

**Khyber Pakhtunkhwa Healthcare Commission
(Establishment) Regulations, 2022**

**CHAPTER I
PRELIMINARY**

1. Short Title, Application and Commencement:

- (1) These Regulations shall be called the Khyber Pakhtunkhwa Health Care Commission (Establishment) Regulations, 2022.
- (2) These Regulations shall come into force at once.
- (3) These Regulations shall extend to the whole of the province of Khyber Pakhtunkhwa and apply to all health care establishments and service providers.

2. Definitions:

- (1) In these Regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, as given below:
 - (a) "Act" means the Khyber Pakhtunkhwa Health Care Commission Act, 2015.
 - (b) "Board" means the Board constituted under the Khyber Pakhtunkhwa Health Care Commission Act, 2015;
 - (c) "Commission" means the Khyber Pakhtunkhwa Health Care Commission, established under the Act;
 - (d) "Chairperson" means chairperson of the Board of Khyber Pakhtunkhwa Health Care Commission, duly elected by the Board under Section 4 of the Act;
 - (e) "Competent Authority" means the Board, any committee of the Board authorized in this behalf or any other officer authorized by the Board under these regulations or through any resolution, to hear or decide any complaint/representation/appeal or perform any other executive and administrative function on behalf of the Commission;
 - (f) "Directorate" means any directorate of the Commission, established and authorized under these regulations and headed by a Director, duly appointed or designated by the Commission;
 - (g) "Establishment" means the organizational structure of the Commission consisting of the Board and the Executives of the Commission. The former shall be the policy formulation forum and the latter an execution wing;
 - (h) "Executive" means the execution wing of the Commission, headed by the Chief Executive Officer, and includes the Directors/Chief Financial Officer and their subordinate staff;
 - (i) "Expert" means a person with relevant knowledge and skills in a particular subject, with regard to issues in the case;
 - (j) "Fee" means the amount of money fixed by the Commission for the purpose of granting registration and licence to Health Care Establishments keeping in view factors, including but not limited to the services to be rendered, bed strength, as well as such additional fee(s) for the purposes of fulfilling the provisions of the Act, as fixed by the Board, from time to time, for the particular purpose(s), specified herein;
 - (k) "Health Care Establishment" means a hospital, diagnostic center, blood bank, medical clinic, nursing home, maternity home, dental clinic, homeopathic clinic, tibb clinic, acupuncture, physiotherapy clinic, aesthetic clinic, rehabilitation centres or any other premises or conveyance:
 - i. Wholly or partly used for providing health care services in public and private sectors; and
 - ii. Declared by the Commission as health care establishment.
- (l) "Health Care Services" means services provided in public and private sectors for diagnosis, treatment or care of persons suffering from any physical or mental disease, injury or disability, including procedures that are similar to forms of

- medical, dental or surgical care but are not provided in connection with a medical condition, and includes any other service notified by Government;
- (m) "Health Care Service Provider" means a person who provides health care services duly registered by the Pakistan Medical Dental Council, National Council for Tibb, Council for Homeopathy, Nursing Council or any other relevant council/body of the Government. Such person may or may not be the owner or in charge of a health care establishment;
 - (n) "Licence" means licence issued by the Commission under section 12 of the Act for the use of any premises or conveyance as a healthcare establishment and "licensed" and "licensing" shall be construed accordingly;
 - (o) "Licencee" means a health care establishment or conveyance which holds a licence issued by the Commission;
 - (p) "Quality Assurance" means the responsibility and capacity of a Health Care Establishment and/or Health Care Service Provider, as the case may be, to ensure compliance with the governing laws, instructions, standards and guidelines and compliance with the corrective orders issued by the Commission in accordance with the Act and Rules/regulations.
 - (q) "Regulations" means the Khyber Pakhtunkhwa Health Care Commission (Establishment) Regulations, 2022, duly approved by the Board;
 - (r) "Registration" means registration granted by the Commission under section 12 of the Act, for the use of any premises or conveyance as a Health Care Establishment;
 - (s) "Standards" mean all the health care standards for Category 1, 2 and 3 Health Care Establishments set and duly notified by the Commission, from time to time.
- (2) All other words and expressions used in these regulations but not specifically defined herein shall have the same meanings as are assigned to them in the Act, other laws for the time being in force, rules, regulations, reference manuals of standards or guidelines for the Health Care Establishments and/or such other instructions or order relating to the improvement of health care services and/ or health care service delivery systems, as prepared and issued by the Commission, or the Government from time to time, for achieving the purpose of the Act.

