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**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

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**LEGAL TRANSFORMATIONS IN INDIAN HEALTHCARE: RECENT  
BILLS OF 2023**- Aishwarya Rai<sup>1</sup>**Abstract**

This paper carefully examines three important bills that were passed in 2023 to look into the drastically changing legislative environment of Indian healthcare. The Pharmacy (Amendment) Bill, 2023, seeks to improve standards and governance by introducing substantial changes to pharmaceutical rules. Healthcare delivery and the professional environment will be impacted by the National Nursing and Midwifery Commission Bill, 2023, which represents a paradigm shift in nursing and midwifery practices. Dental healthcare standards are addressed in the National Dental Commission Bill, 2023, which also shapes dental education and practice. This paper adds to a better knowledge of the changing healthcare landscape in India by revealing the complex ramifications, difficulties, and possible advantages of these measures through a thorough examination. A comprehensive viewpoint is provided by analyzing the legal, ethical, and implementation elements, which also offers insights into the future course of Indian healthcare.

Keywords: Legal Transformations, IndianHealthCare, RecentBills, Pharmacy (Amendment) Bill, National Nursing and Midwifery Commission Bill, National Dental Commission Bill, 2023

**Introduction**

Within the constantly changing fabric of India's healthcare laws, 2023 stands out as a turning point, characterized by groundbreaking legislative initiatives. This study is important because it examines three important bills that will be passed in 2023: the National Dental Commission Bill, the National Nursing and Midwifery Commission Bill, and the Pharmacy (Amendment)

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Bill. These laws represent significant changes in the nursing, dentistry, and pharmaceutical fields, changing the landscape of healthcare governance.

A major piece of healthcare legislation, the NNMC Bill aims to improve and modernise India's nursing and midwifery professions. The Indian Nursing Council Act of 1947 should be repealed. Because the nursing and midwifery professions have changed over the years in terms of practice, education, training, and service requirements, the act is out of date and does not adequately address their needs.

The National Dental Commission Bill aims to establish the National Dental Commission (NMC) to oversee dental education and the dental profession, while also attempting to overturn the Dentists Act of 1948. It also seeks to lower the cost of dental education and provide accessibility to high-quality oral healthcare.

The Pharmacy Act of 1948, which governs the practice and profession of pharmacy, is amended by the Pharmacy (Amendment) Bill. To practice pharmacy in India, one must register following the Pharmacy Act of 1948. The new section 32C, which offers a particular provision about individuals registered or qualified under the Jammu and Kashmir Pharmacy Act, 2011, is examined in the bill.

### **The National Nursing and Midwifery Commission Bill, 2023**

To improve professional conduct, guarantee more responsibility and transparency, and raise the bar for nursing education and services, the NNMC Act, 2023 will include some significant elements. The National Nursing and Midwifery Commission Bill aims to regulate and uphold the professional standards for education and care provided by nurses and midwives. The main features of the bill are the introduction of a temporary license allowing foreign citizens who are qualified nurses and midwives to practice in India, the establishment of a single admission exam, and the requirement for registration for nursing and midwifery practitioners.

The primary goal is to control and uphold the highest standards of training and care for those who work in the nursing and midwifery fields. The measure also places a strong emphasis on evaluating institutions, keeping up-to-date national and state registrations, and creating a framework for improved access, research, and uptake of scientific discoveries in the area.

The bill lists three independent boards that are within the commission's jurisdiction:

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- Nursing and Midwifery Undergraduate and Postgraduate Education Board: The minimal requirements and standards for undergraduate and graduate nursing and midwifery education shall be set by this body. In addition, it will train instructors, create a dynamic competency-based curriculum for these courses, and establish standards for staff and facilities at nursing and midwifery schools.
- Nursing and Midwifery Assessment and Rating Board: This board will be in charge of evaluating and ranking the regulatory compliance of nursing and midwifery facilities. Permissions for postgraduate courses, new institutions, and seat additions will be granted by it. Regular updates to inspection reports will be posted on the board's website. The board will also be in charge of degree recognition and de-recognition.
- Nursing and Midwifery Ethics and Registration Board: It is responsible for managing professional behavior and ethics, approving or rejecting registration applications, and maintaining the national registry of registered professionals.

