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राष्ट्रीय आयुर्विज्ञान आयोग

NATIONAL MEDICAL COMMISSION

Ethics and Medical Registration Board (EMRB)

No. R.15017/20/2022/EMRB-Regn./ 05198

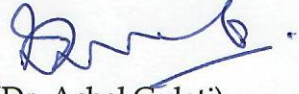
Date: 06.04.2022

PUBLIC NOTICE

Draft Regulations are placed in public domain through our website on 06.04.2022 in accordance with section 27, section 31 & section 57 of the National Medical Commission Act, 2019 inviting comments from public in general & Experts / Stakeholders/Organizations for the following proposed regulations :

1. "Licence to Practice Medicine-2022" & "Registration of Additional Qualifications-2022", and
2. "Temporary Registration of the Foreign Medical Practitioner to Practice Medicine in India"

The comments should be sent to the email at emrb.regn@nmc.org.in within one month i.e., by 06.05.2022.


(Dr. Achal Gulati)
President, EMRB

Encl.: As above

DRAFT REGULATIONS OF LICENCE TO PRACTICE MEDICINE, 2022

In pursuance of the provisions of Section 27 (1) of the National Medical Commission Act, 2019; and the maintenance of National Registers of all licenced medical practitioners as provided under Section 31 of the Act by the Ethics and Medical Registration Board; the following are the Regulations of Licence to Practice Medicine.

CHAPTER I Preliminary

- 1. Short title, extent and commencement:**
 - a. These Regulations may be referred as “Regulations of License to Practice Medicine, 2022”.
 - b. These regulations shall come into force on such date as the National Medical Commission may, by notification in the Official Gazette.
- 2. Definitions:** Unless the context demands otherwise, in these Regulations the following words or phrases shall have the definitional meaning as follows --
 - a. “Ethics and Medical Registration Board” or “EMRB”: means an autonomous board constituted under Section 16 of the National Medical Commission Act, 2019.
 - b. “Foreign Medical Graduate” shall be a person who does not have basic graduation or primary qualification (undergraduate medical degree), from an Indian university or Indian medical college or an Indian institution, as the case may be, to seek licence for medical practice in India.
 - c. “Indian Medical Graduate” or “IMG” is a person who has graduated with a Primary Medical Qualification in India having fulfilled the applicable requirements as recognized by the NMC in accordance with the “Graduate Medical Education, 1997” and “Regulations on Graduate Medical Education (Amendment), 2019” with subsequent amendments, if any, duly recognized by the National Medical Commission under Section 61(2) of the NMC Act, 2019.
 - d. “Indian Medical Register” means the medical register maintained by the Ethics & Medical Registration Board (EMRB) before coming into force of the National Medical Register (NMR).
 - e. “Licence” means a licence to practice medicine modern /allopathic medicine granted under subsection (1) of section 33. (1) of the NMC Act, 2019, which also includes registered medical practitioners with permanent registrations.
 - f. “MBBS” means the degree of Bachelor of Medicine and Bachelor of Surgery of a university or an approved institution from India in accordance with the Regulations on “Graduate Medical Education, 1997” and subsequent amendments duly approved by the National Medical Commission under Section 61(2) of the NMC Act.

