

Ref-

MHCA 2017

CHAPTER X

MENTAL HEALTH ESTABLISHMENTS

65. (1)

No person or organisation shall establish or run a mental health establishment unless it has been registered with the Authority under the provisions of this Act

. Explanation.—

For the purposes of this Chapter, the expression “Authority” means—

(b) in respect of the mental health establishments in the State Authority.

(2) Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act:

Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

Explanation.—In case a mental health establishment has been registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority for the specific category of mental health establishment.

(3) The Authority shall, on receipt of application under sub-section (2), on being satisfied that such mental health establishment fulfils the standards specified by the Authority, issue a certificate of registration in such form as may be prescribed:

Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, it shall issue a provisional certificate of registration to the mental health establishment:

Provided further that on specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first proviso shall, within a period of six months from the date such standards are specified, submit to the Authority an undertaking stating therein that such establishment fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

Ref-

Mental Health Care (SMHA) 2018

CHAPTER III

PROVISIONAL REGISTRATION OF MENTAL HEALTH ESTABLISHMENTS BY

CENTRAL AUTHORITY ..

11. Procedure for provisional registration of mental health establishments by Central Authority. – (1) Every mental health establishment under the control of the Central Government shall be registered with the Central Authority.

(2) Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the Central authority in Form-B, containing details as specified therein, along with a fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, Central Mental Health Authority payable at New Delhi.

(3) The Central Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66 of the Act, grant to such mental health establishment a provisional registration certificate in Form-C

12. Validity and renewal of certificate of registration.--. The provisional registration certificate granted under sub-rule (3) of rule 11 shall be valid for a period of twelve . months from the date of such grant and an application for renewal of such certificate shall be made in Form-B within thirty days before the date of expiry of the period of validity of such certificate and in case application is not made within the specified period, the mental health establishment concerned shall be liable to pay renewal fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, Central Mental Health Authority payable at New Delhi

13. Issue of duplicate certificate.-- Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the Central Authority may issue a duplicate certificate on an application made by such establishment along with fee of rupees two thousand by way of a demand draft drawn in favour of the Chairperson, Central Mental Health Authority payable at New Delhi.

Place

Frequently Asked Questions (FAQs)

Mental Health Professional

Who is a mental health professional according to the MHCA 2017

Sec 2 (1) (r) "Mental health professional" means

- (i) Psychiatrist or
- (ii) Professional registered with the State Mental Health Authority, Madhya Pradesh under section 55. (1) (d) register clinical psychologists, mental health nurses and psychiatric social workers in the State to work as mental health professionals,
- (iii) Professional having a post-graduate degree (Ayurveda) in Mano Vigyan Avum Manas Roga or a post-graduate degree (Homoeopathy) in Psychiatry or a post-graduate degree (Unani) in Moalijat (Nafasiyatt) or a post-graduate degree (Siddha) in Sirappu Maruthuvam;

Sec 2 (1) (g) "clinical psychologist"

means a person— (i) having a recognised qualification in Clinical Psychology from an institution approved and recognised, by the Rehabilitation Council of India, constituted under section 3 of the Rehabilitation Council of India Act, 1992; or (ii) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognised by the Rehabilitation Council of India Act, 1992 or such recognised qualifications as may be prescribed;

Sec 2 (q) "mental health nurse"

means a person with a diploma or degree in general nursing or diploma or degree in psychiatric nursing recognised by the Nursing Council of India established under the Nursing Council of India Act, 1947 and registered as such with the relevant nursing council in the State;

Sec 2(x) "psychiatric social worker"

means a person having a post-graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, as may be prescribed;

Sec 2 (y) "psychiatrist"

means a medical practitioner possessing a post-graduate degree or diploma in psychiatry awarded by an university recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognised by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act;

How can I get Mental Health Establishment registered under State Mental Healthcare Authority, Madhya Pradesh?

As per the MHCA 2017 **Sec 65**-no person or organisation shall establish or run a mental health establishment unless it has been registered with the Authority under the provisions of this Act Sec 65(2),(3)provide that every Mental Health Establishment, existing on the date of commencement of this act, shall within a period of six months from the constitution of Authority, submit application in **Form B** with registration fee **Rs 20,000.00** in favour of The Chairperson ,State Mental Health Authority, Madhya Pradesh in the form of demand draft from a Scheduled or Nationalised Bank payable at Bhopal, for provisional registration of MHE, In request of, Mental Health Establishments, the SMHA shall register the establishment as per the procedure laid down- The provisional certificate is valid for 12 months and within 30 days before expiry of the validity apply for renewal of MHE, if expired ,the fee has to be paid again

Sec 65 (2)

Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act: Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

Explanation.—

In case a mental health establishment has been registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental health establishment fulfils the minimum standards, if any, specified by the Authority for the specific category of mental health establishment.

