

**THE MEDICAL PRACTICE AND PRIVATE CLINICS
AND LABORATORIES (REGULATION)
ORDINANCE, 1982**

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¹**THE MEDICAL PRACTICE AND PRIVATE CLINICS
AND LABORATORIES (REGULATION)
ORDINANCE, 1982**

ORDINANCE NO. IV OF 1982

[27th May, 1982]

**An Ordinance to regulate medical practice and
functioning of private clinics and laboratories.**

WHEREAS it is expedient to regulate medical practice and functioning of private clinics and laboratories;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Medical Practice and Private Clinics and Laboratories (Regulation) Ordinance, 1982.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) “Director-General” means the Director-General of Health Services, Government of the People’s Republic of Bangladesh;
- (b) “medical practice” includes ²[* * *] surgical operation, conduction of labour, pathological or radiological examination and any other medical examination or service;
- (c) “prescribed” means prescribed by rules made under this Ordinance;
- (d) “private clinic” means a clinic, hospital or nursing home, by whatever name called, owned by any person, other than the Government, where patients are admitted and kept for treatment;

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন), ধারা ৪।

² The words and comma “medical consultation,” were omitted by section 2 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984).

- (e) “private laboratory” means a laboratory or clinic, by whatever name called, owned by any person, other than the Government, where tests, investigations or examinations, including X-ray and electrocardiogram, are held for diagnosis or clinical purposes;
- (f) “recognised additional medical qualification” means any medical qualification included in the Third Schedule to the Medical and Dental Council Act, 1980 (XVI of 1980);
- (g) “registered medical practitioner” means a person registered or provisionally registered as such under the Medical and Dental Council Act, 1980 (XVI of 1980);
- (h) “Schedule” means a Schedule to this Ordinance.

¹[3. The maximum charges and fees that may be demanded in a private clinic or private laboratory for surgical operations, conduction of labour, electrocardiogram, pathological or radiological examinations and other medical examinations or services, as the case may be, shall be such as are specified in Schedule ‘A’:

Charges and fees in private clinics

Provided that these charges and fees shall not apply in the case of patients who are not Bangladeshis.]

4. No registered medical practitioner in the service of the Republic shall carry on private medical practice during office hours.

Prohibition of private medical practice during office hours

5. Every registered medical practitioner carrying on private medical practice shall maintain a chamber in a hygienically sound condition with necessary facilities for the examination of patients and a room for the waiting of patients and their attendants.

Maintenance of Chambers

6. (1) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall maintain a register showing the names and addresses of the patients.

Maintenance of registers, etc.

¹ Section 3 was substituted by section 3 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984).

(2) Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall issue receipts in printed form for the charges and fees realised from the patients and preserve the counterfoils of such receipts for inspection.

Display of charges and fees

7. Every registered medical practitioner carrying on private medical practice and every private clinic and private laboratory shall prominently display in the chamber, clinic or laboratory, as the case may be, a list of charges and fees that may be ¹[demanded by him or it.]

Licence to establish private clinic

8. No person shall establish a private clinic without a licence under this Ordinance.

Conditions for licence

9. No licence for establishing a private clinic shall be issued unless the following conditions are fulfilled, namely:-

- (a) there is proper accommodation with hygienic environment for the patients;
- (b) there is at least eighty square feet of floor space for each patient;
- (c) there is an air-conditioned operation theatre;
- (d) there are such essential equipments as are specified in Schedule B;
- (e) there are adequate supply of life-saving and essential medicines;
- (f) there are such number of full-time registered medical practitioners, nurses and other staff as are specified in Schedule C;
- (g) there are specialists for the operation, treatment and supervision of patients.

Application for licence

10. (1) Any person intending to establish a private clinic shall apply in the prescribed form to the Director-General for a licence.

¹ The words “demanded by him or it” were substituted, for the words “demanded under this Ordinance” by section 4 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984).

(2) The owner of a private clinic already in existence shall, on or before the 30th June, 1982, apply in the prescribed form to the Director-General for a licence.

(3) The Director-General may, on receipt of an application under sub-section (1) or (2), make such enquiries as he considers necessary, and shall grant the application, if he is satisfied that the conditions for running a clinic as mentioned in section 9 have been fulfilled, or, by order, reject it, if he is not so satisfied.