- g. “Medical institution” means any institution within or outside India which grants degrees, diplomas or licences in medicine and include affiliated colleges and deemed to be Universities
- h. “Medicine” means modern/allopathic scientific medicine in all its branches but “does not include Ayurveda, Homeopathy, Unani, Siddha, Yoga and Veterinary medicine”.
- i. “National Medical Commission” or “NMC”: means a Commission constituted by the Central Government to exercise the powers conferred upon, and to perform the functions assigned to it, as under Section 3 (1) of the National Medical Commission Act, 2019.
- j. “NMC Act” or “Act” means the National Medical Commission Act, 2019 of the Parliament that has received the assent of the President of India and duly published in The Gazette of India on 8th August 2019.
- k. “National Medical Register “or “NMR” or “National Register” means a register of medical practitioners maintained by the Ethics and Medical Registration Board under section 31 of the National Medical Commission Act, 2019.
- l. “Licence to Practice Medicine” is the registration of eligible persons with a duly recognized primary medical qualification as regulated under Chapter VI of the National Medical Commission Act 2019, which permits or provides licence to the individual to independently practice modern scientific medicine or allopathy in India, as regulated under the Licence to Practice Medicine Regulations, 2022 of the EMRB, NMC.
- m. “Prescribed” means prescribed by rules made under the NMC Act-2019 and these regulations.
- n. “Primary Medical Qualification” means a medical graduation degree such as MBBS conferred in India or an equivalent qualification of any medical institution outside India or an erstwhile licentiate qualification of India granted, under the Indian Medical Council Act, 1956, which are in force as on the date of commencement of the NMC Act, 2019 that continues to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the provisions of this Act or the rules or regulations made thereunder.
- o. “Recognised medical qualification” means a medical qualification recognised under section 35 and section 36 and section 37 and section 40 of the NMC Act, as the case may be.
- p. “Registered Medical Practitioner” or “RMP” means a person whose name is either in the State Medical Register or the Indian Medical Register or the National Medical Register unless otherwise specified.
- q. “Regulations” means the regulations made by the Commission under the NMC Act, 2019.
- r. "State Medical Council" means a medical council constituted under any law for the time being in force in any State or Union territory for regulating the practice and registration of practitioners of modern (Allopathy) medicine in that State or Union territory.
- s. “State Medical Register” or “State Register” means a register maintained under any law for the time being in force in any State or Union territory for registration of practitioners of modern (Allopathy) medicine.
- t. “University” shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a Health University in

India or an equivalent institution outside India that has a Medical faculty duly recognized in that country.

CHAPTER II

General

3. Designated authorities for granting Licence to Practice Medicine

3.1. The Ethics & Medical Registration Board (EMRB), National Medical Commission (NMC) shall generate a Unique ID No. and thereby accord Licence to Practice Medicine to the practitioner in the respective State/Union Territory.

3.2. No person shall practice medicine (means modern scientific medicine as defined) in India unless issued either a license to practice medicine, either temporary or otherwise".

3.3. Till, such time National Register comes into force the existing system of the registration of medical practitioners shall continue.

4. DURATION OF LICENCE TO PRACTICE MEDICINE

4.1 The validity of Licence to Practice Medicine is subject to the following-

- (a) request received from the Licenced Medical Practitioner for whatsoever reasons, to withdraw / discontinue with the Licence to Practice;
- (b) may be cancelled / withdrawn if at any time it is found that the Licence to Practice does not possess/ or has not fulfilled the necessary eligibility requirements;
- (c) continuation of licence to practice after specific periods or re-licencing after specified periods may be dependent on regulations made for the purpose.

5. Professional rights & privileges of registration

5.1 Professional rights & privileges of registration as per section 33 and 34(1) of the NMC Act, 2019.

5.2 All licenced practitioners are obliged to inform and update their data in National Register such as Additional Qualifications, Contact Details, and Place of Practice / Employment as soon as changes occur.

CHAPTER III

6. Eligibility for Licence to Practice Medicine is obtained through two pathways

6.1 Licence to Practice Medicine for those who have obtained their Primary Medical Qualification in India: applicable to Indian Medical Graduates

The eligibility requirements for Licence to Practice Medicine is subject to fulfilment of any of the following set of requirements [(a) or (b) or (c)] by an Indian Medical Graduate-

a. To be eligible for Licence to Practice Medicine all of the following conditions and sub-sections thereof must be fulfilled *after* the National Exit Test (NExT) held under Section 15 of the NMC Act becomes operational

(i) The person should have obtained the graduate medical qualification in modern scientific system of medicine/ allopathy, MBBS, in India, duly recognized by the National Medical Commission as regulated by the “Graduate Medical Education Regulation, 1997” and “Regulations on Graduate Medical Education (Amendment), 2019” with subsequent amendments, if any, duly recognized by the National Medical Commission under Section 61(2) of the NMC Act, 2019;

(ii) Completed one year / 12 months of Compulsory Rotating Medical Internship as regulated by the “Graduate Medical Education Regulation, 1997” and subsequent amendments duly recognized by the National Medical Commission under Section 61(2) of the NMC Act.

