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QUETTA \ SATURDAY MAY 8 2004

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT,
NOTIFICATION,
Dated Quetta. the 8th May. 2004,
No. PAB Legis: Vol4} 2004. The Balochistan Private: Hospital Regulators
Bill, 2004 having been passed by the Provincial Assembly of Balochistan on 27th 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 Governor of Balochistan in the
Balochistan Gazette (Extra-ordinary) dated 27th April, 2005

AN
ACT

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

Preamble 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 matters connected therewith.

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

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:

_ çf) "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 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.

(j) 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 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 or 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 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 representative of a private hospital located in Quetta District shall be the members

(v) Two non-doctor educated and experienced eminent citizens. one of them shall be a female will be nominated by the Government to represent the consumer citizens.

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

The 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 members to these vacancies shall be nominated by the private hospitals in respective districts through their consensus. In case of dispute on subsequent nominations among the private hospital within a district which does not resolve itself, 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.

(3) 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 Veterinary Dis.

Hospital Regulatory 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
Prescribed standards regarding physical and technical facilities)

required to be provided in private hospitals, which shall be

fulfilled before registration accreditation is granted

be exercised

and it

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

4) The Board shall have exclusive power.

in the manner prescribed in the rules, to register

extend, modify

of creation, open

C4) AML 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
under the Board
line an opportunity

the deficiency is not met in a satisfactory manner

May direct closure of such hospital after
of being heard

(7) Within a specified period 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. (I) 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.

te 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" April, 2004.

. Secretary
Balochistan Provincial Assembly?