CHAPTER II ORGANIZATIONAL STRUCTURE

3. Establishment:

- (1) Khyber Pakhtunkhwa Health Care Commission, established under section 3 of the Act, shall be a body corporate having perpetual succession and a common seal, with powers to acquire and dispose of property both movable and immovable and shall by the said name sue and be sued.
- (2) The Commission shall include the Board and the Executive. The former shall be the policy formulation forum and the latter an execution wing;
- (3) The Executive shall have the office of the Chief Executive Officer, Directorates, Sections and Units. Functions of the Executive are given in chapter IV of these regulations.
- (4) Overall steering and policy making of the Commission shall vest in the Board, established under section 4 of the Act. The Board shall be headed by the Chairperson and consist of seven members (including chairperson) from private sectors and three ex-officio members.
- (5) Implementation of the laws, rules, regulations, policies and standards, and managing the day to day affairs of the Commission shall be the functions of the Executive.

- (6) The execution of the Commission shall be headed by the Chief Executive Officer, and shall include the Directors/Chief Financial Officer and their subordinate staff

4. Seat of the Commission:

The principal seat of the Commission shall be at Peshawar and it may establish offices anywhere in the province, if required and decided by the Board, from time to time.

CHAPTER III THE BOARD OF COMMISSION

5. Functions of the Board of Commission:

The Board shall perform such functions and exercise such powers as may be required to ensure the safety of the patient and health staff and to improve quality of public and private health care services. The Board shall:

- (1) Approve vision and mission statements of the Commission;
- (2) Formulate policy and steer the overall direction of the Commission to achieve its objectives;
- (3) Ensure that the objectives of the Commission are achieved through overseeing the Executive and providing strategic direction to the Commission;
- (4) Approve regulations for all the functions of the Commissions as envisaged in the Act in general and section 6 in particular;
- (5) Amend and repeal Regulations of the Commission;
- (6) Appoint the Chief Executive Officer, Directors, Chief Financial Officer, and Internal Auditor for managing the day to day affairs and achieving the objectives of the Commission;
- (7) Approve selection of external auditor/firm to assess the adequacy, effectiveness and efficiency of the internal control mechanisms of the Commission;
- (8) Approve annual business plan and budget for each financial year, as well as approve all revisions to budget;
- (9) Have the power to create, re-designate and abolition posts for achieving the objectives of the Act;
- (10) Determine and approve salary structure and other benefits for all the posts of the Commission;
- (11) Establish committees as per section 7 of the Act for assistance and advice to the Chief Executive Officer in relation to the performance of functions of the Commission and determine the membership, remuneration of members and term of reference of the committee(s);
- (12) Approve fee structure of registration, licensing, trainings, and inspections of the Health Care Establishments;
- (13) Approve Standards of health care service delivery to be implemented by the Health Care Establishments for ensuring safety of patient and health staff and to improve quality of public and private health care services;
- (14) Take measures for the welfare of employees of the Commission as well as all its registered members;
- (15) Approve annual performance report of the Commission;
- (16) Approve annual third party audit report;
- (17) Approve investment of money not required for immediate expenditure in Government Saving Schemes or in fixed deposit with banks approved by the Government;
- (18) Prescribe remuneration payable to a member for attending meeting of the Board.

6. Meetings of the Board:

- (1) The Chairperson shall convene meeting of the Board on quarterly basis for the conduct of business of the Commission
- (2) Extra-ordinary meeting of the Board may be convened as and when required. The extraordinary meeting may be called by the Chairperson or on the request of three or more members in writing for reasons specified there;
- (3) Two-thirds of the total members shall constitute quorum for a meeting of the Board.
- (4) All decisions in the meeting shall be taken on majority of votes.
Provided that in case of equality of votes, the Chairperson shall have a second or casting vote;
- (5) Written notices of meetings, including the agenda, duly approved by the Chairperson, shall be circulated not less than seven days before the meeting, except in the case of extra-ordinary meetings, where the notice period may be reduced by the chairperson;
- (6) The Chairperson shall ensure that minutes of meetings of the Board are properly recorded, including the dissenting note if any, approved and duly signed by the Chairperson of the Board;
- (7) The minutes can also be approved, whenever necessary, by the members through circulation, with approval of the Chairperson;
- (8) In the event that a member of the Board is of the view that his/her dissenting note has not been satisfactorily recorded in the minutes of meeting, he/she may refer the matter to the Chairperson within three days of receipt of the minutes of the meeting, failing which it will be deemed that the said minutes have been concurred to by the respective member of the Board;
- (9) A meeting of the board held and attended through teleconference or video-conference shall be a valid meeting, as long as its proceedings are properly recorded;
- (10) The Board shall have access to all relevant information, advice and resources necessary to enable it to perform its functions effectively. Significant issues shall be placed before the board for its information and consideration, in order to formalize and strengthen the corporate decision making process.

