

**HEALTH AND FAMILY WELFARE SECRETARIAT
NOTIFICATION**

No. HFW 158 CGE 2012. Bangalore, Dated: 03.12.2012.

In exercise of the powers conferred by the proviso to sub-section (2) of section 94 of the Mental Health Act, 1987 (14 of 1987), read with section 22 of the General Clauses Act, 1897 (10 of 1897), and with the previous approval of the Government of India, the Government of Karnataka, hereby makes the following rules, namely: -

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Mental Health Rules, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions. – (1) In these rules unless the context otherwise requires,-

(a) 'Act' means the Mental Health Act, 1987 (Central Act 14 of 1987);

(b) 'Applicant' means the person who makes an application to the licensing Authority for grant of a license;

(c) 'Authority' means the Karnataka Mental Health Authority constituted under Section 4 of the Act;

(d) "Chairman" means the Chairman nominated under rule 5;

(e) "Clinical Psychologist" means a Mental Health Professional with qualification of a Post Graduate degree in psychology from a university established by Law with M.Phil or PhD in clinical psychology acquired after a two-years course from an accredited institution.

(f) "Convalescent Home" means a part of the hospital or an institution or a unit or section of the institution established or; maintained by the Government or any other person for such mentally ill persons in the form of Psychiatric Rehabilitation Homes, Psychiatric Day Care Home or other Partial Hospitalization Units, and Long Term Care Homes or Units and includes,-

(i) 'Residential Half Way Homes' means residential facility for patients with mental disorders who do not require full hospitalisation but are not well enough to function in the community without adequate professional supervision and support.

(ii) 'Quarter way home (Hostel)' means residential facility for mentally ill who are functional enough to be able to hold a job.

(iii) 'Long stay homes' means the places where mentally ill patients stay for a flexible period of time and receive psychiatric care and rehabilitation.

(iv) 'Vocational Training Centre' means the centre for the mentally ill. These centres are expected to achieve the objective of moving the disabled persons towards economic independence.

(v) 'Sheltered Work Shop' means the centres for the mentally ill, which are job oriented centres to achieve the objective of moving the mentally ill persons towards economic independence. [They must be self sustaining and are meant for income generation. Marketing the products/ services of the centres is a necessary feature].

(vi) 'Day Care Centre' means a place where persons with mental disorders who do not require hospitalization or residential care are provided psycho social rehabilitation services by qualified or trained personnel during daytime.

(g) De -addiction facility' means a place where persons diagnosed to have dependence on alcohol and other drugs are treated and cared for

(h) 'Form' means Form appended to these rules;

(i) 'Inpatient facility for psychiatric patients in a general hospital or general nursing home' means a general hospital or nursing home established or maintained by anybody other than the government, which provides also for psychiatric services;

(j) Member' means a member of the authority appointed under rule 3;

(k) 'Membership' means membership of the authority established under section 4 of the Act;

(l) Mental health institute or nursing home' means a hospital or a nursing home as may be established or maintained by the Government or any other person for treatment and care of mentally ill persons;

(m) 'Mental Health Professional' means professionals trained in Psychiatry, psychology, psychiatric social work, psychiatric nursing or occupational therapy from a recognized centre;

(n) 'Non-official member' means a member appointed under sub-rule (2) of rule (3);

(o) 'Official member' means a member appointed under sub-rule (1) of rule 3;

(p) 'Occupational Therapist' means professionals trained in vocational training, occupational guidance and related skills by the recognised training centres;

q) 'Psychologist' means a person trained in clinical psychology at the level of Post graduation studies from a University established by law;

(r) "Psychiatric Nurse" means a qualified nurse with certificate in General Nursing or Diploma in psychiatric nursing or BSc in psychiatric nursing after a regular course recognized by Nursing Council Of India;

(s) "Psychiatric Social Worker" means a mental health professional assistant with Master degree in Social Work from a university established by Law with M.Phil or Ph.D in Psychiatric Social Work acquired after a two- year course from an accredited institution;

(t) "Social Worker" means a postgraduate from a university established by Law in a social work with training in medical and psychiatric social work;

(u) "Secretary " means secretary of the authority appointed under rule13;

(2) All other words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.

CHAPTER II

KARNATAKA MENTAL HEALTH AUTHORITY

3. Constitution of the Authority.- The Karnataka Mental Health Authority shall consist of the following Members, namely: -

(1) Official Members.-

- (a) The Principal Secretary to Government, Department of Health and Family Welfare.
- (b) The Secretary to Government, Women and Child Development
- (c) The Secretary to Government, Medical Education Department.
- (d) The Secretary to Government Department of Law Justice and Human Rights.
- (e) The Commissioner, Health and Family Welfare Services
- (f) The Commissioner of Disabilities,
- (g) The Director of Health and Family Welfare Services
- (h) The Director, National Institute of Mental Health and Neuro sciences, Bangalore.
- (i) The Professor and Head, Department of Psychiatry, National Institute of Mental Health and Neuro Science, Bangalore.
- (j) The Medical Superintendent, Karnataka Institute of Mental Health, Dharwad.
- (k) The Professor and Head of the Department of Psychiatry Bangalore Medical College and Research Institute.

