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DCA Kerala set to take action against defiant private hospitals under 18(c) of D&C Act

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Peethaambaran Kunnathoor, Chennai

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<http://www.pharmabiz.com/article/detnews.asp?articleid=57195§ionid=>

Even as the Kerala Drug Control Administration is going ahead with its steps to enforce section 18(c) of the Drugs & Cosmetics Act with private hospitals having separate pharmacies, the members of the Qualified Private Medical Practitioners Association (QPMPA), who is fighting against the DCA move, are in no mood to relent.

The drug control authorities have already given show cause notices to three hospitals for violation of section 18(c), including to the president of QPMPA state branch and of the national vice president of the association.

Besides, the drug officials have recommended their higher authorities for legal action against 10 pharma wholesalers of three districts for violation of conditions of licences. The wholesalers have supplied medicines to hospitals having no drug licenses. The DCA had given orders to the wholesalers not to supply medicines to those hospital pharmacies which are not following the rules of the department.

Dr K Kishore Kumar, the secretary of Kerala QPMPA, who is spearheading the fight against the DCA, said that the members of his association will not abide by the order of the drug authorities as the law of the land does not demand them to do so. Sources in the drug control department said inspections are going on in all the private hospitals in the state and show cause notices will be issued to a few more hospitals in next two days.

Koyas Hospital, Kozhikodu, which is owned by Dr M A Koya, the president of Kerala QPMPA, Chazhikkattu Hospital, Thodupuzha in Idukki district, which is the own hospital of Dr Joseph Stephen, the national vice-president of QPMPA, and Rajendra Nursing Home, Kozhikodu are the three hospitals which have been given show cause notices . They have also been given a specified time frame to apply for the licences.

Officials in the drugs control department said since the time was over by Tuesday, the department will soon proceed cases against the hospitals for violating section 18(c) of the D&C Act. P Sathesh Kumar, the deputy drugs controller said maximum punishment for the violation is five years imprisonment. He said 50 percent of the members of QPMPA have already applied for licences and only a few are following the advice of the association office-bearers. Another officer in DCA said the state secretary of the association has no hospital of his own, but he instigates others not to follow the government rules.

Along with inspections in hospitals, the drug inspectors and officials of the intelligence branch of the

department have inspected the shops of wholesalers in northern districts and verified the details. Following it, they have recommended suspension of licences of 10 wholesalers for violation of conditions of licenses. According to sources, during inspection, the wholesalers did not keep the signed and sealed order of a Registered Medical Practitioner or of a hospital.

The wholesale agencies against whom actions have been recommended are Salah Drugs Agencies, Vadakara, Salah Pharma, Vadakara, Sunanda Associates , Kozhikodu, Lekshmi Enterprises, Kozhikodu, Star Agencies, Kozhikodu, Manoj Pharmaceuticals, Kozhikodu, Kerala Commercial Distributors, Kozhikodu, Avantika Agencies, Palakkad, Grace Pharmaceuticals, Thrissur, and C A Drugs, Kozhikodu.

Earlier the drug authorities had given time for the private hospitals to take the drug licenses before July 31 this year following a high court order. Except in Kerala, private hospitals in all other states are having drug licenses for their pharmacies.