

Supporting Municipalities: Registration Guidelines for Private Sector Engagement

USAID Adolescent Reproductive Health (ARH) Program



Program Snapshot

Life of Project: 2022 – 2025

Geographical Focus: 60 municipalities across 11 districts in 3 provinces: Madhesh (41), Lumbini (12), Karnali (7)

Prime Partners: CARE Nepal

Consortium Partners: Howard Delafield International (HDI), Jhpiego, Associations of Youth Networks of Nepal (AYON), Nepal Contraceptive Retail Sales (NCRS) Company

Digital Partners: Social Awareness Center Nepal (Surkhet), Dalit Development Society (Salyan), Rural Development and Awareness Society Nepal (Rolpa), BEE Group (Banke), Mallarani Rural Development Concern Center (Pyuthan), Aasaman Nepal (Dhanusha), CNRD (Rautahat), Bagmati Welfare Society Nepal (Sarlahi), Divya Development Resource Centre (Parsa), Protection Nepal (Bara), Ratauli Yuba Club (Mahottari)



About the Program

USAID Adolescent Reproductive Health (ARH) was a three-year (initially five-year), USAID-funded project led by CARE Nepal in partnership with HDI, Jhpiego, AYON, and Nepal CRS Company from 2022 to 2025. The project supported the Government of Nepal (GoN) in improving adolescents' reproductive health with the goal of empowering adolescents (10-19 years) to reach their full potential and practice healthy reproductive behaviors. To achieve these goals, USAID ARH employed multichannel social and behavior change strategies, including group-based interventions, interpersonal communication, and youth- and girl-led activism for reproductive health and social norms change, supported by service linkages amplified by digital interventions.

The Government of Nepal launched the National Adolescent Health and Development Strategy in 2018 to address key issues identified in the Nepal Demographic and Health Survey, particularly the high rates of adolescent marriage and pregnancy. The strategy underscores the critical need to create an environment that promotes healthy reproductive health practices among adolescents. In 2022, the GoN reinforced this effort by endorsing the Adolescent-Friendly Reproductive Health Services Guidelines. Aligned with these national initiatives, USAID ARH collaborated with federal, provincial, and municipal governments in Madhesh, Lumbini, and Karnali Provinces to improve the reproductive health of adolescents aged 10-19, with a focus on disadvantaged populations.

Private Sector Engagement (PSE)

Private Sector Engagement (PSE) in the Adolescent Reproductive Health (ARH) sector plays a crucial role in improving access to reproductive health services and education, especially in resource-limited settings. By engaging private sector entities such as clinics, pharmacies, and healthcare providers, ARH services can be expanded to reach broader communities, complementing public health efforts and filling service delivery gaps. Private sector engagement and partnerships for ARH services and products are one of the approaches of the USAID ARH project, and the expected key results are that the private entities will implement and maintain key successful ARH approaches.

These private sector entities need to register with the relevant governmental or regulatory bodies. The registration process typically involves verifying qualifications, adherence to medical standards, and compliance with specific regulations governing these services.

The introduction of the Private Health Facility Registration, Regulation, and Renewal Guidelines at the local level in Nepal is a crucial step towards ensuring quality, standardized, and accountable health services at the local level. The program aims to support and strengthen the capacity of local government, private health service providers, and other relevant stakeholders to implement these guidelines effectively while ensuring alignment with federal and provincial health policies.

This program was designed to ensure:

- **Quality Assurance:** Building the capacity of local governments to monitor compliance with registration, infrastructure, and service standards to ensure that private health facilities deliver high-quality care.
- **Policy Alignment:** Enhancing understanding of how to align local guidelines with national and provincial policies to prevent duplication and conflict with existing laws.
- **Data Utilization and Planning:** Empowering Palikas to capture reliable data from private health facilities for better health planning, resource allocation, and building public trust in private health services.

By addressing these critical areas, the program ensured that the guidelines served as a practical tool for strengthening health governance, fostering accountability, and improving health service delivery at the local level.

Why did we do it?

The *Private Health Facility Registration, Regulation, and Renewal* guidelines at the local level (municipalities and rural municipalities) in Nepal were introduced to ensure that private health facilities operate within a regulated framework and adhere to service quality, infrastructure, and compliance standards. This ensures effective monitoring, quality assurance, and accountability at the local level.

What did we do?

Step 1: Preparatory phase

A series of coordination meetings were held with the municipal representatives to develop a municipal-level private health facility regulation guideline. Once local levels agreed, a five-member working committee was formed to oversee this process. The committee is listed below:

- a) Social Development Section Chief (Ward Chair)
- b) Deputy Mayor/Palika Vice Chief
- c) Chief Administrative Officer
- d) Health Section Chief
- e) PSEO USAID ARH Program Representative

Draft preparation:

The working committee held several discussions, gathered input from various stakeholders, and created a draft. The draft guideline was revised and submitted to the municipal executive for approval.