(2) Non official members.-Three members including one Social Worker, one Clinical Psychologist, and one Medical Psychiatrist, who in the opinion of the State Government, have special interest in the field of Mental Health.

(3) Invitees.- President, Indian Psychiatric Society (Karnataka Branch), representatives of Non Governmental Organizations and any other person in the interest of subjects of agenda.

4. Disqualification of Members.- A person shall be disqualified for being appointed as non-official a member or shall be removed from the membership by the State Government, if he, -

- (a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
- (b) is an un-discharged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a corporate body owned or controlled by the Government.

5. Selection of Chairman.- (1) The State Government may nominate any official member to act as the chairman of the Authority.

(2) The Chairman shall cease to hold office when he ceases to be a member of the Authority.

6. Term of office of members. - (1). Every official member shall hold office as such member so long as he holds the office by virtue of which he was so appointed.

(2) Every non-official member shall, subject to the pleasure of State Government,

hold the office for a period of three years, from the date of his appointment and shall be eligible for re-appointment.

(3) A non-official member may at any time resign from membership of the Authority by forwarding his letter of resignation to the Chairman and such resignation shall take effect only from the date on which it is accepted.

(4) Where a vacancy occurs by resignation of a non-official member under sub rule (3) or otherwise, the State Government shall fill the vacancy by appointing from amongst category of persons referred to in sub-rule (2) of rule 3 and the person so appointed, shall hold office for the remainder of the term of the office of the member in whose place he was so appointed.

(5) Where the term of office of any non-official member is about to expire, the State Government may appoint a successor at any time within 3 months before the expiry of the term of such member but the successor shall not assume office until the term of the member expires.

CHAPTER III

PROCEEDINGS OF THE AUTHORITY

7. Meetings of the Authority.- (1) The Authority shall ordinarily meet once in every three months at such time and place as may be fixed by the chairman.

(a) The Chairman may call for a special meeting at any time to deal with any urgent matter requiring the attention of the Authority.

(b) The Chairman shall call a special meeting if he receives written requisition for the same from at least eight Members.

(2) The first meeting of the Authority to be held in any calendar year shall be the annual meeting for that year.

8. Subject for the special meeting.- Where a meeting referred to in the proviso to sub-rule (1) of rule 7 has been convened, only the subjects for the consideration of which the meeting was convened, shall be discussed.

9. Subjects for the annual meeting.- At the annual meeting of the Authority, the following subjects shall be considered and disposed of, namely: -

(a) Review of the progress of implementation of the various provisions of the Act during the preceding one year;

(b) Other business on the agenda; and

(c) Any other business brought forward with the consent of the Chairman or where he is absent, with the consent of the officer presiding at the meeting.

10. Procedure for holding meetings.- (1) Every notice calling for meeting of the Authority shall,-

(a) specify the place, date and hour of the meeting; and

(b) be served upon every member of the Authority not less than twenty one clear days in the case of Annual meeting and fifteen clear days in the case of other meetings before the day appointed for the meeting.

(2) The Secretary shall prepare and circulate to the members along with the notice of the meeting, an agenda for such meeting showing the business to be transacted.

(3) A member, who wishes to move a resolution on any matter included in the agenda, shall give notice thereof to the Secretary not less than seven days before the date fixed for the meeting.

(4) A member who wishes to move any motion not included in the agenda shall give notice thereof to the Secretary not less than fourteen days before the date fixed for the meeting.

11. Proceedings of the Authority.-(1) The Chairman or in his absence any member authorised by him, shall preside at the meetings of the Authority.

(2) The quorum for the meeting of the Authority shall be eight members

(3) If within half an hour from the time appointed for holding a meeting of the Authority, if there is no quorum, the meeting shall be adjourned to the same day in the following week at the same time and place and the presiding officer of such meeting shall inform the members present and notify to the other members.

(4) If at the adjourned meeting also, there is no quorum within half an hour from the time appointed for holding the meeting, the members present shall constitute the quorum.

(5) In the adjourned meeting if the Chairman is not present and no member has been authorised to preside at such meeting, the members present shall elect a member to preside at the meeting.

(6) Each member including the Chairman shall have one vote. In case of an equality of votes, the Chairman or any member presiding over such meeting shall in addition, have a casting vote.

(7) All decisions of the meeting of the Authority shall be taken by a majority of the members present and voting.

12. Approval by Circulation.-Any business which may be necessary for the Authority to transact except such as may be placed before the annual meeting, may be carried out by circulation among all members and any resolution so circulated and approved by a majority of members shall be valid and binding as if such resolution has been passed at the meeting of the Authority.

13. Secretary to the Authority.- (1)The Chairman shall cause to appoint a Secretary to Authority from amongst persons possessing post graduate degree in psychiatry and having 5 years experience in the field of Psychiatry with the approval of the State Government.

(2) The Secretary shall be a full time or part-time servant of the authority and shall function as the Administrative Officer of the Authority.

(3) The Secretary shall be responsible for the control and management of office, accounts and correspondence of the Authority.