### **Features**

- There will be a chairperson, 16 ex-officio members from relevant ministries, and 12 members representing nursing, midwifery, charitable institutions, and notable people appointed by the central government to make up the proposed National Nursing and Midwifery Commission, which will have its headquarters in New Delhi.
- A common eligibility and entrance exam in English and other languages for admission to undergraduate nursing education is a significant component of the NNMC law.
- All of the nursing and midwifery-related institutions will be covered by this test.
- The commission will have exclusive authority over how counseling is conducted and regulated. The last year's exit exam will serve as the foundation for admission to postgraduate nursing programs. The commission will create counseling guidelines.
- If the institutions or professionals do not follow the specified rules, the commission will also have the authority to deny, remove, or recognize their qualifications.

### **Functions**

The National Nursing and Midwifery Commission will monitor institutions, research, professionals, and associates in the field in addition to establishing regulations and standards

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for nursing and midwifery education and training. The Central Government will create a Nursing and Midwifery Advisory Council to guarantee state representation, allowing states and union territories to voice issues and offer their opinions.

All state governments shall create their State Nursing and Midwifery Commissions within a year of the Act's enactment. Registration in the national or state register will be mandatory for anyone with recognized nursing and midwifery qualifications to practice as a qualified nursing or midwifery professional or associate. Foreign nationals with valid qualifications in their home country may be granted temporary registration in India.

This comprehensive bill aims to enhance and streamline the nursing and midwifery profession, ensuring quality education, improved access to services, and ethical practices. Individuals from other countries who meet the requirements in their home country may be eligible for temporary registration in India.<sup>2</sup>

By guaranteeing high-quality instruction, better access to services, and moral behavior, this comprehensive measure seeks to improve and streamline the nursing and midwifery professions.

### **The National Dental Commission Bill, 2023**

The National Dental Commission Bill aims to bring the nation's dental practices into compliance with international standards, provide high-quality, reasonably priced dental education, and make high-quality oral healthcare and related services accessible.

With the help of this standardized method, prospective dentists will receive a high-quality education that will provide them with the information and abilities needed to fulfill the ever-changing needs of modern dentistry.

The measure also calls for the creation of the National Dental Commission, a regulatory organization tasked with monitoring dental schools and upholding the moral standards of dentistry practice. This action is expected to encourage the dentistry community's adherence to ethical standards, accountability, and transparency.

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<sup>2</sup>“Lok Sabha Passes National Nursing and Midwifery Bill, Here’s What It’s About.”

<https://www.google.com/amp/s/www.cnbtv18.com/healthcare/lok-sabha-passes-national-nursing-and-midwifery-bill-heres-what-its-about-17366601.htm/amp>.

The Act gives the Commission the authority to establish rules for determining fees for half of the seats in private dentistry schools and universities that meet certain criteria. All State governments shall create Joint Dental Councils or State Dental Councils within a year of the Act's enactment.

The National Dental Commission will consist of 24 part-time members, eight ex officio members, and a chairperson. Its offices would be in New Delhi. They will be chosen by the federal government. The health ministry, the All India Institute of Medical Sciences (AIIMS), in New Delhi, and the National Medical Commission (NMC) will be represented among the eight ex-officio members. By rotation, 19 out of the 24 part-time members will be chosen from among the state and union territory nominees for a two-year term.

The bill establishes three independent boards that will fall under the jurisdiction of the National Dental Commission:

- Undergraduate and Postgraduate Dental Education Board: This body will be in charge of establishing policies and procedures for dental education establishments.
- Dental Assessment and Rating Board: The board will be responsible for rating and evaluating dental schools, disseminating ratings and assessment reports, and recognizing and revoking degrees.
- Ethics and Dental Registration Board: It is responsible for upholding a national dental registry that is accessible online, regulating dental practices' ethical standards, and guaranteeing professional behavior.