Submission for approval:

After further revisions and proofreading, the final draft was presented to the municipal executive for approval and endorsement.

Step 2: Legislative phase

I. Pre-Legislative Phase

This process included policy identification, subject analysis, drafting, scrutiny, and other elements. The drafting process began from the concerned section of the municipality following the jurisdiction determined by the Government of Nepal's Local Self-Governance Act 2074. A brief analysis of the pre-legislative stage is listed below:

Pre-Legislative Stage

The pre-legislative phase refers to the various processes that occur before a draft bill is formally registered with the Executive Body. This phase typically includes the following steps:

- Policy identification and subject analysis
- Preparation and approval of bill proposal
- Bill drafting
- Preparation of bill proposal
- Approval of proposed bill
- Bill drafted
- Draft bill sent to the Section of Palika
- Draft bill reviewed
- Presentation to the Bill Committee at the Executive Bodies of palika
- Bill discussion and approval in the Palika Bodies

II. Legislative Phase

The legislative committee, stakeholders, and experts reviewed and discussed the proposed guidelines before sharing the draft with the executive to be passed by the assembly, with the local government head certifying the final document. A brief analysis of the legislative stage is listed below:

Legislative Stage

The phase after the bill is registered in the Executive Body of Palika is called the legislative phase in Palika level. This phase of law making can be understood as follows:

- Bill registered in Executive Body of Palikas.
- Notice of Disagreement to the bill
- Decision of Notice of Disagreement
- Bill presented in the Executive Body
- Conceptual discussion of the bill
- Amendment to the bill
- Amendment approval
- Clause-by-clause discussion of the bill with amendments
- Report of the committee with amendments presented and discussed in the House
- Bill approved by the Executive Body of Palika
- Certification of the bill and authentication by the Palika publish on Gazette on Palika.

Who participated?

The Health Section of Palika led the meetings. The key participants included the Chief, Vice-Chief of the Municipality, Chief Administrative Officer, and members of the municipality’s executive bodies. Representatives from the NCDA or Palika-level private service providers were also present. Additionally, experts in health from the Health Office, Palika-level, and legal experts contributed to the discussions.



What were the Enabling Factors?

- Local level willingness and commitment towards the private sector to maintain the quality of service.
- The private sector's financial resources, flexibility, and logistics make it feasible to deliver what the local level government seeks to achieve, such as improved service delivery and local level investment.
- Technical support from the USAID ARH project drafting, developing, and reviewing the guidelines.

What were the challenges?

Despite the development of these guidelines, effective implementation remains a challenge due to gaps in capacity, coordination, and understanding among stakeholders at the local level.

- Many private health facility owners and workers may not be fully aware of the guidelines or their significance.
- Many private facilities operate without proper licenses, making regulation and monitoring difficult.
- Poor record-keeping and data management hinder effective regulation and monitoring.

What are we learning?

In the modern era, laws are not just tools for maintaining discipline but serve as the foundation for creating a balanced relationship of rights and responsibilities between the state and its citizens. They legitimize governance and empower the executive branch to function effectively. The authority to create laws ultimately rests with the people, who delegate this power to ensure societal progress.

Engaging the private sector within a well-regulated framework is essential, especially in the context of healthcare in a country like Nepal. This partnership helps the nation fulfill its responsibility of providing quality healthcare services. Key learnings include:

- **Capacity Building:** It is imperative to enable local governments and health stakeholders to develop skills and knowledge to comply with, monitor, and report on healthcare regulations, while providing technical support at the municipal level.
- **Coordination and Collaboration:** We must develop and strengthen partnerships between local governments to harmonize policies and implement effective frameworks for healthcare delivery.

- **Public Awareness:** It is essential to facilitate understanding between private health service providers about the importance of adhering to regulatory guidelines for ethical and quality-driven healthcare services.
- **Structured Registration Guidelines:** We must prioritize private health facility registration guidelines to create a streamlined, transparent, and efficient healthcare system. These guidelines ensure that facilities operate legally, ethically, and safely, maintaining high standards of care.
- **Decentralization and Compliance:** It's important to support the simplification of the registration process by decentralizing it at the local level to reduce bureaucratic hurdles and promote accountability. This initiative integrates private health facilities into the broader healthcare system, ensuring legal compliance and fostering trust in service delivery.

By focusing on these areas, Nepal can create a more inclusive and efficient healthcare framework, bridging the gap between public and private sectors while ensuring access to quality healthcare for all.

Way Forward

The authority to make laws originates from sovereign citizens who delegate this power to ensure the effective governance of the nation. It is essential to establish private sector regulation guidelines for improved collaboration between the state and private entities. This partnership strengthens the nation's capacity to address critical needs.

Integrating the private sector into the national framework is vital. It ensures that the private sector contributes to providing accessible and quality healthcare services while upholding the nation's responsibility to its citizens. By fostering this synergy, Nepal can build a robust and inclusive healthcare system that meets the needs of its population effectively.