Where do I have to send the hard copy of the application for approval?

Postal Address: The Chief Executive Officer, State Mental Healthcare Authority, Madhya Pradesh, National Health Mission Building, Link Road no 3, Opposite Patrakar Colony - 462003 *Please mention "Application for Mental Health Establishment-provisional registration" on top of the postal cover

Is it legal to practice without registration?

No, at least a provisional registration is required for practice

Will I have to re-apply after change of address?

Reapplication is not needed but request for change of address can be made

What is a Mental Health Establishment according to the MHCA 2017?

"Mental health establishment" means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy establishment, by whatever name called, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general hospital or general nursing home established or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person; but does not include a family residential place where a person with mental illness resides with his relatives or friends;

The Mental Healthcare (Rights of Persons with Mental illness) Rules, 2018 Section 2

(c) "half way homes"

means a transitional living facility for persons with mental illness who are discharged as inpatient from a mental health establishment, but are not fully ready to live independently on their own or with the family;

(d) "hospital and community-based rehabilitation establishment"

means an establishment providing hospital and community-based rehabilitation services;

(e) "hospital and community based rehabilitation service"

means rehabilitation services provided to a person with mental illness using existing community resources with an aim to remote his reintegration in the community and to make such person independent in all aspects of life including financial, social; relationship building and maintaining;

(f) "schedule" means the Schedule annexed to these rules;

(g) "section"

means section of the Act.

(h) "sheltered accommodation"

means a safe and secure accommodation option for persons with mental illness, who want to live and manage their affairs independently, but need occasional help and support;

(i) "supported accommodation"

means a living arrangement whereby a person, in need of support, who has a rented or ownership accommodation, but. has no live-in caregiver, gets domiciliary care and a range of support services from a caregiver of an agency to help him live independently and safely in the privacy of his home.

How will I apply for a provisional registration?

Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the State Authority in Form-B, containing details as specified therein, along with a fee of Rupees Twenty Thousand by way of a demand draft drawn in favour of the Chairperson, State Mental Healthcare Authority payable at Bhopal .The State Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66, grant to such mental health establishment, a provisional registration certificate in Form-C

What are all functionalities of a Mental Healthcare Management System? [to be applicable after operationalization of e-Manas]

To establish an IT system from the perspective of management of mental health care services in compliance with the MHCA 2017 To do away with all the manual registers with public authorities, health institutions and functionaries To cover private medical health care establishments and service providers To ensure full compliance to the MHCA 2017 and rules 2018 To integrate with public healthcare and e-governance systems

How will I make a payment for provisional registration?

Every mental health establishment shall submit an application for provisional registration to the State Authority in **Form-B**, containing details as specified therein, of mental health establishments with application fee of Rupees twenty thousand only by way of demand draft in favour of the Chairperson of State Mental Health Authority, State Bank of India, Vindychal Branch, Bhopal **Current Account Number: 41324037289,IFSC Code SBIN0007242.**

Where do I send the hard copy of the application for approval?

Postal Address: The Chief Executive Officer State Mental Healthcare Authority, Madhya Pradesh, National Health Mission Building, Link Road no 3,Opposite Patrakar Colony - 462003 *Please mention "Application for MHE" on top of the postal cover

Can I admit patients without getting a provisional registration for the establishment?

No according to MHCA 2017 you have to get at least a provisional registration for admission of patients

Sec 65(2) Every person or organisation who proposes to establish or run a mental health establishment shall register the said establishment with the Authority under the provisions of this Act: Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.

Explanation.—In case a mental health establishment has been registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or any other law for the time being in force in a State, such mental health establishment shall submit a copy of the said registration along with an application in such form as may be prescribed to the Authority with an undertaking that the mental

health establishment fulfils the minimum standards, if any, specified by the Authority for the specific category of mental health establishment.

Sec 65 (3) The Authority shall, on receipt of application under sub-section (2), on being satisfied that such mental health establishment fulfils the standards specified by the Authority, issue a certificate of registration in such form as may be prescribed:

Provided that till the period the Authority specifies the minimum standards for different categories of mental health establishments, it shall issue a provisional certificate of registration to the mental health establishment

: Provided further that on specifying the minimum standards for different categories of mental health establishments, the mental health establishment referred to in the first proviso shall, within a period of six months from the date such standards are specified, submit to the Authority an undertaking stating therein that such establishment fulfils the specified minimum standards and on being satisfied that such establishment fulfils the minimum standards, the Authority shall issue a certificate of registration to such mental health establishment.

