some hospitals in the State of Maharashtra are neither part of GIPSA-PPN nor having agreements/ understanding with any TPA;

Whereas expenses towards treatment of persons insured for IRDA approved healthcare products treated in GIPSA-PPN or network of hospitals empanelled by various TPAs at specific package rates agreed by them are borne by the insurer. However the persons who are not covered by any health insurance product or who have exhausted their health insurance cover are being charged exorbitantly causing hardships to public in general during the pandemic situation.

Whereas section 2 (a) (iii) of the Maharashtra Essential Services Maintenance Act, 2005 defines any service connected with the maintenance of Public Health and Sanitation including hospitals and Dispensaries as Essential Service; Whereas large number grievances regarding exorbitant amount of money being charged by the Healthcare Providers registered under Bombay Nursing Home (Amendment) Act, 2006 causing hardship to the public in general during the COVID-19 pandemic were received; & State Government earlier had issued notifications at serial No. 7 referred above.

Hence, Now Government of Maharashtra has decided to amend the notification No. CORONA-2020/C.R.97/Aro-5 Dated 31.08.2020, 30.11.2020 and 27.02.2021 and issue the addendum and modification to the extent mentioned below and has decided to extend operations of these notifications till 31.08.2021. This notification shall be applicable for Covid-19 and suspected Covid-19 patients.

Therefore, in exercise of the powers conferred as per the enabling provisions of all the above referred Acts, to redress the grievances regarding exorbitant amount of money charged by Healthcare Providers from the patients who are not covered by any health insurance product or any bilateral agreement / MOU between any hospital and private corporate group and who



have exhausted their such health insurance cover, all the Healthcare Providers functioning in the State of Maharashtra are hereby directed that:

- 1) The Charitable Trusts registered under the provisions of the B.P.T. Act which are running Charitable Hospitals, including nursing home or maternity home, dispensaries or any other center for medical relief shall make all possible efforts to discharge their obligations as per provisions of section 41AA of the B.P.T. Act before applying any charges to any eligible patient.
- 2) Healthcare providers shall make all attempts to increase their bed capacity [subject to norms prescribed in The Maharashtra Nursing Home (Amendment) Act 2006] to accommodate maximum number of patients.

(a) Throughout the Maharashtra, total operational bed capacity for treatment of Covid-19/suspected Covid-19 will be regulated by rates prescribed below. This applies to Isolation beds. That means 80% of Isolation beds available with any Healthcare provider under this notification should be regulated by State Govt. /District Collectors/Municipal Commissioners. Healthcare Providers may charge their rack rates to the remaining 20% beds.

(b) In the Area of Municipal Corporation of Greater Mumbai 80% of isolation beds (Covid Beds), provided number of available isolation beds for Covid patients as on 31.08.2020 does not get reduced, available with any health care provider under this notification should be regulated by Commissioner, MCGM/District Collector in Mumbai. Health care provider may charge their rack rates to remaining 20 % of isolation beds in the area of MCGM only.



- 3) Patients belonging to both categories (80% and 20%) can take treatment in NICU, PICU, daycare and hemodialysis at the respective applicable rates on first come first serve basis
- 4) For Covid Patients treated at any of the Hospitals/Nursing homes/Clinics covered under this notification across Maharashtra, rates shall not be more than rates prescribed in Annexure A.
- 5) There shall be no difference in the quality of treatment being meted out to patients treated against 80% of total beds or 20% beds.
- 6) The Healthcare Providers shall display at a prominent place number of permitted beds [permitted as per The Maharashtra Nursing Home (Amendment) Act 2006], operational beds status of availability of beds as per section 41AA of the B.P.T. Act, 80:20 division of beds. i.e. numbers of beds regulated under this notification against which patients as referred by respective District Collectors and Municipal Commissioner would be admitted as well as number of unregulated beds and status of occupancy against all beds in regulated (80%), as the case may be and non-regulated (20%) category.
- 7) Healthcare Providers shall display at prominent place the details of rates applicable for Covid-19/suspected Covid-19 patients as per the Annexure A of this notification. It is the duty of the concerned Healthcare Provider to explain to the patient/ relatives of the patient details of all types of charges. The Healthcare Provider shall provide this information to Competent Authorities (respective Municipal Commissioner/ District Collector) at a frequency prescribed by them. Municipal Commissioners and District Collectors are advised to develop an online digital platform to update and disseminate occupancy position of beds for Covid patients.



