

THE DRAFT NAGALAND EMPLOYEES' STATE INSURANCE MEDICAL BENEFIT RULES, 2018

In exercise of the powers conferred by clauses (d) to (h) of sub-section (1) of Section 96 of the Employees' State Insurance Act, 1948 (Act 34 of 1948) and after consultation with the Employees' State Insurance Corporation, Ministry of Labour & Employment, Government of India, the State Government hereby makes the following Rules :-

1. Short title, extent and commencement:-

- (i) These Rules may be called the Nagaland Employees' State Insurance Medical Benefits Rules, 2018
- (ii) They shall come into force from the date of publication in the Official Gazette.

2. Definition:-

In these Rules unless there is anything repugnant in the subject or context:-

- (i) 'Act' Means Employees' State Insurance Act, 1948 (Central Act No. XXXIV of 1948).
- (ii) 'Administrative Medical Officer' means the Principal Medical Officer appointed by the State Government to administer medical benefit in the State.
- (iii) 'Drug' includes all medicines for internal and external use of human being and all substances intended to be used for or in the treatment, mitigation or prevention of diseases of human beings.
- (iv) 'Medical Practitioner' means a person who is registered as such under any law for the time being in force in the State.
- (v) 'Miscarriage' means expulsion of the contents of a pregnant uterus of any period prior to or during the 26th week of pregnancy.
- (vi) 'State Government' means the Government of Nagaland.
- (vii) 'State Insurance Dispensary' means a dispensary established in a separate building or part of an existing dispensary, hospital or any other building set apart for the exclusive use of insured persons either during all hours or during certain specified hours;
Provided that in the later case drugs are maintained and dispensed separately in accordance with these Rules.
- (viii) 'State Insurance Medical Formulary' means a list of prescriptions and injection laid down by the Corporation from time to time.
- (ix) All other words/expressions used herein and not defined shall have the meanings assigned to them in the Act, the Rules made under Section 95 or the regulation under Section 97 as the case may be.

3. Establishment of Insurance Dispensaries:-

The State Government shall establish one or more State Insurance Dispensaries for the medical treatment of insured persons at any place where there is a concentration of not less than one thousand persons.

Provided that the Medical Practitioner In-Charge of the dispensary may be a part time Insurance Medical Officer so long as the concentration of insured persons is less than two thousand.

4. Provision of medical benefits:-

The State Government shall make arrangement for providing medical treatment to insured persons residing at places where there are no State Insurance Dispensaries within reasonable distance:

- (i) By making an arrangement of mobile dispensary to visit a central spot near the places of residence of such persons.
- (ii) By making arrangements for an Insurance Medical Officer to visit any specified dispensary in the areas for any part of the day.
- (iii) By making arrangements for the treatment of such persons by part-time Insurance Medical Officers appointed for the purpose.
- (iv) By making arrangements for the provision of such treatment at any hospital, dispensary, clinic, institution maintained by the State Government, a local body, a private institution or a private individual on such terms as may be agreed to by the Corporation.

5. Medical service provided by employers:-

Where the employer is providing medical services not lower than those provided to insured persons by the State Government, arrangements may be made for the continuance of such services for providing medical benefit to insured persons under such terms and condition as maybe agreed upon between the State Government, the Corporation and the Employer.

6. Separate hospital or beds:-

The State Government may also establish separate hospital or other medical institution for the examination and treatment of insured persons or may reserve, on such scales and terms as may be agreed upon between the Corporation and the State Government from time to time, separate beds for the exclusive use of insured persons in the hospital or other medical institution under their control or under the control of a local body, private institution or individual.

7. Abolition of dispensary:-

The State may with the consent of the Corporation abolish any insurance dispensary, cancel any of the arrangements made under Rules 4 and 6 or effect such

alternation as may be considered necessary in the location of any dispensary.

8. Allotment of insured persons:-

An insured person of any factory or establishment to which this Act applies may, at the time of filling the declaration form under the Employees' State Insurance (General) Regulations, 1950 or at any subsequent time indicates, the State Insurance Dispensary or other medical institution, where arrangement for the provision of medical benefit are made to, which he desires to be allotted or re-allotted and the State Government shall, so far as practicable and subject to such conditions as may be fixed, allot or re-allot such insured persons to the dispensary or the institution indicated by them.

Provided, where in the opinion of the State Government, the circumstances so justify, they may allot or re-allot an insured person to a dispensary or institution other than the one indicated by him.