(4) If the Director-General grants the application, he shall issue, in the prescribed form, a licence to the applicant.

(5) A private clinic already in existence shall close down after the 30th June, 1982, unless an application for a licence has been made under sub-section (2).

(6) Where an application for a licence made under sub-section (2) is rejected, the clinic shall close down after the expiry of thirty days from the date of receipt of the order of such rejection and if an appeal against such order is preferred under section 12, and such appeal is rejected, the clinic shall close down on the date of receipt of the order of such rejection.

11. (1) The Director-General or any officer authorised by him in this behalf may inspect any chamber of a registered medical practitioner or a private clinic or private laboratory to see if the provisions of this Ordinance are being followed. Inspection, etc.

(2) If on such inspection it is found that the registered medical practitioner or the owner of the clinic or laboratory has contravened or failed to comply with any provision of this Ordinance, the Director-General may,-

- (a) in the case of a registered medical practitioner, recommend to the Government to debar him from carrying on private medical practice;
- (b) in the case of a clinic, by order, cancel the licence in respect thereof:

Provided that no such licence shall be cancelled unless the owner of the clinic has been given an opportunity of showing cause against such cancellation;

- (c) in the case of a laboratory, recommend to the Government to close down the laboratory.

(3) If, upon consideration of a recommendation made under sub-section (2), the Government decide to take the action recommended, it may, by order,-

- (a) in the case of a registered medical practitioner, debar him from carrying on private medical practice for such period as it may specify;
- (b) in the case of a laboratory, close it down:

Provided that no such action shall be taken unless the registered medical practitioner or as the case may be, the owner of the laboratory has been given an opportunity of showing cause against such action.

Appeal and
review

12. (1) Any person aggrieved by an order of the Director-General may, within thirty days from the date of receipt of the order, prefer an appeal to the Government.

(2) Any person aggrieved by an order of the Government may within thirty days from the date of receipt of the order, make a petition to the Government for review of the order.

(3) The decision of the Government on an appeal or a petition for review shall be final and shall not be called in question in or by any Court.

Penalty

13. (1) If any registered medical practitioner or any owner of a private laboratory contravenes any provision of this Ordinance, he shall be punishable with fine which may extend to five thousand Taka, and the Court, while convicting such owner may order forfeiture to the Government of all or any of the movable property in the laboratory.

(2) If any owner of a private clinic contravenes any provision of this Ordinance, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand Taka, or with both, and the Court, while convicting such owner, may order forfeiture to the Government of all or any of the movable property in the clinic.

14. No Court shall take cognizance of an offence under this Ordinance except on a complaint in writing made by the Director-General or an officer authorised by him in this behalf. Cognizance

15. The Government may, by notification in the *official Gazette*, amend the Schedules from time to time. Power to amend Schedules

16. The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Ordinance. Power to make rules

SCHEDULE A

(See Section 3)

¹[* * *]

II. MAXIMUM CHARGES FOR SURGICAL OPERATIONS

		Taka
1. Major operations, such as, Cholecystectomy, partial gastrectomy, caesarean section, etc.	Operation room charge	600.00
	Anaesthesia charge 1st hour with cost of drugs and gas.	800.00
	Operating charge ..	2000.00
2. Intermediate operations, such as, appendectomy, Supra pubic Cystectomy, etc.	Operation room charge ..	300.00
	Anaesthesia charge 1st hour with cost of drugs and gas.	400.00
	Operating charge ..	1000.00
3. Minor operations, such as, hydrocele, Fistulectomy, hernia, D & G, biopa, closed reduction of fractures, etc.	Operation room charge	200.00

¹ The heading "I. MAXIMUM FEES FOR MEDICAL CONSULTATION" and the entries thereunder were omitted by section 5 of the Medical Practice and Private Clinics and Laboratories (Regulation) (Amendment) Ordinance, 1984 (Ordinance No. LXVIII of 1984).