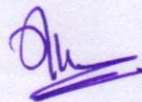
- 8) The package rate fixed in this Notification for charging patients is inclusive of Doctors' fees & the Healthcare Provider concerned has the inclusive of Doctors fees & the concerned healthcare provider has right to call such of its visiting Doctors to render the required services & pay such amount as it decides for the said services out of the package amount so charged. Any denial by the doctors will attract penal action under various Statutes referred to in this Notification including cancellation of MMC Registration.
- 9) Nursing and other support staff working in the Healthcare Provider shall give full support and extend wholehearted cooperation for the smooth functioning of the Healthcare Provider which comes under Maharashtra Essential Services Maintenance Act, 2005. Any group or union activities against the smooth function of the Healthcare Provider will attract penal provisions under the said Act.
- 10) For Covid patients rates prescribed as per annexure A shall be applicable. The rates in Annexure- A shall apply to Covid positive or suspected Covid positive patients referred by competent authorities against regulated beds (80% of total Isolation beds) in each of the healthcare provider.
- 11) All hospitals shall give pre-audited bill to the patient. If at a later date it is found that extra charges have been levied then excess amount shall be reimbursed to the patient. Respective District Collectors and Municipal Commissioner shall appoint auditors in such Covid hospitals/facilities to ensure issuance of pre-audited bills to each and every patient and its relatives.
- 12) Any hospital found violating any provision of this notification shall be deemed to have committed an offence and shall be liable for cancellation of registration of nursing home and offence under Indian Penal Code shall be registered.



- 13) The rates prescribed in Annexure A are applicable to 80% of total number of beds available in various bed categories for treatment of Covid-19 patients or suspected Covid-19 patients. The intention of all previous notifications in this regard was to apply prescribed rate to 80% of available beds. However, certain interpretations were drawn to deprive beneficiaries from their intended legitimate benefits. To bring abundant clarity within the provisions of all previous notifications in this regard, it is clarified that prescribed rates as per Annexure A are applicable to 80% of total number of beds available for treating of Covid-19 patients or suspected Covid-19 patients, irrespective whether such patients are referred by competent authorities or not.
- 14) Rates will be applicable from the date of issue of notification.

Therefore for implementation of the above provisions, the competent authority at the State level shall be the Chief Executive Officer, State Health Assurance Society, Public Health Department, The competent authority at District Level (for areas excluding Municipal Corporations) shall be District Collector and in Municipal Corporation areas the concerned Municipal Commissioner shall be competent authority to take appropriate action as provided in The Epidemic Diseases Act, 1897, The Disaster Management Act, 2005, The Maharashtra Essential Service Maintenance (Amendment) Act 2011, The Mumbai Nursing Home (Amendment) Act 2006, The Bombay Nursing Home Registration (Amendment) Act, 2006 and The Bombay Public Trusts Act, 1950 for any violation of these directions.

This notification shall come in effect immediately and would remain in operation till 31.08.2021.



All private hospitals, nursing homes and health care providers shall act accordingly.

By order and in the name of Governor of Maharashtra

(Dr. M. Neelima Kerketta)
Principal Secretary, Government of Maharashtra

Copy to :

- 1) Principal Secretary to Hon'ble Governor, Rajbhavan, Mumbai.
- 2) Addl. Chief Secretary to Hon'ble Chief Minister, Mantralaya, Mumbai.
- 3) Principal Secretary to Hon'ble Deputy Chief Minister, Mantralaya, Mumbai.
- 4) Hon'ble Minister (Health & Family Welfare), Mantralaya, Mumbai.
- 5) Hon'ble Minister of State (Health & Family Welfare), Mantralaya, Mumbai.
- 6) Chief Secretary, Mantralaya, Mumbai.
- 7) Additional Chief Secretary/ Principal Secretary/ Secretary, Mantralaya, Mumbai.
(All)
- 8) Secretary, Maharashtra Legislature Secretariat, Vidhan Bhavan, Mumbai.
- 9) Commissioner, Health Services Cum Mission Director, NHM, Mumbai
- 10) Charity Commissioner, M.S., Mumbai
- 11) Chief Executive Officer, State Health Assurance Society, Worli, Mumbai
- 12) All Divisional Commissioners
- 13) All District Collectors
- 14) All Municipal Commissioners
- 15) All Chief Executive Officers, Zilla Parishad
- 16) Director, Health Services- I/II, Mumbai/ Pune.
- 17) Additional Director, Health Services (All)
- 18) Joint Director, Health Services (All)
- 19) Deputy Directors, Health Services (All)
- 20) Civil Surgeons (All)
- 21) District Health Officers (All)
- 22) District Malaria Officers (All)
- 23) Deputy Secretary to Chief Secretary, Mantralaya, Mumbai
- 24) All joint/ Deputy Secretary, Under Secretary, Section Officers, Public Health Department
- 25) President, India Medical Association
- 26) PA to Principal Secretary, Public Health Department
- 27) Select File: Arogya - 5.