(iii) In accordance with Section 33(I) of the National Medical Commission Act 2019, qualifies the National Exit Test (NExT) held under Section 15 of this act, after this becomes operational.

b. Before, the National Exit Test (NExT) held under section 15 of the NMC Act, 2019 comes into force the existing system of the registration of medical practitioners shall continue.

c. In accordance with Section 33 of the NMC Act, an Indian Medical Graduate who has been registered in the Indian Medical Register maintained under the Indian Medical Council Act, 1956 and / or registered by a State Medical Council prior to the coming into force of this Act and before the National Exit Test becomes operational under sub-section (3) of Section 15, shall be deemed to have enrolled in the National Register maintained under this Act and hence obtained license to practice Medicine.

6.2 Licence to Practice Medicine for those who have obtained their Primary Medical Qualification in any country other than India: applicable to Foreign Medical Graduates

The eligibility requirements for Licence to Practice Medicine is subject to fulfilment of any of the following set of requirements [(a) or (b) or (c) or (d)] by a Foreign Medical Graduate

- (a) As stipulated in the foreign medical graduate licentiate regulations 2021 National Medical Commission Act 2019, Section **33** (2), for a Foreign medical Graduate to be eligible for Licence to Practice Medicine, all of the following conditions and sub-sections thereof must be fulfilled *after* the National Exit Test (NexT) held under Section **15** of the NMC Act becomes operational
- (i) The person should have obtained a medical qualification in modern scientific system of medicine/ allopathy from a medical institution established in any country outside India and recognized and listed in the Schedule maintained by NMC;
 - (ii) Is recognized and Registrable as medical practitioner in that country;
 - (iii) In accordance with Section **33(1)** of the National Medical Commission Act 2019, qualifies the National Exit Test (NexT) held under Section **15** of this act, after this becomes operational;
 - (iv) He does compulsory rotating Houseman ship (medical Internship) in an NMC recognised College/Hospital before taking further step of NexT-Test;
 - (v) Any other requirement as may be specified / notified including but not limited to the *Screening Test Regulations, 2002*; and the *Eligibility Requirement for taking admission in an undergraduate medical course in a Foreign Medical Institution Regulations, 2002* of the erstwhile Medical Council of India with amendments duly recognized by the NMC under Section **61(2)** of the NMC Act and the *Foreign Medical Graduates Licentiate Regulations 2021* of the NMC Act, 2019.
- (b) Before, the National Exit Test (NEXT) held under section 15 of the NMC Act, 2019 comes into force the existing system of the registration of the foreign medical graduates shall continue.
- (c) In accordance with Section **33** of the NMC Act, a Foreign Medical Graduate who has been registered in the Indian Medical Register maintained under the Indian Medical Council Act, 1956 and / or registered by a State Medical Council prior to the coming into force of this Act and before the National Exit Test becomes operational under sub-section (3) of Section **15**, shall be deemed to have obtained Licence to Practice Medicine under this Act and be enrolled in the National Register maintained under this Act.
- (d) Unless otherwise notified, the provisions of Section **40** of the NMC Act 2019 shall apply after the National Exit Test (NEXT) becomes operational.
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Draft regulation for Registration of Additional Qualifications 2022

In pursuance of the provisions of Section 33 (3) of the National Medical Commission Act, 2019; when a person whose name entered in the State Medical Register and National Medical Register as the case may be, obtained any title, diploma or any other qualification for proficiency in sciences or public health which is a recognized medical qualification under section 35 or section 36, as the case may be, shall be entitled to have such qualification entered against the person's name in the National Register / State Register as specified by the regulations.

Preliminary

1. Short title, and commencement:

- a. These Regulations may be referred as "Registration of Additional Qualifications Regulation 2022".
- b. These regulations shall come into force on such date as the National Medical Commission may, by notification in the Official Gazette

2. Definitions

"Additional Qualifications" are those qualifications other than the Primary Medical Qualifications duly recognized under Chapter VI of the NMC Act and obtained by Registered Medical Practitioner or a person who has a Licence to Practice Medicine. These are typically postgraduate qualifications such as Postgraduate Degrees, Diplomas, Super-specialisation Degrees, and Doctoral degrees as may be approved and notified by the NMC.

3. The following Additional Qualifications are eligible for registration provided these are duly recognized by the National Medical Commission.