Anaesthesia charge 1st hour with cost of drugs and gas.	250.00
Operating charge ..	400.00

III. MAXIMUM CHARGES FOR DELIVERIES

		Taka
1. Normal delivery	Delivery charge including labour room charge.	400.00

IV. MAXIMUM FEES FOR ELECTROCARDIOGRAM AND RADIOLOGICAL EXAMINATIONS

	Taka
1. Electrocardiogram	60.00
Contrast : investigation	
2. Barium meal of stomach and duodenum with fluoroscopic examination.	180.00
3. Barium meal follow through	250.00
4. Barium swallow (Oesophagus)	170.00
5. Barium enema (large bowel)	250.00
6. Intravenous cholangiogram	250.00
7. Oral cholecystogram	170.00
8. Retrograde pyelogram	250.00
9. Intravenous pyelogram	250.00
10. Bronchogram	250.00
11. Encephalogram	250.00
12. Peripheral arteriograms on film	300.00
13. Cystogram	170.00
14. Sinogram	150.00
15. Mycologram	300.00
16. Venogram	190.00
Investigations without contrast.	
17. For each film of size 15" × 12" or 14" × 14"	50.00

18. For each film of size 10" × 12"	.....	40.00
19. For each film of size 10" × 8"	.....	40.00
20. Dental	.....	10.00

V. MAXIMUM FEES FOR LABORATORY INVESTIGATIONS

1. Haemoglobin	.....	8.00
2. Total count (RBC & WRC)	.....	10.00
3. Differential count (D.C.)	.....	8.00
4. E.S.R.	.....	8.00
5. Platelet count	.....	10.00
6. Reticulocyte count	.....	10.00
7. Circulating eosinophil count	.....	10.00
8. R. B. C morphology	.....	10.00
9. P.C.V	.....	10.00
10. M. C. V	.....	15.00
11. M. C. H. C.	.....	15.00
12. Blood for Malaria parasite	.....	8.00
13. Blood for microfilaria	.....	10.0
14. Osmotic fragility	.....	20.00
15. Coagulation time	.....	8.00
16. Bleeding time	.....	5.00
17. L. D. body	.....	25.00
18. Marrow for iron pigment	.....	10.00
19. Stool, routine examination	.....	10.00
20. Occult blood	.....	10.00
21. Urine, routine examination	.....	10.00
22. Urine, single test	.....	5.00
23. Diacetic acid	.....	5.00
24. Urobilinogen	.....	10.00
25. Total protein in urine	.....	10.00
26. Trypsin	.....	10.00
27. Pregnancy test, qualitative, with kit	.....	80.00
28. Pregnancy test, quantitative for each dilution, with kit	.....	175.00

29. Histopathology (Biopsy)	.....	80.00
30. Other cytology	.....	40.00
31. Pap smear	.....	40.00
32. Culture routine	.....	40.00
33. Sensitivity	.....	40.00
34. A. F. B. Culture	.....	40.00 for each antibiotic.
35. A. F. B. (on tech.)	.....	80.00
36. Smear and stain, any	.....	15.00
37. Throat swab for KLB	.....	20.00
38. Fungus	.....	20.00
39. Fungus Culture	.....	50.00
40. Skin scraping for AFB	.....	25.00
41. Stool and blood culture	.....	40.00 each
42. Gonococcal culture, in ordinary media	.....	60.00
43. Gonococcal culture in special media (NCV media).	.....	100.00
44. V. D. R. L. (Qualitative)	.....	25.00
45. V. D. R. L. (Quantitative)	.....	75.00
46. STS. (WF. K.T. V. D. R. L. etc.)	.....	100.00
47. Fluorescent trypanosomal antibody test	.....	200.00
48. Dark field microscopy	.....	30.00
49. Widal test	.....	50.00
50. Test with febrile antigen set (widal, Brucella, Rickettsia)	.....	100.00
51. Mone test	.....	40.00
52. PaulBurnel	.....	40.00
53. Rose waaler test	.....	50.00
54. Aldehyde test	.....	10.00
55. Chopra's test	.....	10.00
56. R. A. Test (Latex Agg. test for rheumatoid arthritis)	.....	60.00
57. L. E. coll	.....	30.00
58. L. E. phenomenon	.....	60.00
59. A. S. O.	.....	60.00