(4) Every mental health establishment shall, for the purpose of registration and continuation of registration, fulfil—

(a) the minimum standards of facilities and services as may be specified by regulations made by the Authority;

(b) the minimum qualifications for the personnel engaged in such establishment as may be specified by regulations made by the Authority;

(c) provisions for maintenance of records and reporting as may be specified by regulations made by the Authority; and

(d) any other conditions as may be specified by regulations made by the Authority.

Who can register as Government Sector Mental Health Establishment?

Government medical college hospital psychiatry units, State run mental health institutes, State run rehabilitation centres, district headquarters hospitals or any hospital run by state government for the in-patient care (except emergency care) of patients with mental illnesses

Who can register as a Private Sector Mental Health Establishment?

Private establishments run either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise.

What is the charge of renewal of Provisional Registration of establishment?

The mental health establishment concerned shall Apply **within thirty days before the expiry of the validity of the provisional certificate for renewal without fees.** If applied after the expiry of the validity of certificate the payment for Provisional Registration applies.

Can the address of a mental health establishment be changed after the registration?

Yes, change of address can be informed to State/Central Mental Healthcare Authority

Can the ownership of a mental health establishment be changed?

Yes, the ownership can be changed but should be informed to the respective authorities with proper documents of the new owner within a month

How can a duplicate copy of MHE certificate be obtained?

Duplicate certificate will be issued by State Mental Healthcare Authority, Madhya Pradesh upon application by such establishment along with a fee of ₹2,000/-

What are the penalty provisions for not registering a Mental Health Establishment for provisional registration?

Ch. XV, Offences & Penalties Sec 107(1) states- Penalty for MHE's which carries without registration

Rs 5000-Rs 50000 on first time contravention

Rs 50000 to Rs 2 lakhs for second contravention and

Rs 2lakhs to Rs 5 lakhs for subsequent contravention

Sec 107(2) Whoever knowingly serves in the capacity as a mental health professional in a mental health establishment which is not registered under this act, shall be liable to a penalty which may extend to twenty -five thousand rupees.

Sec 107(3) Save as otherwise provided in this Act, the penalty under this section shall be adjudicated by the State Authority.

Sec107(4) Whoever fails to pay the amount of penalty, the State Authority may forward the order to the Collector of the district in which such person owns any property or resides or carries on his business or profession or where the mental health establishment is situated, and the Collector shall recover from such persons or mental health establishment the amount specified thereunder, as if it were an arrear of land revenue.

(5) All sums realised by way of penalties under this Chapter shall be credited to the Consolidated Fund of India

Some Important Sections:

Punishment for contravention of provisions of the Act or rules or regulations made thereunder. **-Sec 108** Any person who contravenes any of the provisions of this Act ,(MHCA 2017) or any rule or regulation made thereunder shall for first contravention be punishable with imprisonment for a term which may extend to six months ,or with a fine which may extend to ten thousand rupees or with both ,and for any subsequent contravention with imprisonment for a term which may exceed two years or with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees or with both.

To be read along with Section 109 (1) and (2) below:

109(1) Where an offence under this Act has been committed by a company ,every person who at the time the offence was committed was in-charge of ,and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub section shall render any person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Not with standing anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly.

Deputy Director
State Mental Health Authority
Madhya Pradesh

Form-B

[See rules 11(2) and 12]

APPLICATION FOR GRANT OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL
REGISTRATION OF A MENTAL HEALTH ESTABLISHMENT

To,

The State Mental Health Authority, Madhya Pradesh

National Health mission,

Ring road no 3

Opposite Patrakar Coloney

Bhopal 462003

Dear Sir/ Madam,

I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment namely of which I am/we are holding a valid license /registration for the establishment/ maintenance of such hospital / nursing home. Details of the hospital/nursing home are given below:

1. Name of applicants
2. Details of license with reference to the name of the authority issuing the license 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:
 - (c) Facilities provided:
 - (d) Out-patient:
 - (e) Emergency services:
 - (f) In-patient facilities:
 - (g) Occupational and recreational facilities:
 - (h) ECT facilities (n X-Ray facilities):

- (i) Psychological testing facilities;
- (j) Investigation and laboratory facilities:
- (k) Treatment facilities staff pattern:

Staff Pattern

- (a) Number of doctors:
- (b) Number of nurses:
- (c) Number of attendees:
- (d) others:

I am herewith sending a bank draft for Rs..... drawn in favor ofas application fee.

I hereby undertake to abide by the rules and regulation of the Mental Health Authority.

