

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 23rd April, 2022.

No.PAB/Legis:V(11)/2022/8097. The Bibi Asmat Malik Memorial Hospital Khudabadan, Panjgur Bill, 2022 (Bill No.11 of 2022), having been passed by the Provincial Assembly of Balochistan on 16th April, 2022 and assented to by the Governor Balochistan, on 21st April, 2022 is hereby published as an Act of the Balochistan Provincial Assembly.

**THE BIBI ASMAT MALIK MEMORIAL HOSPITAL KHUDABADAN, PANJGUR
ACT, 2022 ACT NO. IX OF 2022.**

AN

ACT

to provide for the establishment of Effective System of Service Delivery in Bibi Asmat Malik Memorial Hospital Khudabadan, Panjgur for the provisions of modern health care facilities to the people of the area at their door steps at the level of Secondary Health Care Services.

Preamble.

Whereas it is expedient to make provisions for the establishment and efficient management of the Bibi Asmat Malik Memorial Hospital Khudabadan and to provide for matters connected therewith or ancillary thereto;
It is hereby enacted as follows:-

**Short title, extent
and
Commencement.**

2. (1) This Act may be called the Bibi Asmat Malik Memorial Hospital Khudabadan Act, 2022.

(2) It shall come into force at once.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context,

- (a) "Act" means the Bibi Asmat Malik Memorial Hospital Khudabadan, Panjgur Act, 2022;
- (b) "Board" means the Board of the Bibi Asmat Malik Memorial Hospital Khudabadan as constituted under section 7 of this Act;
- (c) "Government" means the Government of Balochistan;
- (d) "Health Department" means the Health Department Government of Balochistan;
- (e) "Hospital" means the Bibi Asmat Malik Memorial Hospital Khudabadan

- (f) "Chief Executive Officer" means the Chief Executive Officer of the Hospital appointed under section 9(1) of the Act;
- (g) "Prescribed" means prescribed by the rules made under this Act;
- (h) "Rules" means the rules prescribed under this Act; and
- (i) "Special Selection Committee" means the special selection committee, constituted under section, 11 of the Act;

Establishment of Hospital.

4. (1) The Government may, by a notification in the official gazette, establish a hospital at Khudabadan by the name and title of " the Bibi Asmat Malik Memorial Hospital Khudabadan"

(2) The Hospital shall be a body corporate by the name of "Bibi Asmat Malik Memorial Hospital Khudabadan" and shall have perpetual succession and a common seal, with power to acquire, hold and dispose of any movable and immovable property as prescribed, and may sue or be sued by the said name;

Provided that the disposal of land and any structure thereon shall be subject to approval of Government.

Objects

5. The objects of the Hospital shall be :-
 (a) to undertake all functions required for providing secondary health facilities to the people.
 (b) to perform such other functions as are assigned to it by the Government.

Administration of Hospital.

6. The administration and management of the affairs of the Hospital shall fully and completely vest in the Board constituted in accordance with the provisions of this Act, which shall have all powers not expressly vested in any Authority or officer under the Act and all other powers not expressly mentioned in the Act that are necessary for the performance of its functions.

Board of Governors.

7. (1) There shall be a Board of the Hospital, which shall be established by the Health Department with the approval of Chief Minister through a notification in the official Gazette. The Board of the Hospital shall be the principal governing body of the Hospital and shall comprise of the following members and the Chairperson:-

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|--|--------------------|
| (a) Secretary Health Department | Chairperson |
| (b) Director General Health Services Balochistan | Co-Chair |
| (c) Additional Secretary, Finance Deptt. | Member |
| (d) Chief Planning Officer, Health Deptt. | Member |
| (e) Deputy Commissioner, Panjgur | Member |

- (f) 2 bonafide resident of District Panjgur who are well educated, credible, reputed non-controversial local social activists/professionals having strong management /finance/medical/association, never involved in activities of moral turpitude or militancy/terrorism, with no financial benefit derived from the above referred hospital directly or indirectly, be notified by Health Department for a period of three years only. Thereafter, two new members shall be nominated for a period of next three years by the board in its meeting.
- (g) CEO Bibi Asmat Malik Memorial Hospital Khudabadan shall be the Member/ Secretary to the Board of Governors.

(2) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

(3) The quorum for a meeting of the Board shall be at least five and the Chairman of the Board shall preside over the meetings. However, in his absence any other member selected by the members from amongst them may preside over the meeting of the Board.

(4) The Government may remove a non-official member of the Board, without assigning any reason, before the expiry of his tenure.

(5) Any non-official member of the Board may, by a notice writing under his hand addressed to Government, resign his office.

(6) To regulate the meetings of the Board of Governors, the Board may make its regulations.

(7) The meeting of the Board shall be held on half yearly basis however, meeting may be held prior to such period to discuss any urgent matter.