9. Failure to indicate dispensary:-

- (1) An insured person who does not indicate the dispensary to which he desires to be allotted shall be allotted to such dispensary as the State Government may consider suitable.
- (2) Intimation of the dispensary or institution to which an insured person is allotted or re-allotted whether under sub-rule (1) or under the Rule 8, as the case may be, shall be made to the insured person by the State Government.

10. Procedure for obtaining medical benefit :-

An insured person who wishes to claim medical benefit, shall bring his identity card to the insurance dispensary, or other hospital, clinic, mobile dispensary post or any other medical institution to which he is allotted, and claims such benefit from the Insurance Medical Officer-in-charge of the Insurance Dispensary or the Insurance Medical Officer of the hospital, clinic or other institution to which he is allotted.

Provided that in case of an emergency an insured person may claim medical benefit under these Rules from any Insurance Medical Officer whether he is allotted to him or not.

Provided further that where an insured person is unable to attend the State Insurance Dispensary, Hospital, Clinic, Mobile Dispensary Post or any other medical institution to which he is allotted, the Insurance Medical Officer will, on intimation being received, visit him at his residence, if he is satisfied by interrogation or otherwise that the insured person cannot reasonably be expected to come to the medical institution to which he is allotted.

Provided further that, if the insured person or his agent fails to produce his or the insured person's identity card, as the case may be, as proof of the person claiming the benefit of being an insured person, the medical benefit may be refused to him.

11. Scale of medical benefit:-

The medical benefit provided under these Rules shall be according to the following scale:-

- (1) Out-patient treatment shall be provided at a State Insurance Dispensary or in manner indicated in Rule 4 and shall consist of all treatment, other than the treatment involving the application of special skill or experience and shall include:-
 - (i) Such preventive treatment as vaccination and inoculation;
 - (ii) Antenatal and postnatal treatment of insured women;
 - (iii) The free provision of all drugs and dressing that may be considered necessary; and
 - (iv) Provision of certificates free of cost in respect of sickness, maternity, employment injury and death, required under the Employees State Insurance (General) Regulations, 1950 or under the direction or instruction issued from time to time by the Corporation.
- (2) An Insurance Medical Officer shall visit an insured person at his or her residence in accordance with the second proviso to Rule 10 and in addition to all cases of confinement or miscarriage, where the insured woman or the registered midwife in attendance or any other reliable person reports that attendance by an Insurance Medical Practitioner is desirable.
- (3) Where in the case of serious emergency or otherwise in-patient treatment in a hospital is considered necessary by the Insurance Medical Officer, the case shall be admitted to the nearest hospital, which is established or specified for the purpose by the State Government.

If accommodation is available and the treatment provided for the patient, shall include free maintenance and such specialist and general treatment including treatment at confinement where necessary as may be available at the general wards of the hospital to which the insured is admitted as those special investigations which are considered desirable and for which facilities exist at the hospital or at an associated laboratory.

- (4) Facilities for removal free of charge of insured persons to hospital, where necessary shall be provided by an ambulance or otherwise.

12. Condition of services of full time Insurance Medical Officer:-

- (1) Subject to the provisions of the Act and the Rules made there under, the State Government may, subject to such conditions as may be laid down by the Corporation, appoint a suitable Medical Officer already in its service or any person

possessing such medical qualification as may be laid down by the State Government in consultation with the Corporation, as an Insurance Medical Officer.

- (2) An Insurance Medical Officer shall receive such salary and Non-practicing allowances as may be determined by the State Government with the consent of the Corporation.
- (3) An Insurance Medical Officer shall receive such allowances and at such rates as may be sanctioned from time to time for Medical Officers of the State Government in similar grades in the localities in which they are stationed. An Insurance Medical Officer shall be entitled to leave and leave salary under the leave rules which may, from time to time applicable to other similar State Government Servant.
- (4) An Insurance Medical Officer shall be entitled to traveling allowances for journeys performed on official duties on the scale laid down in the State Government Rules applicable to Medical Officer of the State Government on similar grades.
- (5) Full time Insurance Medical Officer shall not undertake private practice.
- (6) An Insurance Medical Officer shall be subject to such other condition of service as may be fixed by the State Government in consultation with the Corporation.
- (7) Notwithstanding anything contained in sub-rules (2) and (6), the pay, allowances and other condition of service of the State Government be such as may be determined, with the consent of the Corporation by the State Government by a general or special order.