(4) The Secretary shall attend and take notes of the proceedings of the meeting of the Authority.

(5) The secretary shall cause to appoint such members of the ministerial and non-ministerial staff, which are essential for efficient functioning of the Authority with the approval of the State Government.

- (6) The secretary shall exercise such other powers and discharge such other functions as may be authorised in writing by the chairman for the efficient functioning of the Authority.

14. Forwarding of the copies of the proceedings of the Authority to the State Government.- The Secretary shall forward copies of the proceedings of the Authority to the state Government periodically.

CHAPTER IV

LICENCE

15. Application for licence.- (1) Every application for license under subsection (1) or subsection (2) of section 7 of the Act shall be,-

- (a) made to the licensing authority in Form 1 or Form II as the case may be;
- (b) accompanied by the license fee shall be at the rate given below in the form of Bank draft drawn in favour of the Karnataka Mental Health Authority, payable at Bangalore.
 - (i) Up to 50 Beds Rs1000.
 - (ii) 50-100 Beds Rs 2000.
 - (iii) More than 100 beds Rs 5000.

(2) Every application for licence shall be accompanied by an initial fee of Rs.1000/- (Rupees one thousand only) in the form of bank draft drawn in favour of, the Karnataka Mental Health Authority.

(3) The Deputy Commissioners of the districts shall be the licensing authorities for establishment and maintenance of Psychiatric Hospitals and other Psychiatric institutions in the districts of the state.

16. Grant of License.- If the Licensing Authority is satisfied that the applicant fulfils the conditions laid down in clause (a), (b) and (c) of section 8 of the Act, it shall grant the license in form III.

17. Refusal of license and manner of communicating the order.- (1) If the licensing authority is satisfied that the applicant does not fulfil the condition laid down in Section 8 of the Act, it may, after giving the applicant a reasonable opportunity of being heard against the proposed refusal of license, by order, setting out the reasons therein, refuse to grant the license.

- (2) Every order refusing to grant a license under Section 8 shall be communicated to the applicant by Registered Post.
- (3) A copy of the order shall also be conspicuously displayed in the notice board of the office of the licensing authority.

18. Application for renewal.- Every application for renewal of a license, under sub-section (5) of Section 9 of the Act shall be made to the licensing authority in Form IV, and accompanied by a fee at the rate given below in the form of a bank draft drawn in favour of the Karnataka Mental Health Authority

- (i) Up to 50 beds---Rs1000
- (ii) 50-100 beds -Rs 2000.
- (iii) More than 100 beds Rs 5000

19. Refusal of renewal license.- (1) If the licensing authority is satisfied that the conditions mentioned in the proviso to subsection (5) of section 9 of Act are not attracted, it shall renew the license.

(2) If the licensing authority is of opinion that the license shall not be renewed in view of the fact that the conditions mentioned in the Proviso to Sub-section (4) of Section 9 are attracted, it may, after giving the applicant a reasonable opportunity of being heard against the proposal of the renewal of the license by order setting out the reasons therein, refuse to renew the licence.

(3) Every order refusing to renew the license under the proviso to subsection (5) of Section 9 of the Act shall be communicated to the applicant by registered post.

20. Manner and conditions of maintaining Psychiatric hospitals or Psychiatric Nursing Homes.- Every Psychiatric Hospital or Nursing Home shall be maintained subject to fulfilment of the following conditions, namely:-

- (1) such Hospital or Nursing Home is located only in an area approved by the local authority;
- (2) such Hospital or Nursing Home is located in a building constructed with the approval of the local authority;
- (3) the building, where such Hospital or Nursing Home is situated, has sufficient ventilation and is free from any pollution which may be detrimental to the patients admitted in such hospital or Nursing Home;
- (4) such hospital or Nursing Home has enough beds to accommodate the patients;
- (5) the nurses and other staff employed in such Hospital or Nursing Home are duly qualified and competent to handle the work assigned to them;
- (6) the supervising officer in charge of such hospital or a Nursing Home is person duly qualified having a post graduate degree in Psychiatry recognised by the Medical council of India.

21. Appeal.- (1) Any person aggrieved by the order of the licensing authority refusing to grant or renew a licence or revoking a licence, may prefer an appeal to the State Government within 60 days from the date of the communication of such order;

Provided that the State Government may entertain an appeal, preferred after the expiry of the period specified in sub-rule (1), if it is satisfied that the applicant was prevented by sufficient cause from preferring the appeal in time.

(2) The appeal shall be in "Form V" and shall be sent to the state Government by registered post or presented in person to the Secretary to State Government, Department

of Health or any other Officer nominated by him in this behalf.

(3) Every appeal shall be accompanied by a fee of rupees one thousand in the form of Demand Draft/ Bank challan in favour of Karnataka State Mental Health Authority, payable at Bangalore.

CHAPTER V PSYCHIATRIC HOSPITALS AND NURSING HOMES

22. Classification of Psychiatric Hospitals and Nursing Homes and minimum facilities for treatment of inpatients.- (1) Psychiatric Hospitals and Nursing Homes are classified as,-

(a) Acute care centres,-

- (i) Mental Health Institutions and Nursing Homes
- (ii) Inpatient facility for psychiatric patient in General Hospitals and Nursing Homes.
- (iii) De-addiction centres.

