

GOVERNMENT OF TELANGANA
ABSTRACT

Department for Women, Children, Disabled and Senior Citizens - Constitution of Medical Boards and Appellate Medical Authorities for issuing disability Certificate-Guidelines for evaluation of various disabilities and Procedure for Certification-Comprehensive – orders - Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED AND SENIOR
CITIZENS (SCHEMES)

G.O.Ms.No. 5

Dated: 13-06-2018.

Read the following:

1. G.O.Ms.No.31, Women Development, Child Welfare & Disabled Welfare (DW) Department, Dated: 01.12.2009.
2. The Rights of Persons with Disabilities Act, 2016 (Central Act No. 49 of 2016).
3. Guidelines issued by the Government of India for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016.
4. From the Director, Welfare of Disabled & Senior Citizens, letter No. C/1828/2017-3 & 4, Dated: 22.01.2018.

ORDER:-

In the G.O. 1st read above comprehensive orders were issued for evaluation of various disabilities and procedure for certification and constituting Medical Boards for assessing degree of disability of persons with Disabilities and Appellate Medical Boards duly adopting the guidelines issued by the Government of India under Persons with Disabilities Act, 1995.

2. In the reference 2nd read above, the Government of India has enacted the Rights of Persons with Disabilities Act, 2016 by repealing the existing Persons with Disabilities Act, 1995 which came into force with effect from 19.04.2017.

3. In the reference 3rd read above, the Government of India has notified the guidelines for evaluation and assessment of various disabilities in persons included under Section 56th of the Rights of Persons with Disabilities Act, 2016 and procedure for certification after having considered the recommendations of the Ministry of Health and Family Welfare by superseding the existing guidelines under PwD Act, 1995.

4. In the reference 4th read above, the Director, Welfare of Disabled & Senior Citizens has requested to issue guidelines and comprehensive orders for evaluation of specific disabilities covered in Rights of Persons with Disabilities Act, 2016 and procedure for certification duly adopting the guidelines issued by Ministry of Social Justice and Empowerment, Government of India.

5. In exercise of powers conferred by Section 57 and 59 of the Rights of Persons with Disabilities Act, 2016 and guidelines issued by the Government of India in the reference 3rd read above and in supersession of the orders issued in the G.O 1st read above and after consultation with Health Medical and Family Welfare Department Government after careful examination hereby issues the following comprehensive orders:

6. (1) the definitions of the following disabilities as mentioned in the Rights of Persons with Disabilities Act, 2016 are adopted:

- i. Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- ii. Blindness and low-vision;
- iii. Deaf and hard of hearing and speech and language disability;
- iv. Intellectual disability and specific learning disabilities;

- v. Mental illness;
- vi. Disability caused due to Chronic neurological conditions;
- vii. Disability caused Blood disorder i.e., hemophilia, thalassemia and sickle cell disease; and
- viii. Multiple disabilities.

(2). Evaluation and Issue of Disability Certificate:

The guidelines for evaluation of various disabilities and procedure for certification and validity of certificate issued by the government of India in the reference 3rd read above enclosed as annexure shall be followed.

(3). The Government hereby constitute the Medical Boards/Certifying authority for certification of all disabilities mentioned in RPwD Act, 2016 and all the District Head quarter/Government teaching Hospitals are hereby notified as District Medical Boards and authorized to give certificates for Persons with Disabilities as detailed below:

Sl. No	Category of Disability	Medical Board	The Medical Board will comprise of
1.	Loco-motor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	All the District Headquarters Hospitals / Government Teaching Hospitals	(i) Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification board for the purpose of certification. (ii) Specialist in Physical Medicine and Rehabilitation or Specialist in Orthopedics. (iii) One specialist as nominated by Chief Medical Officer as per the condition of the person with disability.
2.	Blindness and low-vision	All the District Headquarters Hospitals / Government Teaching Hospitals	One ophthalmologist and medical authority shall comprise of (Certificate of Disability shall be countersigned by Medical Superintendent or Chief Medical Officer)
3.	Hearing impairment (Deaf and hard) of hearing and speech and language disability	All the District Headquarters Hospitals / Government Teaching Hospitals	(i) Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be head of the certification board for the purpose of certification. (ii) ENT Specialist. (iii) One specialist (audiology/speech language pathologist) as nominated by the Medical Superintendent or Chief Medical Officer.
4.	(a) Intellectual disability (b) Specific learning disability	All the District Headquarters Hospitals / Government Teaching Hospitals All the District Headquarters Hospitals / Government Teaching Hospitals	(i) The Medical Superintendent or Chief medical officer or Civil Surgeon. He shall be head of the certification board for the purpose of certification. (ii) Pediatrician or Pediatric Neurologist (where available)/ Psychiatrist or Physician (if age >18 years) (iii) Clinical or Rehabilitation Psychologist (iv) Psychiatrist. (i) The Medical Superintendent or Chief medical officer or Civil Surgeon. He shall be head of the certification board for the purpose of certification. (ii) Pediatrician or Pediatric Neurologist (where available) (iii) Clinical or Rehabilitation Psychologist. (iv) Occupational therapist or Special Educator or Teacher trained for assessment of Specific learning disability.