Under the Act, the Commission's secretary, members, and chairperson will all have fixed terms that cannot be extended. In addition to emphasizing preventive and promotional dental care services, the NDC will concentrate on developing the soft skills required for dentists and dental assistants to advance in their careers.

The Act will foster collaborations with industry and universities to develop technological innovations in dentistry research, acknowledging the value of research and collaboration. It also highlights how modern technologies can be incorporated into dental teaching.

The Act will make it easier to arrange joint meetings with the National Medical Commission, Indian Nursing Council, Pharmacy Council of India, National Commission for Indian System

of Medicine, National Commission for Homoeopathy, and National Commission for Allied and Healthcare Professions, among other pertinent statutory bodies.<sup>3</sup>

By guaranteeing access to high-quality dental education and encouraging dental services that meet international standards, the National Dental Commission Bill, 2023 seeks to significantly reform the field of dental education. The Commission is set to elevate dental care standards both nationally and internationally by advocating for the availability of inexpensive oral healthcare and increasing the employability of Indian dental practitioners worldwide.

### **The Pharmacy (Amendment) Bill, 2023**

A new section 32 C, a unique provision about individuals registered or qualified under the Jammu and Kashmir Pharmacy Act of 2011, is proposed to be inserted by the Bill. With the help of this proposed change, chemists who were previously registered or qualified under the Jammu and Kashmir Pharmacy Act, 2011 should find the registration process easier.

Anyone registered under the Pharmacy Act of 1948 shall immediately be regarded as registered under the Jammu and Kashmir Pharmacy Act of 2011 or with the credentials (pharmacists or medical assistants) stipulated under the same act.

This change will be contingent upon the submission of an application within a year of the Pharmacy (Amendment) Act, 2023 being into effect. The application procedure has two requirements, which are set by the Government of the Union territory of Jammu and Kashmir and the Administration of the Union territory of Ladakh which is paying a certain amount and following the required method.

To facilitate a more seamless transition for chemists from the Jammu and Kashmir Pharmacy Act, 2011, to the more comprehensive provisions of the Pharmacy Act, 1948, the Pharmacy (Amendment) Bill, 2023, represents a cooperative effort.

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<sup>3</sup>“Explained: What Is National Dental Commission Bill and How It Will Elevate Dental Education, Healthcare Standards in India.” India.com, August 9, 2023. <https://www.india.com/news/india/explained-what-is-national-dental-commission-bill-and-how-it-will-elevate-dental-education-healthcare-standards-in-india-6215243/>.

Together with the President, the Central government will also form three boards: the Pharmacy Education Board, the Pharmacy Assessment and Rating Board, and the Pharmacy Ethics and Registration Board. Each board will have a maximum of two full-time members and a maximum of two part-time members.

The Pharmacy Education Board will have the following responsibilities: establishing the standards and requirements for pharmacy education and examination up to the postgraduate level; creating curricula; prescribing qualifications; establishing standards for the infrastructure and administration of pharmacy institutions; promoting faculty development and training; establishing annual disclosure norms and other guidelines; and regulating the standards and scope of practice of registered pharmacy.

The Pharmacy Assessment and Rating Board is responsible for overseeing the process of evaluating and ranking pharmacy institutions based on their adherence to the standards established by the Pharmacy Education Board. In addition, the board grants authorization for the creation of new pharmacy institutions, the commencement of new courses, the expansion of the number of seats, and more. Additionally, the Board has the authority to employ or designate accreditation bodies or inspection organizations to carry out pharmacy institution inspections.

The Pharmacy Ethics and Registration Board will carry out duties such as upholding the National Register of all professionals who are registered, approving or rejecting professional registration applications, controlling professional behavior, and promoting pharmacy ethics by rules. Additionally, it will create systems for ongoing communication with State Chapters to effectively promote and control pharmacy professionals' behavior.<sup>4</sup>

The National Pharmacy Register (NPR), which is kept up to date and accessible online by the Pharmacy Ethics and Registration Board, includes the name, address, list of all recognized credentials held by pharmacy professionals, and any further information that may be mandated by regulations.