(b) Convalescent Homes,-

- (i) Residential Halfway home
- (ii) Long Stay Home
- (iii) Hostel (quarter way home)
- (iv) Day Care Centre
- (v) Vocational training Centre
- (vi) Sheltered Workshop

(2) Minimum Norms of Acute Care Centres.- Acute care centres, shall conform to the following minimum norms, namely:-

(i) **Staff.-** (a) Psychiatrists: patient to be 1:100

- (b) Mental health professional assistant Clinical psychologist or social worker: patient to be 1:50.
- (c) Nurse: Patient to be 1:10.
- (d) Medical practitioner with recognized M.B.B.S Degree: patient to be 1:50.
- (e) Attendants in the attendant: patient ratio of 1:5
- (f) The functioning of nurses and doctors should be such that at any given time (all 24 hours) at least one doctor and one nurse are available in a ward.

(ii) **Physical Features.-** (a) There will be one bed and mattress per patient along with 3 sets of bed linen (i.e. a pair of bed sheets and a pillow cover). One pillow, one blanket.

- (b) The psychiatric in-patient facility should be located in a safe area
- (c) The minimum distance should be maintained between the cots is 3 feet. Living accommodation could be, double, multiple bedded or single bedroom or cottages.
- (d) The accommodation shall be separate for males and females.
- (e) The dormitories and multiple bedded rooms shall have Bath rooms and toilets on the following scale - one toilet for every five residents, one

bathroom for every ten residents.

(iii) **Support/ Facilities.-** Adequate medical as well as non-medical modes of intervention must be available to all patients. The psychiatrists in consultation with other faculty must devise a particular schedule/regimen for each patient.

- (a) Each facility should be adequately equipped to look after emergencies.
- (b) Pro forma of case record for each patient must be maintained in form-VI.
- (c) A discharge summary must be given to each patient or guardian at the time of discharge, and a copy of the same must be maintained by the hospital. If families or consumer is interested in changing to another consultant, he/she must be provided with a discharge summary.
- (d) Adequate facilities to ensure safety of the patient should be provided.
- (e) Other Facilities:
- (f) Adequate facilities should be provided for dining, recreation and entertainment.
- (g) Visiting Team as per the Mental Health Act and the rules there under.

(3) The minimum norms of Residential Halfway home shall be the following, namely:-

(i) **Staff.-** (a) One Psychiatrist who shall visit the Convalescent Home at least one half-day once in week and available for emergencies.

(b) Among the staff members there shall be at least two mental health professionals for every fifty residents.

(ii) **Physical features.-** One cot and mattress per patient, three sets of linen, i.e., Sheets, Towels, Pillow Covers, Blankets and other requirements for each resident. Separate accommodation shall be provided for male and female residents. There shall be at-least three feet distance between the cots.

- (a) The building facility shall be located for easy accessibility to general Hospital / Primary Health Centre(PHC) / Psychiatric facility.
- (b) The building shall have proper ventilation and natural light and space for garden.
- (c) Latrines/bath rooms one for every ten residents with water and light facilities – separately for men and women.
Guest rooms may also be provided

(iii) **Support/facilities.-** (a) There shall be Medical interventions, psychosocial interventions, vocational training, behavioral interventions, family education and skills training. Facility to refer to emergency care unit of a general hospital/Psychiatric ward when needed.

- (b) Pro-forma of case record for each patient regarding details of family interventions shall be maintained in Form-VI.
- (c) A discharge summary must be given to each patient or guardian at the time of discharge, and a copy of the same must be maintained by the hospital. If families or consumer site visit by self interested in ..changing to another consultant, he must be provided with a discharge summary.
- (d) Adequate facilities should be provided for dining, recreation and entertainment.

(4) The minimum norms of Long Stay Homes shall be the following, namely:-

(i) Staff.- (a) Visiting psychiatrist: patient ratio to be 1:100.

(b) There shall be at least one mental health professional among the staff members for every fifty residents.

(ii) Physical features.- (a) There shall be one cot and mattress. For each patient. Three sets of linen, i.e., Sheets, Towels, Pillow covers, Blankets etc., Separate accommodation shall be provided for male and female residents.

(b) There shall be three feet gap between cots.

(c) The building shall be located for easy accessibility to general hospital/PHC/psychiatric facility.

(iii) Support/ facilities.- (a) Facility to refer to emergency care unit of a general hospital/Psychiatric ward when needed.

(b) Pro-forma of case record for each patient must be maintained according to form-VIII.

(c) a discharge summary must be given to each patient or guardian at the time of discharge, and a copy of the same must be maintained by the hospital. If families or consumer is interested in changing to another consultant, he/she must be provided with a discharge summary.

(d) Adequate facilities should be provided for dining, recreation and entertainment.

(5) The minimum norms of Hostel (quarter way home) shall be the following, namely:-

(i) Staff.- Among the staff members there shall be at least two mental health professional per fifty residents.

