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RE  
THE BALOCHISTAN GAZETTE  
PUBLISHED BY AUTHORIT. Y .

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QUETT \ SATURDAY MAY 8 2004

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT,  
NOTIFICATION,  
Dated Quetta. the 8" May. 2004,  
No. PAB Legis: Vol4} 2004. The Balochistan Private: Hospital Regulators  
Bill, 2004 having been passed by the Provincial A mblly of Balochistan on 27" April.

2004, and assented to by the Governor of Balochistan. is hereby published as an Act of  
the Provincial Assembly.

The Balochistan Private Hospital Regulatory Act, 2004.

{Balochistan Act No, U of 2004)

(First published after having received the assent of the Gov error of Balochistan in the  
Ralochnisuan Gazette (Extra-ordinary ) dated 27!" April, 2005

AN  
ACT

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and supervision of Private Hospitals mn the Province of Balochistan

Preamble WHEREAS it is expedient to regulate the establishment.  
aerecuditioon, Licensing. control and supervision of Private Hospitals 1  
the Province of Balochistan and to provide for matiers conneeie.!

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RS. 56/2 DP No 35-100-Copres-6-2001

Short title extent and commencement,

Definitions:

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therewith and ancillary thereto; =

It is hereby enacted as follows:-

i (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.

Be It 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 living beds and where a patient can be admitted and kept for any duration of more than 24+ hours with the intention of therapeutic intention:

a) "Director" "Administrator" means the administrative Head of the Institution or premises:

(e) "Proprietor" means the person/persons or society or association to whom 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

Constitution of District  
Hospital Regulatory  
Board.

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Pakistan Medical and Dental Council. The term also includes postgraduate doctors in any discipline recognized and registered by the Pakistan Medical and Dental Council:

(i) "Executive District Officer of 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:

a "District Hospital Regulators Board" means a Board established under section 3 of this Act in every district of the Balochistan.

(l) The Government shall constitute the District Hospital Regulatory Boards at every district of the Balochistan in the Office of the Executive District Officer except for District Quetta where the Board shall be constituted in the Office of the 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 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 owners/representatives of a private hospital located in that particular district shall be the members,

(iv) Two non-doctors, 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 of Balochistan shall be the chairman of the Board.

Gi) The Medical Superintendent. Bolan Medical Complex Hospital. Quetta shall be the member.

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

Powers and duties of  
the Hospital  
Regulatory Board.

(iv) Three persons being owner and/or  
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 nominated by the Government to represent the  
consumer citizens.

(2) All the private non-governmental members shall  
not less than two 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,

Each Owner representative of the private hospital as 4  
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  
members to these vacancies shall be nominated by the private  
hospitals in respective districts through their consensus. In  
case of dispute on such subsequent nominations among the private  
hospitals 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  
governments in the matter shall be final.

(yy) A 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

G) To carry out the purposes of this Act by Dis.

Hospital Regulators Board through its Chairman may request  
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 Board will be taken by majority of  
members present. and in case of a tie. the chairman shall  
exercise a Casting vote

ch) The Board shall exercise 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."

Power to inspect and  
Monitor Hospital.

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(3) The Board shall ensure the presence of minimum standards regarding physical and technical facilities  
(Prescribed standards)

required to be provided in private hospitals, which shall be  
fulfilled before registration accreditation is granted

be exercised  
and issue  
amend, suspend or revoke a license in respect  
of any other related matter of a private  
hospital within the respective district.

say The Board shall have exclusive power.  
in the manner prescribed in the rules, to register  
extend, modify  
or create, operate

C4) All applications for the grant of any license shall  
contain such information and be in such format as may be  
prescribed in the Rules.

) 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 Board  
In an opportunity

the deficiency is not met in a satisfactory manner

May direct closure of such hospital at any time  
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

(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.

Q) 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. ,

Appeal.

'Penalty.

Cognizance of Office.

Jurisdiction.

Power to make Rules.

Repeal.

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

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, by notification in the official Gazette. make Rules, not inconsistent with this Act to give effect to the provisions of this Act.

i. The Balochistan Hospital Regulatory Authority Ordinance. 2001 (XLEV of 2001) is hereby repealed.

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HAFIZ HAMADULLAH  
MINISTER FOR HEALTH.

Dated Quetta the 22<sup>nd</sup> April, 2004.

. Secretary  
Balochistan Provincial Assembly?

