

To

Honorable Dr Harshvardhan  
Minister of Health and Family welfare  
New Delhi

Re; Regulation of medical treatment charges in private hospitals

Sir,

Medicos Legal Action Group is a Registered Trust formed by few doctors from all over the Country to look after interests and welfare of MBBS doctors and take legal action where needed. The trust works to create and spread awareness in the medical profession and the public about medicolegal issues through various means, for removal of quackery, for the diffusion of useful knowledge on matters related to health specially with training and working of medical personnel and to liaison and advocate with Government and its agencies including MCI, MOHFW, State Governments on issues related to MBBS doctors their training , their service matters and overall welfare.

We have received information through Press Information Bureau (copy attached) regarding regulation of medical treatment charges in Private Hospitals as stated by you in a written reply in Rajya Sabha on 5<sup>th</sup> Aug 2014. Sir we have already given our reservations regarding the Clinical Establishment Act / Rules / Minimum Standard to MOHFW. The decision to define rates by Government agencies for medical treatment and procedures is fraught with danger of being misused by miscreants. We would like to give our representation to the subcommittee formed for the purpose and request that we be given the opportunity to do the needful.

As an example of how absurd are the rates decided by Govt Agencies is given in 2011 Nabhi's Compendium of orders (CGHS Rates) Pg 504 where procedure of UGIE plus Lower GI Endoscopy has rates as given below in the same city

- 1) Rate for Non NABH Hospital Rs 1200
- 2) Rate for NABH Hospital Rs 1380
- 3) Rate for Superspeciality Hospital Rs 23200

This is not an isolated example where corporate hospitals have been given irrational benefit in these rates. Rates for part procedure are given higher than that for extended procedure and so on so forth. These rates are published under influence of special interest groups and cause a lot of problem in the field. There is no special benefit an average Indian gets in getting treatment done in super speciality hospitals to justify paying 15 times the rates which would be charged by a smaller hospital in the same city. Insurance penetration for healthcare is less than 1.2 % of total population and it an atrocity on the public who has to pay such exorbitant out of pocket expenses with Government sanction. The maximum sanctioned rates are given to the same corporate sector which has already availed the maximum benefit of government subsidy in form of concessional land. No other profession is regulated with regards to fee charged. The amount of fee charged by Doctors is not even a matter of consumer dispute

as decided by National Consumer Dispute Redressal Commission ( B Shekhar Hegde vs Dr Sudhanshu Bhattachary). Doctors who have not availed of any subsidized land or grant or benefit from the Govt can not be discriminated as the only professionals whose charges will be controlled by the Government. Article 14 of the Indian Constitution protects all individuals from any such discrimination and under Article 19 the right of Doctors to practice their profession is curtailed with such draconian restriction.

The market forces should not be underestimated in giving a level playing field to all. Rates of medical treatment once displayed as stipulated under clinical establishment act will afford the opportunity to all patients to decide whether or not to be treated in the clinic / hospital at those rates.

Some hospitals have availed subsidies, received concessional land and other benefits whereas others have not received any such benefit. How will uniform one size fit all , rates , differentiate these establishments. Also an MD Medicine with experience of 1 year vs another with experience of 30 years will be restricted to charge same amount as consultation fee. Similarly the rates are given for cardiothoracic surgery like CABG without differentiating one done by a beginner vs one done by a doctor at the peak of his career. There are advocates who charge 50 Rs to attest or act as witness in lower courts and others who charge in crores and this is justified as correct by Bar council of India in a recent complaint filed by a foreign couple against a Chandigarh based advocate in a case involving a child's custody. It is legal and conforms to fair professional practice if rate is clearly declared to consumer before the start of procedure. Quantum of the rate is dependent on the professionals expertise. Trying to control rates charged by one segment of professionals is bound to open a Pandora's Box.

Sir if we wish to reverse brain drain in medical field we need to make the practice of medicine in India attractive for the medical professionals. The Indian system already has already too much bias and in fact push towards mediocrity with our commitment to social justice. This step of making practice of profession unattractive will further dissuade people's drive to excellence. The system should rather strive to retain the best talent and for that excellence should be rewarded not only with empty honours and awards but also with financial reward.

Sir we request you to reconsider your decision to regulate rates of only one set of professionals (Doctors). This is arbitrary and discriminatory specially when a majority of doctors today are not beneficiaries of any Government support.

Thanking you

Yours sincerely

(Dr Neeraj Nagpal)

Convenor

Medicos Legal Action Group

08-08-2014