(ii) Physical features.- (a) Cots and mattresses one per person, three sets of linen, i.e., sheets, towels, pillow covers, blankets etc., staff supervision shall be required to maintain cleanliness.

(b) The building/space facility shall be located for easy accessibility to general hospital/PHC/Psychiatric facility, transport facility. The building shall have proper ventilation and natural light and space for garden.

(c) Separate dormitory facilities for male and female residents (preferable room to 3-5 residents) with three feet distance between the cots.

(iii) Support/facilities.- (a) There shall be Medical interventions, psychosocial interventions, vocational training, behavioral interventions, family education, and skills training. Facility to refer to emergency care unit of a general hospital/psychiatric ward when needed.

(b) Pro forma of case record for each patient must be maintained according to form-vi of state mental health rules. Record of family interventions shall be maintained.

(c) A discharge summary must be given to each patient or guardian at the time of discharge, and a copy of the same must be maintained by the hospital. If families or consumer is interested in changing to another consultant,

he/she must be provided with a discharge summary.

- (d) Adequate facilities should be provided for dining, recreation and entertainment.

(6) The minimum norms of Day care centre shall be the following, namely:- (D).

Day care centre.-

- (i) Staff.-** There must be a visiting psychiatrist or mental health professional: clients to be 1: 50.

- (ii) Physical features.-**(a) The building facility shall be located for easy accessibility to general hospital/PHC/Psychiatric facility, transport facility. The building shall have proper ventilation and natural light and space for garden.

- (b) Counselling area, office room, dining hall, store room and recreation area.

- (c) Psychiatric emergency room – 10 x 12ft (2 beds), 1 toilet for every 20 persons.

- (d) The building shall have adequate water supply. The design of the building shall provide for unhindered movement of patients.

- (iii) Support/facilities.-**(a) Psychosocial intervention, vocational training, behavioral intervention, and emergency care and with facility to refer of a General Hospital/Psychiatric ward when needed. Skills training Family education and training.

- (b) Pro-forma of case record for each patient must be maintained according to form-vi. Record of family interventions shall be maintained.

- (c) A discharge summary must be given to each patient or guardian at the time of discharge and a copy of the same must be maintained by the hospital. If families or consumer is interested in changing to another consultant, he must be provided with a discharge summary.

- (d) Adequate facilities to ensure safety of the patient should be provided.

- (e) Adequate facilities should be provided for dining, recreation and entertainment.

(7) The minimum norms of vocational training centres shall be the following, namely:-

- (i) Staff.-** (a) There must be a visiting psychiatrist, mental health professional: client at the ratio of 1:100. Visit one half day once every month and available for emergencies.

- (b) There must be additional vocational guidance professionals appropriate to the vocational activities in the center.

- (ii) Physical features.-** (a) The building facility shall be located for easy accessibility to General Hospital/PHC/psychiatric facility, transport facility. The building shall have proper ventilation and natural light and space for garden.

- (b) Each vocational unit must have a counseling area.

- (c) There must be a psychiatric emergency room with 10 ft x 12 ft with cots.

- (iii) Support/facilities.-**(a) Psychosocial intervention, vocational training,

behavioural intervention, and emergency care and with facility to refer of a General Hospital/Psychiatric ward when needed.

- (b) Pro-forma of case record for each patient must be maintained according to form – VI. Record of family interventions, work, area of psychosocial rehabilitation needs, counselling programs with dates and signatures of counsellors, medication and other therapies from time to time are to be maintained.
- (c) A discharge summary must be given to each patient or guardian at the time of discharge, and a copy of the same must be maintained by the hospital. If families or consumer self is interested in changing to another consultant, he must be provided with a discharge summary.
- (d) Adequate facilities should be provided for dining, recreation and entertainment.

(8) The minimum norms of sheltered workshop shall be the following, namely:-

(i) Staff.- (a) There must be a visiting psychiatrist. Mental health professionals: clients at the ratio of 1.50. Visit one half day once a month and available for emergencies.

(ii) Physical features.-(a) The building facility shall be located for easy accessibility to General Hospital/PHC/psychiatric facility, transport facility. The building shall have proper ventilation and natural light and space for garden.

- (b) Counseling area, office room, dining hall, store room, lounge and recreation area.
- (c) Psychiatric emergency room – 10 x 12ft. (2 cots)

(iii) Support/facilities.-(a) Psychosocial intervention, vocational training, behavioral intervention, and emergency care and with facility to refer of a General Hospital/Psychiatric ward when needed. Skills Training.

- (b) Family education and training.
- (c) Pro-forma of case record for each patient must be maintained according to form –VI of state mental health rules. Record of family interventions, work, area of psychosocial rehabilitation needs, counseling programs with dates and signatures of counselors, medication and other therapies from time to time are to be maintained.
- (d) A discharge summary must be given to each patient or guardian at the time of discharge and a copy” of the same must be maintained by the hospital. If families or consumer Site Visit by Self interested in changing to another consultant, he/she must be provided with a discharge summary.
- (e) Adequate facilities should be provided for dining, recreation and entertainment.