- a. Degrees, Diplomas and other qualifications recognized by the National Medical Commission under various sections in Chapter VI of the NMC Act;
- b. Degrees and Diplomas and other qualifications recognized by the National Board of Examinations and deemed recognized by the National Medical Commission under Section 37 (2) of the NMC Act;
- c. Degrees and Diplomas and other qualifications awarded by the Institutions of National Importance and other Statutory Bodies mentioned under the Schedule and recognized under Section 37 of the NMC Act;
- d. All medical qualifications which have been recognised before the date of commencement of this Act and are included in the Second Schedule and Part II of the Third Schedule to the Indian Medical Council Act, 1956, as required under Section 36 (4) of the National Medical Commission Act, 2019;
- e. Post Graduate medical qualifications obtained from any of the following Countries: Australia, Canada, New Zealand United Kingdom, United States of America as added in Clause (4)(4) of the *Screening Test Regulations, 2002* and duly published in the Gazette on 28/11/2011 of the erstwhile Medical Council of India with amendments thereof duly recognized by the NMC under Section 61(2) of the NMC Act-2019;

- f. Before, the National Register comes into force the existing system of the registration of the additional qualification shall continue;
 - g. Registration of Additional Qualifications shall be deemed to be valid till such time that Licence to Practice Medicine is valid.
4. A licenced Practitioner with registered Additional Qualifications shall be allowed to practice in the field of specialization/super specialization commensurate with additional knowledge and skill obtained, as applicable to the additional qualification anywhere in India with all its privileges as the case may be.
5. All licenced medical practitioners are required to follow the regulations mandated under the Regulations of Ethics and Medical Registration Board, NMC

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DRAFT REGULATIONS FOR TEMPORARY REGISTRATION OF THE FOREIGN MEDICAL PRACTITIONER TO PRACTICE MEDICINE IN INDIA

In pursuance of the provisions of the Section 34(1) of the NMC Act, 2019 which provides that a foreign citizen duly enrolled in any country other than India as a medical practitioner as per the law applicable to registration of medical practitioners in that country; may be provided with a temporary registration in India for such period and in such manner as may be specified by the regulations.

Preliminary

1. **Short title, extent and commencement:** (a) These regulations may be called the National Medical Commission (Temporary Registration of the Foreign Medical Practitioners to practice modern/allopathic medicine in India) Regulation 2022.
(b) These Regulations come into force at once on date of their publication in the Official Gazette of India.
2. **Definition:** In these regulations unless the context otherwise requires-
 - a. “Act” means the National Medical Commission Act, 2019 (30 of 2019);
 - b. “Foreign Medical Practitioner (FMP)”- means a foreign citizen duly enrolled in any country other than India as a medical practitioner as per the law applicable to registration of medical practitioners in that country;
 - c. “Medical Institution” means any institution within or outside India which grants degrees, diplomas or licences in medicine and include affiliated colleges and deemed to be universities.
 - d. “Medicine” means modern/allopathic scientific medicine in all its branches but “does not include Ayurveda, Homeopathy, Siddha, Yoga and Veterinary medicine”.
 - e. “National Medical Commission” or as its abbreviated expression as “NMC”: means a Commission duly constituted by the Central Government to exercise the powers conferred upon and to perform the functions assigned to it, as under Section 3 (1) of the National Medical Commission Act, 2019.
 - f. “Registered Medical Practitioner”(RMP) or “Qualified Medical Practitioner” (QMP) means a person whose name is either in the Indian Medical Register or the National Medical Register unless otherwise specified.
 - g. “Schedule” means the Schedule appended to the National Medical Commission Act, 2019;
 - h. “Sponsor” shall be a valid registered Medical Practitioner and may also be synonymously be referred to as “referee” or “supervisor”.