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

Yours faithfully

Signature
 Name
 Date

Branch - Vindyalal Branch Bhopal

State Bank of India

05/2024-01/2024-01/2024-01 Transaction - Webpage Dialog

Account Number	41324037289
Account Description	CA-DBT-GOVT AGENCY A/C -INR
Mode of Operation	SINGLE
Currency	INR
Shadow File Balance	0

Customer Name	STATE MENTAL HEALTH AUTHORITY MP
Vishesh Flag	N
Message (Y/N)	N
KSNY Amount	0

Transaction Number / Description	Transaction Amount	Currency
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IFSC - SBIN007242

Transaction Number / Description	Transaction Amount	Currency
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Please

CBS GCC

Uptill This Date

Amount < or =

Ext Transaction

Number

Total Balance

Form-C

[See rule 11(3)]

CERTIFICATE OF PROVISIONAL REGISTRATION/ RENEWAL OF PROVISIONAL
REGISTRATION –

The Central Authority/ State Authority, _ after considering the application dated submitted by under section 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords provisional registration/renewal of provisional registration to the applicant mental health establishment in terms of section 66-(4) or section 66 (11), as per the details given hereunder:

Name:

Address:.....

No of beds:.....

The provisional registration certificate issued, is subject to the conditions laid down in the Mental Healthcare Act,2017 and the rules and regulations made there under and shall be valid for a period of twelve months from the -date of its issue and can be - - - renewed.

Place

Date

Registration Authority

Seal of the Registration Authority

: 7368/2022/NHM

State Mental Health Authority
Madhya Pradesh, Bhopal,
Patrakar Colony link road No. 3
Pin Code -462001

Ref: SMHA/2022/MHE/Pro Reg/7368

Bhopal, dated 19/10/22

To

All State Mental Health Establishments,
Madhya Pradesh

Sub: Regarding Provisional Registration of Mental Health Establishments in State Mental Health Authority, Madhya Pradesh

State Mental Health Authority, Madhya Pradesh, inviting application for provisional Registration of All Mental Health Establishments, of Madhya Pradesh under Mental Healthcare Act 2017 section 65,66 and Mental healthcare (State Mental Health Authority Rules) Rule 2018 Chapter III Rules 11,12 and 13 in Form 'B' with all details of Mental Health Establishments, including status of "Mental Health Professionals"-(Psychiatrist, Clinical Psychologist, Psychiatric Social Worker, Mental Health Nurse) working under Mental Health Establishment.

See attached details of procedure and other FAQ for Provisional Registration with this letter.

The details of attachments are also available on webpage on www.nhmmp.mp.gov.in

(Issued with the approval of CEO, SMHA, MP)

Signed by Vijya Sakpal

Date: 19-10-2022 13:24:29

Reason: Approved

Deputy Director

State Mental Health Authority
Madhya Pradesh

Enclosures:

1. Ref-MHCA 2017 Sec 65 (2) (3) (4)
2. MHCA (SMHA) Rule 2018 11,12,13
3. FAQ for Provisional Registration
4. Form 'B'
5. Bank details for DD

HM

State Mental Health Authority
Madhya Pradesh, Bhopal,
Patrakar Colony link road No. 3
Pin Code -462001

Ref: SMHA/2022/MHE/Pro Reg/ 7368

Bhopal, dated 19/10/22

- 1) Addl. Chief Secretary and Chairperson, State Mental Health Authority, Dept. of Health and Family Welfare, Vallabh Bhawan, Bhopal, Government of Madhya Pradesh
- 2) Mission Director and Chief Executive Officer, SMHA, MP, National Health Mission, Patrakar Colony Link Road no3 Bhopal, Madhya Pradesh
- 3) Principal Secretary, Directorate of Social Justice and Disabled Persons Welfare, Government of Madhya Pradesh, 1250, Tulsi Nagar, Near Tulsi Tower, Bhopal, M.P. - 462003
- 3) Commissioner -Health, Directorate of Health Services, Satpura Bhawan, Bhopal
- 4) Commissioner -Medical Education, Directorate of Medical Education, Satpura Bhawan, Bhopal
- 5) Secretary-Home, Home Department 3rd Floor Vallabh Bhawan II, Vallabh Bhawan, Bhopal, Government of Madhya Pradesh
- 6) Secretary Finance, Department of Finance, C-313, Block-02, 3rd Floor, Ministry, Vallabh Bhawan, Bhopal
- 7) Secretary Social Justice & Empowerment department Govt of Madhya Pradesh
- 8) Secretary Legal Department Govt of Madhya Pradesh
- 9) All HOD, of Psychiatry Department, of Medical Colleges (Govt or Private) of Madhya Pradesh
- 10) All dist. chief Medical and health officers
- 11) All dist. Civil Surgeon

Signed by Vijya Sakpal
Date: 19-10-2022 13:23:16
Reason: Approved
Deputy Director

State Mental Health Authority
Madhya Pradesh