

By e-mail

Ref.No.71977/H&D/I (1) /2021

Directorate of Medical Education
Kilpauk, Chennai – 600 010.


Date:30.03.2022

Sub: Hospitals & Dispensaries – Compensation – Corpus Fund created on the recommendations of Justice Maruthamuthu Committee for compensations awarded by Courts in Medical and Surgical Mishap Cases against Government Doctors in Government Medical Institutions – Recommendations of the State Level Committee – Ordered Amendment – Maru – Orders Issued – communicated – Reg

Ref: G.O.(Ms) No:90 Health and Family Welfare (H1) Department dated 07.03.2022.

Copy of Government Order is communicated for nessecery action.

Encl : As above.


Deputy Director of Medical Education
(Hospitals & Dispensaries)

14/4
30/3

To

All Deans / Head of Institutions under the control of this Directorate



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ABSTRACT

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Compensation – Corpus Fund created on the recommendations of Justice Maruthamuthu Committee for compensations awarded by Courts in Medical and Surgical Mishap Cases against Government Doctors in Government Medical Institutions – Recommendations of the State Level Committee - Ordered Amendment – Orders issued.

HEALTH AND FAMILY WELFARE (H1) DEPARTMENT

G.O. (Ms) No.90

Dated: 07.03.2022

பிலவ, மாசி 23

திருவள்ளூர் ஆண்டு 2053

Read:



G.O.(Ms).No.81, Health and Family Welfare (E1) Department, dated: 25.04.2003

G.O.(Ms).No.395, Health and Family Welfare (H1) Department, dated 04.09.2018

3. G.O.(Ms).No.301, Health and Family Welfare (H1) Department, dated 18.08.2020

4. From the State President, Tamil Nadu Government Doctors Association representation dated 14.09.2017, 21.11.2017 and 20.10.2020.

5. From the Director of Medical and Rural Health Services letter Ref.No.45823/IC1/2/2018, dated 23.10.2020 and 19.02.2021

ORDER:

In the G.O first read above, the Government have issued orders, based on the recommendations of the Justice Maruthamuthu Committee for providing compensation awarded by the courts in the cases filed against Government Doctor's for occurrence of medical mishaps.

2. Based on the request of the Doctor's Association in the representation fourth read above, the High Level Committee of the Tamil Nadu Government Doctor's corpus fund was held on 10.07.2018 and the Government accepted the minutes of the meeting to certain extent, in principle and orders have issued vide in the Government Order second read above, duly specifying that amendment to the rules will be issued separately.

3. In the G.O third read above, the Government have issued necessary amendments to the Government Order first read above.

4. In the letter fifth read above, the Director of Medical and Rural Health Services has stated that a meeting was conducted on 06.01.2021 regarding Corpus

Fund with the Tamil Nadu Government Doctors Association State President and other members in the Chambers of Director of Medical and Rural Health Services, Chennai-6. During the discussion of the meeting, the several points have been emphasized and recommended amendment based on the minutes of the meeting as follows:

- i. While granting compensation amount awarded by courts for the alleged Medical and Surgical mishaps in Government Medical Institutions, the compensation amount shall be issued from the Corpus Fund, only if the medical negligence is on the part of doctors only.
- ii. And if Medical negligence on the part and Nurses and other Para Medical Staff or any deficiency in service compensation amount shall be given by the Government and not from the Doctors Corpus Fund.
- iii. For alleged Surgical and Medical Disorders expenses happened due to negligence on the part of treating doctor then 10% of the Compensation amount awarded by courts should be recovered from the concerned doctor.
- iv. Revenue account of Corpus Fund to be maintained by advocating a separate body to ascertain and maintain the Receipts of Funds and expenditure incurred in this fund.
- v. All cases from Director of Medical Education / Director of Public Health and Preventive Medicine side to be brought to the notice of JDHS, placed before District Level Committee, with intimation to the concerned Directorates and also to the State Level Committee within 15 days of legal notice.
- vi. All documents to be maintained by the concerned Ministerial Staff of IC/SC section of the concerned JD Office including Director of Medical Education / Director of Public Health and Preventive Medicine cases. Incidental expenses such as documentary charges, travel expenses, etc not exceeding Rs.5000/- per case may be sanctioned by the Government apart from Lawyer fees, as "OFFICE EXPENSES".
- vii. Judgment awarded by the Court to be brought to the notice of the District Level Committee member (JDHS) within a week and to the concerned Directorate.
- viii. Appointment of Private Lawyers by Doctors for Medical Surgical cases is allowed and the same to be intimated to the District Level Committee and also to the concerned Directorate. It is also applicable for all cases relating to medical negligence by Doctors and paramedical staff or any deficiency in service.
- ix. Committee Members-Committee to be constituted with amendment as follows:

State Level Committee		
1	Director of Medical and Rural Health Services	Chairperson
2	Additional Director of Medical and Rural Health Services	Member Secretary
3	Director of Medical Education	Member
4	Director of Public Health and Preventive Medicine	Member
5	Two Representatives from Government Doctors	Member

District Level Committee		
1	District Collector	Chairperson
2	Joint Director of Health Services	Member Secretary
3	The Dean (wherever available)	Member
4	The Deputy Director of Health Services	Member
5	Two Representatives from Government Doctors	Member

- x. Compensation amount sanction will be effected by Proceedings accorded by the Health Secretary by since the fund is deposited in Treasury.
- xi. The existing method, of sanctioning the amount by the Government on the request of individual Head of Departments without the recommendations of the State Level Committee should be stopped.