5.	Mental illness	All the District Headquarters Hospitals / Government Teaching Hospitals	The Medical Superintendent or Chief Medical Officer or Civil Surgeon shall be head of the certification authority with the following two other members:- (a). Psychiatrist for clinical assessment (b). Trained psychologist to administer IQ tests.
6.	Disability caused due to Chronic neurological conditions	All the District Headquarters Hospitals / Government Teaching Hospitals	The Medical Superintendent or Chief Medical Officer or Civil Surgeon. He shall be the head of the certification authority with the following two other members:- (a) Pediatrics for childhood chronic, neurological conditions/ psychiatrist for mental illness due to chronic neurological for chronic neurological conditions/ neurologist condition without mental illness. (b) Specialist for certifying locomotor disability (c) Trained psychologist (clinical or rehabilitation) to administer IQ test. (The disability certificate shall mention chronic neurological conditions (Name of disease))
7.	Disability due to Blood disorder (i) hemophilia, (ii) thalassemia and (iii) sickle cell disease	All the District Headquarters Hospitals / Government Teaching Hospitals	Medical Authority for certification and evaluation of disability due to blood disorder shall comprise of the following:- (a) Medical Superintendent of the Hospital of the District Head quarter Hospital or Chief Medical Officer of the hospital- Chairperson. (b) General physician or pediatrician as the case may be (c) Orthopedic surgeon or PMR expert (d) In case specialties sequel relating to visual abnormality, hearing problem, cerebral dysfunction, respective specialists.
8.	Multiple disabilities	All the District Headquarters Hospitals / Government Teaching Hospitals	The certification medical authority for certifying multiple disability shall comprise of the following:- (a) The Medical Superintendent or Chief Medical Officer or Civil Surgeon – Chairperson. (b) Specialists required for assessing the disabilities as per the requirement of respective guidelines.

- (ii) Any Person with specified disability may apply to the Medical Board/Certifying Authority having Jurisdiction for issuing a certificate of Disability.
- (iii) On receipt of an application Medical Board or certifying Authority shall assess the disability of the concerned person in accordance with relevant Guidelines issued by Government of India and issue a certificate of disability to such person or inform him in writing that he has no specified disability.
- (iv) The Certificate of disability shall be valid across the Country.
- (v) Whenever required the Chairman of the Medical Board may co-opt other Experts/Specialists in addition to members comprising in the Medical Board.

- (vi) Further, the Superintendent is authorized to nominate one of the Members in the Medical Board as his nominee to act as Chairman of the Medical Board.
- (vii) Specified test as indicated in Annexure-I should be conducted by the Medical Board and recorded before certificate is issued.
- (viii) The certificate would be valid for such period as may be specified in the guidelines issued by Government of India.
- (ix) All the records pertaining to the assessment shall be kept in the custody of the concerned Superintendent of the Hospitals.
- (x) On representation by the applicant, the Medical Board may review the decision having regard to all the facts and circumstances of the case and pass such order in the matter as it thinks fit within 20 days from the date of receipt of the application.
- (xi) In case of loss of certificate, the concerned person with disabilities shall apply to the concerned Superintendent, District Headquarters Hospitals/Teaching Hospitals along with F.I.R and non traceable certificate issued by the concerned police. The Medical Board after due assessment shall issue a Medical Board Certificate within 20 days from the date of receipt of the application.