60. Alpha feto-protein	.....	200.00
61. Preparation of autovaccine	.....	50.00
62. Wasserman reaction	.....	20.00
63. Kalm test	.....	30.00
64. Complement fixation test for anything	.....	50.00
65. Blood sugar	.....	20.00
66. Glucose tolerance test	.....	75.00
67. Blood Urea	.....	25.00
68. Blood creatinine	.....	30.00
69. Serum cholesterol	.....	40.00
70. Serum uric acid	.....	30.00
71. Serum Alkaline	.....	40.00
72. Serum acid phosphatase	.....	40.00
73. Serum thymol turbidity	.....	25.00
74. Serum Zinc sulphate turbidity	.....	25.00
75. Serum G. O. T.	.....	40.00
76. Serum G. P. T.	.....	40.00
77. Serum L. D. H.	.....	40.00
78. Serum total protein A/G ratio	.....	60.00
79. Serum calcium	.....	40.00
80. Serum sodium	.....	30.00
81. Serum potassium	.....	30.00
82. Serum Chloride	.....	30.00
83. Serum iron	.....	60.00
84. Serum iron-binding capacity	.....	60.00
85. Serum amylase	.....	50.00
86. Serum inorganic phosphate	.....	30.00
87. Allapton bodies	.....	20.00
88. Chyle	.....	20.00
89. C. S. F. – (a) Sugar, (b) protein, (c) chloride	.....	20.00 (for each item)
90. Van den berg reaction	.....	10.00
91. Taka tara test	.....	30.00
92. Pleural fluid	.....	20.00
93. Urinary calcium	.....	60.00

94. 17-keto steroid	.....	125.00
95. Gastric analysis	.....	50.00
96. Semen analysis	.....	40.00
97. Prostatic smear (including collection)	.....	40.00
98. V. M. A.	.....	200.00
99. Plasma electrophoresis	.....	100.00
100. Plasma chromatography	.....	100.00
101. Prothrombin time	.....	40.00
102. Blood group and type	.....	30.00
103. Cross match	.....	30.00
104. Coombs direct and indirect	.....	40.00
105. Antibody titre	.....	80.00

SCHEDULE B

[See Section 9 (d)]

**ESSENTIAL EQUIPMENTS TO BE KEPT IN PRIVATE
CLINICS**

1. Cot.
2. Bedside locker/table.
3. Operation table, hydraulic or Trendelenburg facilities (where applicable).
4. Ceiling Lamp, shadow less (where applicable).
5. Emergency light, battery-operated.
6. Saline stand.
7. General instrument sets.
8. Catheters, Ryles tubes, Stomach tubes, Flatus tubes.
9. Patient trolley.
10. Stretcher.
11. Bed pan.
12. Urinal.
13. Douche can.
14. Oxygen cylinder with flow meter and mask.
15. Endotracheal incubation set with laryngoscope, etc.
16. Ambu bag.
17. Transfusion set.

18. Electric sucker.
19. Autoclave (to be procured, if not available within the country, within months of issuance of Licence).
20. Sterilizer.
21. Anaesthetic machine.
22. Surgical drums.
23. Scissors, knives and forceps of all types.
24. Ophthalmoscope.
25. Proctoscope.
26. Otoscope.
27. Refrigerator.
28. Labour table (For obstetrics and Gynae only).
29. Entonox machine (For obstetrics and Gynae only) (to be procured, if not available within the country, within six months of issuance of Licence).
30. Vacuum Extractor (For obstetrics and Gynae only).
31. Obstetric forceps (For obstetrics and Gynae only).
32. Crania perforator (For obstetrics and Gynae only).
33. Cranioclasts (For obstetrics and Gynae only).
34. Curettes (For obstetrics and Gynae only).
35. Rabins' insufflator sets (For obstetrics and Gynae only).
36. Cervical pouch biopsy forceps (For obstetrics and Gynae only).

SCHEDULE C

[See Section 9 (i)]

FULL TIME STAFF

1. One Registered Medical Practitioner	For every ten beds	Round the clock
2. Two nurses	For every ten beds	Round the clock
3. One Sweeper ..	For every ten beds	Round the clock