23. Procedure for Admission and discharge of mentally ill persons to convalescent homes.- (a) – All admission into and discharges from a convalescent home of mentally ill person, other than orphaned mentally ill persons shall be voluntary and made on the advice of a psychiatrist. The psychiatrist shall certify that the person referred is a mentally ill person who requires only maintenance, medication and

rehabilitation measures.

- (b) All decisions relating to admission into or discharge from a convalescent center shall be taken as far as possible in consultation with the guardian of the person to be admitted or discharged.
- (c) An inmate who is unmanageable or unwilling to stay in the convalescent center shall not to be retained. Such a person may be either admitted to a psychiatric nursing home or a psychiatric hospital as per the procedure prescribed in the mental Health Act, 1987 or sent back to the family or the guardian.

24. Organisation and conduct of convalescent homes.-(a) On admission to a psychiatric convalescent home, each mentally ill person shall be attached to a social worker or psychologist who shall be in charge or rehabilitation of such mentally ill person.

- (b) Attendants on duty shall look after the personal needs of mentally ill person admitted in any of the convalescent homes and also ensure that they shall take the prescribed medicines
- (c) Periodic health check-up should be carried out to all inmates once in six months and physical illness should be attended to immediately.

25. Inspection of Psychiatric Convalescent homes.- (1) The competent authority may enter and inspect the convalescent home and require the production of any records, which are required to be kept in accordance with these rules for inspection. Provided that any personal records of a patient so inspected shall be kept confidential.

(2) The competent authority may interview any mentally ill persons receiving treatment and care in the psychiatric rehabilitation centre,-

- (a) for the purpose of inquiring into any complaint made by or on behalf of such mentally ill person as to the treatment and care.
- (b) in any case, where the competent authority has reason to believe that any mentally ill person is not receiving proper treatment and care.

(3) Where the competent authority is satisfied that any mentally ill person in a psychiatric rehabilitation centre is not receiving proper care the competent authority may issue such direction as it may deem fit to the person in charge of the psychiatric convalescent center and every such person in-charge shall be bound to comply with such directions.

26. Revocation of Licence.- (1) Where the licensing Authority is satisfied that the license of any Psychiatric Hospital or Nursing home is required to be revoked in pursuance of clause (a) or (b) of sub-section (1) of Section 11 of the Act, it may, after giving the licensee a reasonable opportunity of being heard against the proposed revocation, by order setting out the grounds therein, revoke the licence.

(2) Every order revoking the licence under sub rule (1) shall be communicated to the licensee by registered post.

(3) A copy of the order shall also be published in the widely circulated news paper and also be conspicuously displayed in the notice board of the office of the

licensing Authority and **website** and in the Psychiatric Hospital/ Nursing Home.

27. Maintenance of records.- (1) The following registers shall be maintained in all psychiatric hospital and psychiatric nursing homes and other mental health care institutions, namely:-

- (a) An inventory of all physical facilities available in the institutions such as buildings, equipments etc;
- (b) An establishment register showing details about various categories of personnel including their qualification, experience and service conditions;
- (c) Outpatient register;
- (d) Inpatient register;
- (e) Census register;
- (f) Case records in standard format in form VI;
- (g) Treatment registers;
- (h) Further register/records for different institutional settings shall also be maintained as per guidelines issued in this regard.

(2) Every Psychiatric Care institutions shall have written booklet

stating in detail, facilities and privileges available in the institutions in various areas like boarding, entertainment, occupational training, participation in religious activities etc., which are open to various categories of patients. A copy of the above said booklet shall accompany the application for the license to the authority.

CHAPTER VI MISCELLANEOUS

28. Admission and detention in Psychiatric Hospital/Psychiatric nursing Home.-

(1) Application by Medical Officer in charge,-

- (a) the application for reception order may be made by the Medical Officer in charge of Psychiatric Hospital or Psychiatric Nursing Home in 'Form VII' or
- (b) By husband, wife or any other relative of the mentally ill person in 'Form VIII'.

(2) Application from husband or wife,-

- (a) every application by husband or wife, relative or friends of a person who is alleged to be mentally ill shall be accompanied by necessary medical certificates;
- (b) such application shall be signed either by the husband or wife or relative or friend as the case may be, and verified by two independent witnesses;
- (c) the name, address, occupation and other details of all the applicants and the attesting witnesses shall be clearly given in such applications.

29. The Qualification and functions of the visitors. - (1) The qualification of the persons to be appointed as visitors under section 37 of the Act shall be as follows, namely:-

- (a) A degree in Medicine with post graduate diploma or degree in Psychiatry awarded by any University established by law in India recognised by the Medical council of India and having at least five years standing in the profession, who has held or is holding the post of medical specialist superintendent or Professor in Psychiatric Hospital or Psychiatric Wing of the hospital; or
- (b) experience as a Social Worker or Clinical Psychologist or Psychiatric Nurse connected with any recognised Institutions of Mental Health for a period of not less than 3 years.
- (c) To include users ,NGOs and family members with mental illness.

