

THE BALOCHISTAN PRIVATE HOSPITAL REGULATORY ACT,

2004

(Baln Act IT of 2004)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of District Hospital Regulatory Board.
4. Powers and duties of the Hospital Regulatory Board.
5. Powers to inspect and Monitor Hospital.
6. Appeal.
7. Penalty.
8. Cognizance of Office.
9. Jurisdiction.
10. Power to make Rules.

11. Repeal.

'THE BALOCHISTAN PRIVATE HOSPITAL REGULATORY

Preamble.

Short title, extent
and
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t.

Definitions.

ACT, 2004

(Baln Act IT of 2004)

[8" May, 2004]

An Act to regulate the establishment accreditation, licensing, control and supervision of Private Hospitals in the Province of Balochistan.

WHEREAS, it is expedient to regulate the establishment accreditation, licensing, control and supervision of Private Hospitals in the Province of Balochistan and to provide for matter connected therewith an ancillary thereto;

It is hereby enacted as follows:—

1. (1) This Act may be called the Balochistan Private Hospitals Regulatory Act, 2004.

(2) It extends to the whole of the Province of Balochistan.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is say;

(a) "Accreditation" means the process of officially recognizing, registering, categorizing and licensing a hospital;

(b) "License" means a license granted to a private hospital under this Act;

(c) "Private hospital" means any institution or premises established in the private sector where indoor medical treatment and care is provided to patients by provision of lying beds and where a patient can be admitted ad kept for any duration of more than 24 hours with the intention of

therapeutic intervention;

1 This Act was passed by the Balochistan Assembly on 27th April, 2004: assented to by the Governor of Balochistan on 27th April 2004 and published in the Balochistan Gazette (Extraordinary) No. 35 dated 8th May, 2004.

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(d) "Director/Administrator" means the administrative Head of the Institution or premises;

(e) "Proprietor" means the person/persons or society or association to who the institution or premises belongs;

(f) "Government" means the Government of Balochistan;

(g) "Province" means the Province of Balochistan;

(h) "Accredited private hospital" means a private hospital functioning under valid license to provide clinical services in the province, guaranteed to provide a certain level of professional quality according to its recognized category;

(i) "Doctor/physician/surgeon" means a _ medical graduate holding MBBS_ or _ equivalent qualification recognized and registered by the Pakistan Medical and Dental Council. The term also includes a qualified Dental Graduate holding BDS_ or equivalent qualification recognized and registered by the Pakistan Medical and Dental Council. The term also includes postgraduate doctors in any discipline recognized and registered by the Pakistan Medical and Dental Council;

(j) "Executive District Officer Health" means the person appointed by the Government to perform the functions of an Executive District Officer of Health in a particular district of the province;

(k) "Director General Health Services" means the person appointed by the Government to perform the functions of Director General of Health Services of Balochistan.

(1) "District Hospital Regulatory Board" means a Board established under section 3 of this Act in every district of the Balochistan.

Constitution of 3. (1) The Government shall constitute the District District Hospital Regulatory Board at every district of the Balochistan Hospital in the office of the Executive District Officer except for District

Regulatory Quetta where the Board shall be constituted in the Office of the Board. Director General Health services. The Boards shall comprise of chairman and other members, namely:-

(a) For each district of the province except District Quetta.

(i) The Executive District Officer Health of the respective district shall be the chairman of this Board.

(ii) | The Medical Superintendent of the respective District Headquarter Hospital shall be a member.

(iii) Two persons being owner/ expert representative of a private hospital located in that particular district shall be the members.

(iv) Two non-doctor, educated and experienced eminent citizens one of whom shall preferably be female, nominated by the District Government to represent the consumer citizens.

(b) For Quetta District;

(i) The Director General Health Services, Balochistan, shall be the chairman of the Board.

(ii) The Medical Superintendent, Bolan Medical Complex Hospital, Quetta shall be the member.

(iii) The Medical Superintendent, Sandeman Provincial Hospital, Quetta shall be the member.

(iv) Three persons being owner/ expert representative of a private hospital located in Quetta District shall be the members.

(v) Two non-doctor, educated and experienced eminent citizens, one of whom shall be a female will be

Powers and duties
of the Hospital
Regulatory
Board.

nominated by the Government to
represent the consumer citizens.

(2) All the private non-government members shall
unless he resigns or is removed from membership earlier, hold
membership of the Board for two years term and shall be
eligible for re-nomination for a similar term.