Annexure A			
Maximum rates which can be charged to Covid patients (Applicable throughout Maharashtra for all health care Providers)			
Packages	Rate in INR per day	Inclusions	Exclusions
Charges for Routine ward + Isolation	A Class Cities 4000 B Class Cities 3000 C Class Cities 2400	This includes – Monitoring & investigations like CBC, Urine Routine, HIV Spot Anti HCV, Hbs Ag, Serum Creatinine, USG, 2D ECHO, X Ray, ECG, Drugs, Oxygen charges Consultations Bed charges Nursing charges Meals Procedures like Ryles tube insertion, urinary tract Catheterization	Does not include- 1) PPE- (Hospitals can charge Rs.600/- (maximum) per patient per day for stay in ward and Rs.1200 /- maximum per patient per day for stay in ICU. Any charge more than this towards PPE needs to be justified 2) Interventional Procedures like but not limited to, Central Line insertion, Chemoport Insertion, bronchoscopic procedures, biopsies, ascetic/ pleural tapping, etc, which may be charges at the rack rate as on 31 st Dec 2019. 3) COVID testing – to be done as per actual cost as per applicable GR. 4) High end drugs like immunoglobulins, Meropenem, Parenteral Nutrition, Remdesivir, Flavipiravir, Tocilizumab, etc. – shall not be charged more than 10% markup on net procurement cost incurred. (as per actual quantity used for the concern patient) 5) High end investigations like CT scan, MRI, PET scan or any lab investigation not included in the previous column- to be charged at rack rates of hospital as on 31 st Dec 2019.
Charges for ICU without ventilator + Isolation	A Class Cities 7500 B Class Cities 5500 C Class Cities 4500		
Charges for ICU with ventilator + Isolation	A Class Cities 9000 B Class Cities 6700 C Class Cities 5400		

* Classification of Cities (A Class Cities, B Class Cities and C Class Cities/areas) as per page 2 of annexure A.

Classification of Cities		
Classification	Name of the Group of Cities	Areas incorporated in the group
A Class cities/Areas	Mumbai	1) Brihanmumbai MCGM 2) Mira Bhayander MNC 3) Thane MNC 4) Navi Mumbai MNC 5) Kalyan Dombivali MNC 6) Ulhasnagar MNC 7) Ambernath MC 8) Kulgaon Badlapur MC 9) Panvel MC
	Pune	1) Pune MNC 2) Pune Cantonment 3) Khadki Cantonment 4) Pimpri Chinchwad MNC 5) Dehu Road cantonment 6) Dehu C.T.
	Nagpur	1) Nagpur MNC 2) Dighdoh C.T. 3) Wadi C.T.
B Class Cities/Areas	Nasik	1) Nashik MNC 2) Eklahare C.T. 3) Devlali Cantonment 4) Bhagur MC
	Amravati	Amaravati MNC
	Aurangabad	1) Aurangabad MNC 2) Aurangabad Cantonment
	Bhiwandi	1) Bhiwandi Nijampur MNC 2) Khoni C.T.
	Solapur	Solapur MNC
	Kolhapur	1) Koplhapur MNC 2) Gandhinagar C.T.
	Vasai Virar	Vasai Virar MNC
	Malegaon	1) Malegaon MNC 2) Dhaygaon O.G. 3) Daregaon O.G. 4) Soygaon C.T. 5) Dyane C.T. 6) Malde C.T.
	Nanded	Nanded Waghala MNC
	Sangli	1) Sangli Miraj Kupwad MNC 2) Madhavnagar C.T.
	All District Headquarters other than those mentioned in A Class and B Class cities mentioned above this row.	District Headquarter means areas within the limits of respective Municipal Corporations and Municipal Councils of such District Headquarters.
C Class Cities/Areas	Other than A and B Class Cities	

* **C.T. Census Town**

* **O.G. Out Growth**