13. Allowances for other Insurance Medical Officer and staff:-

Where the State Government appoints a part time Insurance Medical Officer on contract or a Medical Officer in its service in addition to his duties or any other Medical Practitioner such Medical Officer or Medical Practitioner shall be paid such allowances as may be fixed by the State Government, with the consent of the Corporation.

14. Staff to be provided at hospitals and dispensaries, etc:-

Each State Insurance Dispensary shall be in the charge of an Insurance Medical Officer.

Provided that in cases where the concentration of insured persons residing near a State Insurance Dispensary so justifies, the State Government shall in accordance with such scale and subject to such condition as may be agreed upon between the State Government and the Corporation, appoint two or more Insurance Medical Officers to such State Insurance Dispensary.

15. Notice of time for opening dispensary/hospital:-

- (1) Subject to the approval of the State Government, the Insurance Medical Officer or Senior-most Insurance Medical Officer as the case may be, shall fix the time at which a State Insurance Dispensary, Hospital, Clinic, Mobile Dispensary Post or any other medical institution specified for the purposes shall remain open for treatment of insured persons.
- (2) Notice of the time fixed in sub-rule (1) shall be given in such manner as the State Government may from time to time, direct in particular shall be indicated in a notice board display prominently at each place, where insured persons are provided medical treatment and at each mobile dispensary post.

16. Rank and precedence of Insurance Medical Officer:-

- (1) Where more than one Insurance Medical Officers have been appointed to a State Insurance Dispensary, the State Government shall specify their rank of precedence.
- (2) The Senior Insurance Medical Officer for the time being shall, from time to time make such arrangement, as he thinks fit for the distribution of work at the State Insurance Dispensary among the Insurance Medical Officer appointed thereto.

17. Appointment of subordinate staff :-

- (1) The State Government may appoint such ancillary, technical or non-technical staff and such other subordinate staff as may be necessary for the proper provision of medical benefit for insured persons by the State Government.
- (2) The technical, non-technical and subordinate staff shall perform such duties as the Insurance Medical Officer, or if there are more Insurance Medical Officers, then one Senior Insurance Medical Officer, may subject to any order of the State Government from time to time direct.
- (3) The technical, non-technical and subordinate staff shall be subject to such condition of service and draw such salaries and allowances and receive such other benefits as may be fixed by the State Government.

18. Maintenance of medical and surgical equipments :-

Every State Insurance Dispensary, Hospital, Clinic, Mobile Dispensary Post or any other medical institution specified for the purpose shall maintain such medical and surgical equipments as may be laid down by the State Government and all Insurance Medical Officers attached to State Insurance Dispensaries or to the other medical institution where provisions for out-patient treatment is made under Rule 4 shall, prescribe such drugs as are required for insured persons, but as far as possible in accordance with the State Insurance Medical Formulary laid down by the Corporation.

19. Administrative control:-

All State Insurance Dispensaries, Hospitals, Clinic, Mobile Dispensaries and other medical institution specified for the purpose of providing medical benefits under this Rule shall be subject to administrative control and superintendence of the Administrative Medical Officer.

20. Medical records and statistical returns:-

The Insurance Medical Officer-in-charge of each State Insurance Dispensary, Hospital, Clinic, Mobile Dispensary or other medical institutions specified for the purpose or each Insurance Medical Officer as the case may be:-

- (i) shall keep such registration books and account as the State Government or the Administrative Medical Officer may from time to time specify in consultation with the Corporation.
- (ii) maintain a medical record in respect of such insured persons allotted to the dispensary or to the Insurance Medical Officer, as the case may be, in the form laid down and supplied by the Corporation for the purpose and in accordance with the instructions issued by the Corporation in this behalf from time to time and comply with such requisition as may be made by the State Government or the Administrative Medical Officer in respect of records, returns and statements in such form and in such manners as the authority making the requisition directs.

21. Delegation of powers:-

- (1) The State Government may delegate any of the powers or duties conferred or imposed upon it by these Rules to such of its officers as it may consider necessary in consultation with the Corporation.
- (2) Without prejudice to the provisions of sub-rule (1), the State Government may delegate all or any of the powers or duties conferred or imposed upon it by Rule 8 or Rule 9 to such officers of the Corporation as it may deem fit.

Sd/-
ANENLA T. SATO
COMMISSIONER & SECRETARY,
GOVERNMENT OF NAGALAND.