

Procedure for registration of Mental Health Establishment **under Mental Healthcare Act 2017**

Background

1. Every person or organisation who proposes to establish or run a * mental health establishment defined u/s 2(p) (reproduced below) 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 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 by 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)

“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;

Provisional Registration

(1) Submitting application for provisional registration in Form B

Every mental health establishment referred above shall submit **application for provisional registration in Form B (download)** containing details specified therein, along with fee of rupees twenty thousand by way of demand draft in favour of Chief Executive officer, Kerala State Mental Health Authority payable at Thiruvananthapuram.

(2) Provisional registration certificate by the State authority

The State authority shall, on being satisfied that mental health establishment fulfils the entire requirement as specified in sections 65 and 66 grant to such mental health establishment a **provisional registration certificate in Form C**.

(3) Validity of certificate of registration

This provisional registration certificate granted under the above shall be valid for a period of twelve months from the date of such grant. The Authority shall not conduct any inquiry prior to issue of provisional registration. The Authority shall, also, publish in print and in digital form online, all particulars of the mental health establishment having provisional registration.

(4) Issue of duplicate certificate

Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the State Authority may issue a duplicate certificate on an application made by such establishment along with a fee of rupees two thousand by way of a demand draft drawn in favour of the Chief Executive Officer, State Mental Health Authority payable at Thiruvananthapuram.

(5) Renewal of provisional of registration

Until standards for particular categories of mental health establishments are specified under this Act by the State Authority, every mental health establishment shall, within thirty days before the expiry of the validity of certificate of provisional registration, apply for a renewal of provisional registration. The application for renewal of such certificate shall be made in Form-B 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 Chief Executive Officer, State Mental Health Authority payable at Thiruvananthapuram.

Permanent registration

1. Specification of minimum standards of facilities and services (download)

The Authority shall by regulations specify minimum standards of facilities and services for different categories of mental health establishments. The Authority shall publish the standards in print and online in digital format.

2. Application for Permanent registration

Where standards for particular categories of mental health establishments have been specified under this Act, the mental health establishments in that category shall, within a period of six months from date of notifying such standards, apply for that category and obtain permanent registration. The Authority, by regulation may specify in such form and fees for permanent registration (download). The mental health establishment shall submit evidence that the establishment has complied with the specified minimum standards in such manner as may be specified by regulations by the Authority.

3. Procedure for granting permanent registration

- 1.** As soon as the mental health establishment submits the required evidence of the mental health establishment having complied with the specified minimum standards, the Authority shall give public notice and display the same on its website for a period of thirty days or such period for filing objections, if any, in such manner as may be specified by regulations.
- 2.** The Authority shall, communicate the objections, if any, received within the period referred to the above, to the mental health establishment for response within such period as the Authority may determine.
- 3.** The mental health establishment shall submit evidence of compliance with the standards with reference to the objections communicated to such establishment to the Authority within such period as the Authority may determine.
- 4.** The Authority shall on being satisfied that the mental health establishment fulfils the specified minimum standards for registration, grant permanent certificate of registration to such establishment.
- 5.** If the Authority find that the mental health establishment does not fulfil the specified minimum standards for registration; reject the application after recording the reasons thereof.