6. The Government after careful examination hereby, proposed to issue the following amendments to the G.O first read above, in respect of all the issues dealt with, except the reiterations:-

AMENDMENTS

A) The existing para 8 of the draft rules, appended to the G.O first read above, under the heading procedure for compensation, as amended in the G.O third read above shall be inserted as (i)(a) and the following shall be read as (i)(b), (i)(c), (i)(d), (i)(e) respectively as follows:-

- (i)(a) If alleged Surgical and Medical disorders expenses happened due to negligence on the part of the treating doctor, then 10 percent of the Compensation amount awarded by courts should be recovered from the concerned doctor and shall be remitted back to the Corpus Fund;

- (i)(b) All cases from the Directorate of Medical Education / the Directorate of Medical and Rural Health Services / the Directorate of Public Health and Preventive Medicine sides shall be brought to the notice of Joint Director of Health Services (Member Secretary), placed before District Level Committee, with intimation to the concerned Directorates and also to the State Level Committee within 15 days of legal notice;
- (i)(c) All documents shall be maintained by the concerned Ministerial staff of IC/SC section of the concerned Joint Director Officers including the Director of Medical Education / the Director of Medical and Rural Health Services / the Director of Public Health and Preventive Medicine cases. Incidental expenses such as documentary charges, travel expenses, etc., not exceeding Rs.5000/- per case shall be sanctioned by Member Secretary and the same shall also be met from the Doctor's Corpus Fund only.
- (i)(d) Judgment on Compensation awarded by the Court shall be brought to the notice of the Member Secretary of the District Level Committee viz Joint Director of Health Services within a week and to the concerned Directorate.
- (i)(e) Appointment of Private Lawyers by Doctors for Medical / Surgical cases is allowed and the same shall be intimated to the District Level Committee and also to the concerned Directorate. It is also applicable for all cases relating to medical negligence by Doctors and paramedical staff or any deficiency in service.
- (B) For the existing para 9 of the draft rules of the G.O first read above, the following shall be substituted:-
"Compensation amount shall be sanctioned by the Government on the request of individual HODs with the recommendation of the State Level committee".
- (C) For the existing Annexure I & II of draft rules annexed to G.O first and G.O third read above, the existing State Level Committee and District Level Committee shall be reconstituted as follows:-

State Level Committee		
1	Director of Medical and Rural Health Services	Chairperson
2	Additional Director of Medical and Rural Health Services	Member Secretary
3	Director of Medical Education	Member
4	Director of Public Health and Preventive Medicine	Member
5	Two Representatives from Government Doctors	Member

District Level Committee		
1	District Collector	Chairperson
2	Joint Director of Health Services	Member Secretary
3	The Dean (wherever available)	Member
4	The Deputy Director of Health Services	Member
5	Two Representatives from Government Doctors	Member

BY ORDER OF THE GOVERNOR)

J.RADHAKRISHNAN
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director of Medical and Rural Health Services, Chennai – 600 006.

The Director of Medical Education, Chennai – 600 010.

The Director of Public Health and Preventive Medicine, Chennai – 600 006.

The Director of Family Welfare, Chennai – 600 006.

The Director of Indian Medicine and Homeopathy, Chennai – 600 106.

The Accountant General, Chennai – 600 018.

The Treasuries and Accounts, Chennai – 600 015.

The Pay and Accounts Officer (South), Chennai – 600 035.

The Pay and Accounts Officer (North), Chennai – 600 001.

The Pay and Accounts Officer (East), Chennai – 600 005.

The Pay and Accounts Officer, Madurai- 35.

The District Treasuries Officers.

The General Secretary, Government Doctors Association.

Copy to:-

G.O.(Ms).No.81, Health and Family Welfare (E1) Department, dated 25.04.2003.

G.O.(Ms).No.395, Health and Family Welfare (H1) Department, dated 04.09.2018.

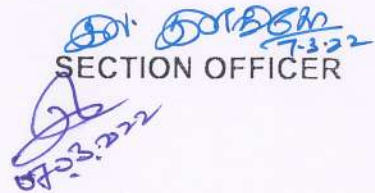
G.O.(Ms).No.301, Health and Family Welfare (H1) Department, dated 18.08.2020.

The Finance (BG.II/Health-II) Department, Chennai – 600 009.

The Health and Family Welfare (Data cell) Department, Chennai – 600 009.

Stock File / Spare Copy.

// FORWARDED BY ORDER //


SECTION OFFICER

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