7. Committees:

- (1) For deciding upon any matters brought before the Board, requiring consultation, probe, or any other required intervention, the chairperson may constitute committee(s) comprising of members of the Board;
- (2) The committee(s) may be constituted on case to case basis, and such committees may, subject to the provisions of the Act and these Regulations, submit their findings and/or recommendations to the Board, for decision.

**CHAPTER IV
THE EXECUTIVE OF COMMISSION**

8. Structure of the Executive:

- (1) In pursuance of Section 9 & 11 of the Act; and to ensure efficient day to day functions of the Commission, the Board shall establish the Executive, consisting of the CEO Office and five Directorates, namely, Licensing/Registration, Quality, Legal Affairs, Operation, and Finance. The Board may change the number of directorates, as it deems appropriate;
- (2) The CEO Office shall be headed by the Chief Executive Officer, who shall report to the Board and be responsible for overall leadership and management of the Executive of the Commission;
- (3) Each Directorate shall be headed by a Director/Chief Financial Officer who shall report to the Chief Executive Officer and shall be responsible for timely and efficient execution of the tasks/functions assigned to his/her Directorate. He/she shall be assisted

by such number of staff members as provided in the Regulations or determined and notified by the Board, from time to time;

- (4) Functional organogram of the Executive of the Commission is provided as **First Schedule**.

9. CEO Office:

The Chief Executive Officer of the Commission duly appointed under Section 9 of the Act shall:

- (1) Head the office and be responsible for overall supervision, management and control of the Commission, including the financial management. The Chief Executive officer shall be assisted by the relevant directorates for carrying into effect the provisions of the Act, Rules, regulations, policies, guidelines, resolutions of the Board;
- (2) Perform such functions and exercise such powers, as given in the Act as well as others, as may be delegated by the Board, required to ensure the safety of patients and health staff and to improve quality of public and private health care services;
- (3) Subject to the supervision and control of the Board, manage the affairs of the Commission, and may exercise such powers as are delegated to him by the Board;
- (4) In pursuance of the functions and powers conferred under section 8 of the Act, in particular may:
 - a. Manage the administration, operations and functions of the Commission;
 - b. act as the Principal Accounting Officer responsible and accountable for the management of the Commission's funds and assets in an efficient and effective manner;
 - c. prepare and present the Commission with strategic and operational plans for its review and appraisal;
 - d. assist the Commission in strategic thinking, planning and leadership and implement its policies;
 - e. protect the financial health of the Commission;
 - f. act as spokesperson and advocate of the Commission;
 - g. provide leadership to the senior management and direction to all staff; and
- (5) Serve as competent authority for appointment of staff, equivalent to and below the level of CPS-6, as delegated by the Board;
- (6) Be the supervisor of all the Directors/Chief Financial Officer;
- (7) Be Secretary to the Board with no right of vote and shall prepare and circulate agenda and minutes of the Board meetings with the approval of the Chairman;
- (8) Assist the Board on all elements of the Commission's business and implement the strategies and policies approved by the Board for ensuring quality of health care services;
- (9) Carry out any other function of the Commission that the Board may assign from time to time;
- (10) All the Directorates of the Commission shall assist the Chief Executive Officer in discharge of his/her functions under the Act and Regulations.

10. Committees:

- (1) In pursuance of the provision contained in Section 7 of the Act and in order to provide assistance, advice and technical support to the Chief Executive officer, the Board shall establish the following committees, consisting of experts from the relevant fields, with the aim to ensure informed and efficient decision making:
 - (a) Technical Advisory Committee(s);
 - (b) Finance and Grant Committee; and
 - (c) Any other committees or panel of experts on need basis for getting technical advice.
- (3) The Board may choose one of the members of the committee as the chairperson. The CEO shall also nominate one of the relevant directors of the Commission as Secretary

to the committee for coordination and maintenance of record of the proceedings of the committee;

- (4) The board shall determine the terms of reference and remuneration for the members of the committee and such terms shall be communicated to the members, well before the committee starts functioning;
- (5) The Committee(s) shall consist of experts having not less than 08 years' experience in the relevant field. Members of the Committee may be nominated by the Board through head hunting, supported by reasonable evidence of expertise of the members;
- (6) The Board may constitute more than one technical committee;
- (7) For the purpose of convenience, panel of experts shall be from diverse technical backgrounds;
- (8) The Committee(s) shall advise on any matter within its terms of reference and shall be provided with reasonably adequate resources and access to all relevant information;
- (9) Findings of these Committees shall be advisory in nature and not binding upon the Commission.