- i. "Sponsored Foreign Citizen" in the context of pursuing of Post Graduate degree shall means a medical practitioner of a foreign country who has been sponsored for such a degree in India for a limited time.
 - j. "Temporary Registration" shall mean the registration of a foreign medical practitioner who has been granted temporary registration after receiving an application in this regard by the Ethics and Medical Registration Board of the National Medical Commission, for a specific purpose in India for a specified period of time under these along with such stipulation of such other conditions that may be specified under these Regulations.
 - k. "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a Health University in India or an equivalent institution outside India that has a Medical faculty duly recognized in that country.
 - l. Words and expressions used in these Regulations and not defined herein but defined in the National Medical Commission's Act, shall have the same meaning assigned to them in that Act.
3. (a) No foreign medical practitioner shall carry out his professional work in India unless granted a temporary registration in accordance with the provisions of these Regulations after satisfaction of the following stipulations that:-
- i. his practice shall be limited to the purpose conditions if any specified, of the temporary registration;
 - ii. he shall be in good standing and shall provide a certificate by the concerned medical council or licencing board as the case may be, issued within a stipulated period not prior to 6 months;
 - iii. that the sponsor shall be responsible for the professional conduct of the individual in line with rules and regulations as amended from time to time and are in force;
- (b) Any person breaching any of the stipulations indicated in this regard shall be treated as professional misconduct and all the Regulations applicable for professional misconduct shall mutatis mutandis applicable.
- (c) the application of rule on the foreign medical practitioner will be prejudice to any law that is for the time being in force in India.

4. Duration of temporary registration-

- i. The duration of temporary registration shall ordinarily be limited to that of the program or course or the concerned professional the activity for which such registration is granted.
- ii. The duration of the temporary registration shall cease to be in operation on the end of the last date of the temporary registration or on the date of expiry of the valid Indian visa held by the registrant, whichever is earlier.

5. Violation of any of these Regulations shall result in curtailment or suspension of the temporary registration granted by the Ethics & Medical Registration Board, of the National Medical Commission.

6. Sponsor

I. In case sponsorship is initiated by an individual, the following requirements shall be fulfilled:-

- i. an individual sponsor shall be a registered as a medical practitioner (RMP) and /or an appropriate authority of an institution where the foreign medical practitioner is eligible to pursue an academic program / course / training or activity;
- ii. the registration of the sponsor shall be valid at the time of application and throughout the period of temporary registration sought for the registered medical practitioner (RMP);
- iii. the sponsor has not been debarred in the preceding one year from the practice of a system of medicine or any of its specialties / super specialties in India;
- iv. If a registered medical practitioner (RMP) has applied for a super-specialty course, the sponsor must have the recognized and registered, postgraduate degree in that speciality for which the registered medical practitioner (RMP) has been granted the temporary registration;
- v. an individual sponsor shall be allowed to sponsor according to the resources available at the disposal of sponsoring institution.

OR

II. If the sponsor is a Medical College/ Institution/ Hospital

- i. the sponsor shall be head of the institution / head of the department of the sponsoring institution;
- ii. the inviting institution must demonstrate its capability of having adequate infrastructure, faculty proportionate to the number of people being sponsored and adequate clinical resources available in the institution.
- iii. The inviting medical college/institution/ hospital must submit detailed information about the total PG's being trained in the department currently.

7. Broad categories for temporary Registration are-

I. Education and Training:

- A. (i) **For NEET-PG/Sponsored foreign citizen medical graduates:** for pursuing academic courses like postgraduate or super specialty courses in medicine/ fellowship, and certificate courses that are approved by the Government of India and National Medical Commission, National Board of Examination. The duration shall be limited to the duration of the course.
- (ii) The course must be structured and the information must be available on the website.

- (iii) Declaration of the fee charges/stipend paid/salary to be issued if any.
- (iv) Fellowship and certificate courses in NMC/DNB certified centres/hospitals and for the corresponding broad specialty. The temporary registration ends with course completion.

- B. (i) Fellowship/ clinical research/ clinical training for enhancing their skills and competence through training or academic courses conducted in any other institutions in India. The duration of temporary registration shall not exceed 12 months.

C. Expert visit:

- (i) for inviting professionals who possess medical knowledge, experience and skills commensurate with the concerned subjects/ or as a resource person in seminar/conference/symposia/workshop;
- (ii) The temporary registration ends with period of the program.

II. Voluntary clinical service/ charitable work:

- (i) visiting as a doctor for performing community services.
- (ii) the temporary registration shall be granted upto a maximum of 12 months followed by a cooling a period of 1 year.
- (iii) shall be sponsored by the sponsorer in India.