(2) The visitors appointed by the Government under Section 37 of the Act shall be responsible for ensuring the compliance of the provisions of the Act and the rules made there under and to,-

- (a) review of admission and discharge of patients;
 - (b) Inspect the wards, outdoor patient department and kitchen;
 - (c) Inspect facilities to be provided;
 - (d) offer suggestion for improvement, and
 - (e) Functioning as liaison officer between the Government and hospital.
- (3) For the purpose of above sub-section the visitors shall have powers to,-
- (4) The board of visitor shall maintain confidentiality regarding information on patients.
- (5) Visitors shall also include,-
- (a) NGOs' interested in the area of mental health; and
 - (b) Family members of the mentally ill persons.

30. Leave of Absence. - Every application by relative or any other person on behalf of the patient for leave of absence under section 45 of the Act shall be made in 'Form IX.'

31. Interception of the letters and other communications addressed to the mentally ill persons.- No letter or other communication addressed to a mentally ill person intended for delivery either through the postal Department or otherwise shall be intercepted, detained or destroyed except under the following circumstances, namely:-

- (i) any letter or other communication intended for delivery to a mentally ill person shall be opened only if the person having the supervisory control over the hospital or Nursing Home is of the opinion that such letter or communication contains any information or material which if communicated to such person will be detrimental to his health; or
- (ii) that, the interception, detention or destruction of any letter or communication intended to be delivered to the mentally ill person is necessary in the public interest.

32. The Qualification and functions of Inspecting Officers.- (1) the qualifications of persons to be appointed as inspecting officers under section 13 of the Act shall be as follows:-

A degree in Medicine with post graduate degree/ diploma in Psychiatry recognized by the Medical Council of India who is holding the post of Psychiatrist in Government hospital or who is holding teaching post in the Psychiatric Department in Government Medical Colleges or any medical officer by the order of the government.

(2) A pool of Inspecting Officers shall be published

33. use of mentally ill persons for research purposes.- Research work using mentally ill persons under treatment which are permitted under sub section (2) of section 81 of the Act, shall be conducted only after obtaining the permission of a ethical committee constituted in the institution.

By Order and in the name of the
Governor of Karnataka

SOMASHEKAR M.N.

Deputy Secretary to
Government Health &
Family Welfare
Department

Form I
(See rule 15(1)(b))

Application for maintaining a Psychiatric Hospital/Nursing Home

To

The----- Officer,
Government -----

Dear Sir/Madam,

I/We intend to establish/maintain a Psychiatric Hospital/Psychiatric Nursing home in respect of which I am/ we are holding a valid licence for the establishment/maintenance of such hospital/Nursing home. The details of the hospital/Nursing home are given below.

1. Name of Applicant
2. Details of licence with reference to the name of the Authority issuing the licence and date.
3. Age
4. Professional experience in Psychiatry
5. Permanent address of the applicant
6. Location of the proposed Hospital/Nursing Home
7. Address of the proposed Nursing Home/Hospital.
8. Proposed accommodations.
 - (a) Number of rooms,
 - (b) Number of

beds Facilities provided

- (a) Out-patient
- (b) Emergency services
- (c) In-patient facilities
- (d) Occupational and recreational facilities
- (e) ECT facilities
- (f) X-ray facilities
- (g) Psychological testing facilities
- (h) Investigation and laboratory facilities
- (i) Treatment facilitie

Staff Pattern:

- (a) Number of Doctors
- (b) Number of Nurses
- (c) Number of Attenders
- (d) Others

I am sending herewith a bank draft for Rs. _____ drawn in favour of ___ a

licence fee. I hereby undertake to abide by the rules and regulations of the Mental Health Authority.

I request you to consider my application and grant the licence for establishment/maintenance of psychiatric hospital /nursing home.

Yours faithfully

Signature

Name

Date

Form II

(See rule 15(1)(b))

Application for Establishment of psychiatric hospital/Nursing home under sub-section (2) of Sec.7

To

The _____

Government _____

Dear sir/Madam,

I/We intend to establish a Psychiatric Nursing Home/Psychiatric Hospital at (mention the place). I herewith giving you the details.

1. Name of the Applicant
2. Qualification of Medical Officer to be in charge of Nursing Home/Hospital (Certificate to be attached).
3. Age
4. Professional experience in Psychiatry
5. Permanent Address of the Applicant
6. Location of the proposed Nursing Home/Hospital.
7. Address of the proposed Nursing Home/Hospital
8. Proposed Accommodations.
 - (a) Number of rooms
 - (b) Number of

Beds Facilities provided

- (a) Out-patient
- (b) Emergency services
- (c) In-patient facilities
- (d) Occupational and recreational facilities
- (e) ECT facilities
- (f) X-ray facilities
- (g) Psychological testing facilities
- (h) Investigation and laboratory facilities
- (i) Treatment facilities

Staff Pattern:

- (a) Number of Doctors
- (b) Number of Nurses
- (c) Number of Attenders.
- (d) Others

I am herewith sending a bank draft for Rs. ----- drawn in favour as licence fee.
I hereby undertake to abide by the rules and regulations of the Mental Health Authority.
I request you to consider my application and grant licence.