(4). Appellate Authority:-

- i) Government hereby constitute State Appellate Medical authorities in the State to resolve the disputes regarding the degree of disability. The State Appellate Medical authority shall consist of the following persons:-
 - a) Superintendent of the institution Hospital: Chairman.
 - b) Head of the department of concerned disability in Hospital / Institution.
 - c) Expert in the specified field of disability.
- ii) Disability wise Appellate Medical Boards are hereby constituted as under:

a)	Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Osmania General Hospital, Hyderabad/ Gandhi Hospital, Hyderabad.
b)	Blindness/Low vision	Sarojini Devi Eye Hospital, Hyderabad.
c)	Intellectual disability and specific learning disabilities	Institute of Mental Health, Hyderabad/ National Institute for the Empowerment of Persons with Intellectual Disabilities.
d)	Mental Illness	State Institute of Mental Health, Hyderabad.
e)	Deaf and hard of hearing and speech and language disability	Govt. ENT Hospital, Koti, Hyderabad.
f)	Chronic neurological conditions	Osmania General Hospital/ Gandhi Hospital Hyderabad.
g)	hemophilia, thalassemia and sickle cell disease	Osmania General Hospital/ Gandhi Hospital Hyderabad.
h)	Multiple disabilities	Osmania General Hospital/ Gandhi Hospital Hyderabad.

- iii) The Chairman, Appellate Medical authority may co-opt other experts whenever required.
- iv) The Principal Secretary to Government, Health Medical & Family Welfare Department, Telangana State Secretariat will be the final authority, should there arise any confusion/doubt regarding the interpretation of the definition/ classification/ evaluation lists etc and to avoid any confusion/doubt.
- v) Any person aggrieved with decision of the Certifying authority may appeal against such decision within three months to the appellate authority.
- vi) On receipt of an appeal, the appellate authority shall decide the appeal within one month.

(5). Action for fraudulently availing any benefit meant for Persons with Disabilities:-

- (i) It has been represented to the Government that some normal persons are being appointed to various posts based on bogus medical certificates resulting in denial of the benefit to the genuinely disabled persons apart from injustice to the meritorious open category candidates. All the Heads of Departments, the District Collectors appointing authorities are therefore requested to carefully verify the Medical certificates produced by the individuals and verify the genuineness before allowing them to appear for selection tests etc.
- (ii) All cases of Hearing Impaired shall necessarily be referred to ENT Hospital for confirmation before issue of appointment orders.
- (iii) Regarding doubtful cases of other categories they may be referred to the concerned State Appellate Medical Board for confirmation or otherwise of disability status, i.e. Sarojini Devi Eye Hospital, Hyderabad for Visually Handicapped and Gandhi Hospital/Osmania Hospital, Hyderabad for other disability.
- (iv) Effective follow up action including prosecution/removal from service following the due procedure shall be taken in all cases of false claims based on fake/false certificates etc.
- (v) Whoever fraudulently avail or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both as prescribed under Section 91 of the Rights of Persons with Disabilities Act, 2016.
- (vi) In addition those who attempt to seek employment on the basis of false medical board certificate i.e, certificates obtained by misrepresentation/ clandestine manner etc., which tantamount to cheating shall also be debarred from Government employment.
- (vii) Issue of disabilities Certificates to ineligible persons i.e, without following prescribed procedure/proper evaluation shall entail stringent action against all concerned.

7. Necessary software shall be designed and made available for all the Medical Boards and District headquarter hospitals and teaching hospitals in respect of newly added disabilities. The Chief Executive Officer, Society for Eradication of Rural Poverty who is now maintaining SADERM software shall take necessary action accordingly.

8. The Director, Department for the Welfare of Disabled and Senior Citizens shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M. JAGADEESHWAR,
SECRETARY TO GOVERNMENT.

To

The Director, Welfare of Disabled & Senior Citizens, Hyderabad,
The Commissioner Health Medical & Family Welfare Department, Hyderabad,
The Director, Medical Education,
The Commissioner, Telangana Vaidhya Vidhana Parishad, Hyderabad,
All the District Collectors,
All the Superintendents, District Hospitals/Teaching Hospitals in the State,
The Director, National Institute for the Empowerment of Persons with Intellectual Disabilities, Secunderabad.
The Superintendent, ENT Hospital, Koti Hyderabad.
The Superintendent, Sarojini Devi Eye Hospital, Hyderabad.
The Chief Executive Officer, Society for Eradication of Rural Poverty,
Hyderabad.

Copy to:

All the Departments in Secretariat,
All Head of the Departments,
The Secretary to Government of India, MSJ &E, New Delhi,
The Chief Commissioner, for persons with Disabilities, New Delhi,
The State Commissioner for Persons with Disabilities, Hyderabad.
P.S. to Principal Secretary to Chief Minister,
P.S. to Minister (WCD&SC),
P.S. to Minister(HM&FW).
SF/SCs.

//FORWARDED :: BY ORDER//

SECTION OFFICER.