(3) Owner/representative of the private hospital as a
member of the Board shall be nominated first time by the
district government of the respective district and in case of
District Quetta by the Provincial Government thereafter
hospitals in respective districts through their consensus. In case
of dispute on such subsequent nominations among the private
hospital within a district, which does not resolve in stipulated
time, the chairman of the Board shall recommend the required
action on the matter of such nominations to the respective
governments for final decision. The decision of the respective
government in the matter shall be final.

(4) All private/non-governmental member may
resign from his membership submitting his resignation to the
respective district and provincial government or he may be
removed from being a member of the Board by the respective
district and provincial government if upon inquiry by the
Chairman of the Board he is found unable to perform the
functions because of mental or physical incapacity or
misconduct.

(5) To carry out the purpose of this Act any District
Hospital Regulatory Board through its Chairman may request
to the Provincial Government for temporary provision of
experts, consultants and advisors from amongst in service
officers of the Health department.

(6) All decisions of the Bard will be taken by
majority of members present, and in case of a tie, the chairman
shall exercise a casting vote.

4. (1) The Board shall exercised such powers and
perform such functions and their business shall be conducted in
such manner and in accordance with such procedure as
may be prescribed in the Rules.

(2) The Board shall ensure the presence of minimum

prescribed standards regarding physical and technical facilities required to be provided in a private hospitals, which shall be

Powers to inspect
and Monitor
Hospital.

Appeal.

fulfilled before registration/accreditation is granted.

(3) The Board shall have exclusive power, to be exercised in the manner prescribed in the rules, to register and grant, extend, modify, amend, suspend or revoke a license in respect of creation, operation or any other related matter of a private hospital within the respective district.

(4) All applications for the grant of any license shall contain such information and be in such format as may be prescribed in the Rules.

(5) Any hospital shall before commencement of its services or within fifteen days of its commencement submit to the respective District Hospital Regulatory Board application for registration and license. The Board shall arrange for completion of formalities and inspection at the cost of hospital concerned, and decide its license status within 60 days of such an application.

(6) Any Hospital found deficient at the stage of initial issue of license, or at a later inspection, will be given a grace period of ninety days to complete such a deficiency. After which if the deficiency is not met in a satisfactory manner the Board may direct closure of such hospital after given an opportunity of being heard.

(7) Within twelve months of the promulgation of the Act all existing private hospitals in all the districts of Balochistan will have to get registration and a valid license from their respective District Hospital Regulatory Boards. After which no hospital, which is not registered with their respective Boards, would be allowed to operate in the District.

5. (1) The Board shall have the power to cause inspection of private hospitals within their respective jurisdiction at any time or as may be prescribed in the Rules for the purpose of this Act.

(2) The Board shall have the power to explore, investigate, or do any other action to be determined by the Board, on any case reported to it, or suo moto, in respect of any private hospital within its jurisdiction, make recommendations in this regard and pursue the implementation of such recommendations by quarters concerned.

6. (1) Any party aggrieved by any decision given by the District Hospital Regulatory Board under this Act may

Penalty.

Cognizance of
Office.

Jurisdiction.

Power to make
Rules.

Repeal.

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within sixty days of such decision prefer an appeal to the Secretary, Government of Balochistan, Health Department.

(2) Any order passed by the appellate authority shall be final.

7. If any private hospital is found un-registered after the expiry of twelve months of the promulgation of this Act or the issuance of the notification by the Government then the proprietor and the Director both shall be liable to penalty, to be imposed by Court of Law which may extend to the imprisonment up to two years and fine up to rupees five lac or with both. In case of proprietor being a society or Association each member shall be punishable to imprisonment up to two years and fine up to rupees five lac or with both.

8. No Court shall take cognizance of the offence punishable under this Act except upon a written complaint filed by the Ministry of Health of the Provincial Government.

9. No court inferior to that of District Judge shall try an offence punishable under this Act.

10. The Government may, be notification in the official Gazette, make Rules, not inconsistent with this Act to give effect to the provisions of this Act.

11. The Balochistan Hospital Regulatory Authority Ordinance, 2001! (XLIV of 2001) is hereby repealed.

This Ordinance was made by the Governor of Balochistan on 27" October, 2001; and published in the Balochistan Gazette (Extraordinary) No. 178, dated 3TM November, 2001, protected under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003 (Act III of 2003)] of the Constitution of Islamic Republic of Pakistan, 1974; now repeal by this Act, s. 11