Yours faithfully,

Date

Signature

FORM III

(see rule 16)

Grant of Licence for establishment of psychiatric hospital/Nursing home

I _____ being the licensing authority under the Mental Health Act, 1987, after considering the application received under Sec.7 and satisfying the requirements provided for in Sec.8 and the other provisions of the Mental Health Act, 1987 (Central Act 14 of 1987) and the rules made thereunder, hereby grant the licence for establishment/maintenance of a psychiatric hospital or nursing home in favour of (the applicant)

2. The licence shall be valid for the period commencing from -----and ending with ----- The licence shall be subject to the conditions laid down in the Mental Health Act,1987 (14 of 1987) and the rules made there under.

Licensing Authority

Place

Date.

Form IV
(See rule 18)
APPLICATION FOR RENEWAL OF LICENCE

Seal From

Dr. _____

To

The District Health Officer,

Sir,

Subject: Renewal for Licence No. -----Dated----- . I request you to kindly renew my licence No.....dated the for the next 5 years. I am providing the facilities as prescribed by the Act and the rules framed there under. I have herewith attached a demand draft for Rs.....- Only.

Thanking you,

Yours faithfully

Place

Signature

Date

Name

FORM V

(See rule 21(2))

APPLICATION FOR APPEAL

To

The Appellate
Authority,
Government of ---

Sir,

I, Dr. _____ of _____ had applied for a licence for establishing a Psychiatric Nursing Home/Hospital at _____ (copy of the earlier application to be attached). My application was rejected by the licensing authority as per his/her letter No----- dated ----- with the following:

- 1.
- 2.
- 3.

(Copy enclosed)

The above reason(s) appear to be not valid. I request you to reconsider my application. My justifications are:

- 1.
- 2.
- 3.

I am willing to appear before you for a personal hearing. If necessary. I am herewith enclosing a draft for Rs1000.

Thanking you,

Yours faithfully

Place

Signature

Date

Name

FORM VI
(See rule 22(2)(iii)(b))
PRO FORMA OF CASE RECORD

Name of the hospital/nursing home_Patient's Name ___Age__Sex___Date of admission____Date of discharge____Mode of admission____Voluntary Reception order.

Complaints (report from relative/other sources) Mental State Examination

Physical Examination

Laboratory

investigations

Provisional

diagnosis Initial

treatment

Treatment and Progress notes

Date

Clinical state and side effect Treatment

Final Diagnosis

Condition at discharge

Follow-up recommendations.

Form VII

(See rule 28(1)(a))

APPLICATION FOR RECEPTION ORDER

(by Medical Officer-in-charge of a Psychiatric hospital)

From

Dr. _____

To

* The Magistrate

Sir,

Subject: Reception order for _____ son/daughter of _____ I, Dr. _____
maintain psychiatric hospital/nursing home at _____ under licence no.
_____ dated _____ I request you to issue reception order in respect of Sh. /Smt.
son/daughter of _____ who is being treated at my hospital as a
voluntary patient and is not willing to continue. He/She has the following symptoms and
/or signs

- 1.
- 2.
- 3.
- 4.
- 5.

He/She requires to be in the hospital for treatment/personal safety/others protection.

Thanking you

Yours sincerely

Place

signature

Date

Name

*Magistrate means:

1. In relation to a metropolitan area within the meaning of Cl.(k) of Sec.2 of the code of Criminal Procedure, 1973, a Metropolitan Magistrate:
2. In relation to any other area, the Chief Judicial Magistrate, Sub-Divisional Judicial Magistrate or such other Judicial Magistrate of the first class as the state Government may, by notification empower to perform the functions of Magistrate under this Act.

FORM VIII
(See rule 28(1)(b))

APPLICATION FOR RECEPTION ORDER

(By relative or other)

To

Sir

Subject: admission of __ Son/daughter of ____ in to psychiatry hospital/nursing home as in- patient.

I _____ son/daughter of _____ residing at _____ request you kindly arrange for admission in respect of Sh./ Smt. _____ aged _____ years _____ son/daughter of _____ and in-patient to __ - (name of the hospital) or any other hospital/nursing home. He/She has the following suggestive of mental illness.

- 1.
- 2.
- 3.
- 4.
- 5.

1. Who is ____ (relationship) of Sh. / Smt. Have an income ----- Rs and agree to pay the charges of treatment, if any, according to the rules and also assure that I shall abide by the rules and regulations of the Institution. I state that, I have/have not made any such regard to the mental conditions of as required. I herewith enclose the two medical certificates needed for the purpose.

Yours faithfully

Witness:

Signature

Name in Capital

1. Name:

Address:

2. Occupation:

-Do-

FORM IX
(See rule 30)

APPLICATION FOR LEAVE OF ABSENCE

(By relatives or others)

To

Dr. _____

Sir,

Subject: Request for leave of absence of Sh. / Smt_____aged_____years
admitted on_____to your Institute.

I request that Sh./Smt__son/daughter of___ - be delivered to my care and custody on
leave of absence.

I hereby bind myself that on the said Sh. / Smt._being made over to my care and
custody. I will have him here/properly taken care of and prevent from doing injury
to him or to others.

Yours faithfully,

Signature

Name

PR - 714
etc.,.....

By order and