Functions of the Board of Governors:

8. The functions of the Board of Governors shall be as under:-.

- (a) Overall supervision and management of hospital functions/operations;
- (b) Management and approval of annual hospital Budget;
- (c) Management of Hospital Building, machinery, premises etc;
- (d) Establishing operational policies, procedures and guidelines for various functions and constitution of different committees for recruitments, procurements, audits, etc;
- (e) Employment/appointment of hospital staff;
- (f) Personnel Management;
- (g) Funds raising including public private initiatives;
- (h) Contracting services/ out sourcing;
- (i) Quality assurance;
- (j) Public Relations- formation of committees to perform various functions; and
- (k) Perform any other function in the interest of hospital operation and management etc.

Appointment of Chief Executive Officer and Director

9. (1) The Board shall appoint a Chief Executive Officer of the Hospital possessing such qualifications and on such terms and conditions, notwithstanding anything contained in any other law, as it may determine, from a panel of three individuals recommended by Special Selection Committee after due selection process based on merit. A Director Admin equal to BPS-19 Grade having qualification of Master in Social Science with 15 years experience in health management, planning or public policy will be appointed by the Board of Governors to manage day to day affairs of Hospital under CEO.

(2) The Chief Executive Officer shall exercise such powers and perform such functions as may be prescribed.

Appointment of officers and employees.

10. The Board may appoint such persons in the service of Hospital, as may be necessary, on the recommendations of the Special Selection Committee, constituted by the Board of Governors.

Provided that the Board may temporarily fill up an existing vacancy on *ad hoc* basis for a period of six months or till the arrival of the new incumbent recommended by the Special Selection Committee, whichever is earlier.

- Special Selection Committee.** 11. (1) As soon as may be, after the commencement of this Act, Health Department shall constitute a Special Selection Committee which shall recommend appointment of persons in the service of Hospital.
- (2) The Special Section Committee shall consist of such number of members as may be determined by the Government.
- (3) The terms and conditions of service of the members shall be such as may be prescribed.
- Committees.** 12. The Board of Directors may constitute such committees as it may deem necessary for giving effect to the provisions of this Act.
- Institutional private practice** 13. The Procedure for institutional private practice shall be as prescribed
- Delegation of powers.** 14. The Board may delegate to any member or a committee any of its powers, duties or functions.
- Fund.** 15. (1) There shall be a Fund, to be known by the name of the Bibi Asmat Malik Memorial Hospital Khudabadan Fund, which shall vest in the Hospital and to which shall be credited all sums received by the Hospital.
- (2) Fund sources will be :-
- (a) annual Grant in Aid from Government of Balochistan;
 - (b) earnings of the Hospital; and
 - (c) any other Donations etc. received (with the prior approval of the Board);
- (3) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.
- Budget, Audit and Accounts.** 16. (1) The budget of the Hospital shall be approved by the Board and its accounts shall be maintained and audited in such manner as may be prescribed.
- (2) The Government may order financial, medical and managerial monitoring and audit on quarterly basis, through a third party nominated by the Government and paid for by the Hospital, and the Board shall comply with the directions, which may be issued thereon.
- Annual Reports.** 17. (1) The annual performance reports of the Hospital shall be submitted to the Government within three months of the conclusion of the calendar year to which the report pertains.

(2) The Government shall cause a copy of the report to be laid before the Provincial Assembly.

Rules.

18. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-

- (a) the Hospital fees and other charges;
- (b) the maintenance of the register of the out-door patients and the patients admitted in the Hospital;
- (c) the procedure for admission, transfer to other hospitals and discharge of the patients from Hospital;
- (d) the establishment of different departments, wards, operation theatres, ICUs, laboratories, offices, dispensaries, stores, washing-yards, kitchens, etc;
- (e) the powers and duties of Doctors, officers, staff and other employees of the Hospital;
- (f) conditions under which the Hospital may enter into arrangements with other institutions or public bodies for purposes of teaching, training research, advisory or medical services;
- (g) the scales of pay, appointment and other terms and conditions of the service of the doctors, officers, staff and other employees of the Hospital;
- (h) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for Hospital employees;
- (i) efficiency and discipline of Hospital employees;
- (j) the constitution and procedure to be followed by the Committees in carry out functions in terms of the Act;
- (k) constitution, functions and powers of the different authorities of the Hospital;
- (l) the contents of and the manner in which the Annual Report to be presented before the Board and the Government, shall be prepared; and
- (m) all other matters which by the Act are to be or may be prescribed;

Regulations.

19. The Board may make regulations, not inconsistent with the provisions of this Act and the rules framed there under, for carrying out the purposes of this Act.

Removal of difficulties.

20. If any difficulty arises in giving effect to any of the provision of this Act, the Government may give such directions as it may consider necessary for the removal of such difficulty.

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(TAHIR SHAH KAKAR)
Secretary.