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<sup>4</sup>Health Ministry Releases Draft National Pharmacy Commission bill, 2023  
<http://www.pharmabiz.com/NewsDetails.aspx?aid=164554&sid=1>.

It should be mentioned that the Central government has been disbanding several statutory organizations related to the human resources sector of healthcare. Earlier this year, the Ministry established an expert group to examine the pharmacy regulations and reorganize the Pharmacy Council of India (PCI), the statutory body responsible for regulating pharmacy practice, education, and profession in the nation.

### **Future implications and legal considerations of these three Bills**

The National Dental Commission Bill, the Pharmacy (Amendment) Bill, 2023, and the NNMC Act are three pieces of legislation that will have a big impact on India's healthcare system in the future. Furthermore, they demand a thorough analysis of ethical and legal issues.

#### **1. Regulatory Oversight and Ethical Practices**

**NNMC Act:** The Nursing and Midwifery Advisory Council's supervision and the creation of independent bodies represent a strong regulatory structure. Fair representation, averting conflicts of interest, and preserving openness in the regulatory process are all part of ethical issues.

**National Dental Commission Bill:** The three independent bodies and the regulatory structure as a whole are intended to guarantee ethics and responsibility in the dentistry community. It will be essential to strike a balance between industry cooperation and upholding professional ethics.

#### **2. Smooth Transition and Legal Implications**

**Pharmacy (Amendment) Bill:** A smooth transition is the goal of this proposed amendment for chemists from Jammu and Kashmir. Legal ramifications include making sure the transfer process is implemented fairly and transparently, adhering to prescribed protocols, and handling any potential legal challenges.

#### **3. Access to Healthcare Services**

**NNMC Act:** Improving access to nursing and midwifery services is expected to close gaps in the provision of healthcare, particularly in underprivileged communities. One important consideration will be making sure that healthcare resources are distributed fairly.



The National Dental Commission Bill seeks to increase accessibility to dental services by emphasizing inexpensive oral healthcare. Future ramifications, however, will rely on how well the fee guidelines are put into practice and enforced.

## Conclusion

In summary, the National Nursing and Midwifery Commission (NNMC) Act, the National Dental Commission Bill, and the Pharmacy (Amendment) Bill, which were all passed in 2023, significantly changed the legislative environment in India's healthcare industry.

A revolutionary move in the direction of raising nursing and midwifery standards is the NNMC Act, of 2023. The Act seeks to provide high-quality instruction and services in the nursing and midwifery professions through provisions for standard admission exams, required registration, and temporary licenses for qualified foreign professionals. A new level of regulatory sophistication is added by the creation of independent boards operating under the National Nursing and Midwifery Commission's jurisdiction, which emphasizes ethical behavior, evaluation, and education.

The National Dentistry Commission Bill, 2023 aims to standardise and regulate the dentistry profession in India in line with international norms. The bill prioritizes accountability and openness by setting up independent boards to supervise dentistry education, evaluation, and ethical guidelines. An innovative approach to dental education and practice is highlighted by the fixed tenure for key positions within the Commission, industry partnership, and technological integration.

Additionally, the Pharmacy (Amendment) Bill, 2023 adds a unique clause for people who were previously registered under the Jammu and Kashmir Pharmacy Act, 2011. This modification streamlines the registration procedure for medical assistants and chemists under the more comprehensive provisions of the Pharmacy Act, of 1948, ensuring a seamless transition.

All of these legal changes are intended to improve India's healthcare system as a whole. The focus on moral principles, cooperative methods, and high-quality education indicates a deliberate attempt to meet international standards for healthcare. These measures contribute to a more robust and inclusive healthcare system, promoting a healthier and more regulated future for the country by addressing particular peculiarities in the fields of nursing, dentistry, and pharmacy.

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