11. Directorate of Licensing/Registration:

- (1) The Directorate of Licensing/Registration shall be headed by the Director Licensing/Registration, duly appointed by the Board and assisted by such staff as provided in the Regulations or approved by the Board from time to time;
- (2) The Directorate shall have Section(s), and Unit(s), to be headed by Deputy Director and Officer, respectively;
- (3) The Directorate shall ensure safety of patient and health staff and improve quality of public and private health care services through registration and licensing of Health Care Establishments. Moreover, the Directorate shall devise and implement strategy for dealing with quackery as per section 6(2) (o) of the Act;
- (4) Any other functions of the Commission that the Board or the Chief Executive Officer may assign to it, from time to time.

12. Directorate of Quality:

- (1) The Directorate of Quality shall be headed by the Director Quality, duly appointed by the Board and assisted by such staff as provided in the Regulations or approved by the Board from time to time;
- (2) The Directorate shall have Section(s), and Unit(s), to be headed by Deputy Director and Officer, respectively;
- (3) The Directorate of Quality shall ensure safety of patient and health staff and improve quality of public and private health care services through the availability and dissemination of updated health service delivery standards; and trainings and assistance to the Health Care Establishment on standards implementation for licensing;
- (4) Any other functions of the Commission that the Board or the Chief Executive Officer may assign to it, from time to time.

13. Directorate of Legal Affairs:

- (1) The Directorate of Legal Affairs shall be headed by the Director Legal Affairs, duly appointed by the Board and assisted by such staff as provided in the Regulations or approved by the Board from time to time.
- (2) The Directorate shall have Section(s), and Unit(s), to be headed by Deputy Director and Officer, respectively.
- (3) The Directorate of Legal Affairs shall ensure safety of patient and health staff and improve quality of public and private health care services through enquiries and investigations into maladministration, malpractice and failures in the provision of health care services and issuance of consequential advice and orders; and advocating

rights and responsibilities of recipients and providers of the healthcare services. Moreover, it shall perform legal and litigation functions of and on behalf of the Commission.

- (4) Any other functions of the Commission that the Board or the Chief Executive Officer may assign to it, from time to time.

14. Directorate of Operations:

- (1) The Directorate of Operations shall be headed by the Director Operations, duly appointed by the Board and assisted by such staff as provided in the Regulations or approved by the Board from time to time;
- (2) The Directorate shall have Section(s), and Unit(s), to be headed by Deputy Director and Officer, respectively;
- (3) The Directorate of Operations shall carry out functions related to operations of the Commission i.e., human resources management, communication and information technology, and facilities management, including material management, security, sanitation, and fleet management;
- (4) Any other functions of the Commission that the Board or the Chief Executive Officer may assign to it, from time to time.

15. Directorate of Finance:

- (1) The Directorate of Finance shall be headed by the Chief Financial Officer, duly appointed by the Board and assisted by such staff as provided in the Regulations or approved by the Board from time to time;
- (2) The Directorate shall have Section(s), and Unit(s), to be headed by Deputy Director and Officer, respectively;
- (3) The Directorate of Finance shall carry out functions related to financial management, accounting and audit, including but not limited to preparation of annual budget; ensuring observance of relevant rules and regulation in spending and revenue collection; facilitation of the external auditors, including third party independent auditors and team of Auditor General of Pakistan, and preparation of statement of accounts;
- (4) Any other functions of the Commission that the Board or the Chief Executive Officer may assign to it, from time to time.

**CHAPTER V
MISCELLANEOUS**

16. Removal of Difficulties:

- (1) The Board may issue such instructions, directions or amend these Regulations, in public interest keeping in view the purpose of the Act or for the purposes of removing any difficulties that may arise in implementing these Regulations.
- (2) The Chief Executive Officer shall approach the Board for its guidance and/or for further necessary action, if so deemed necessary for implementation of these Regulations.
- (3) The Board may amend or repeal these Regulations.

17. Office Procedures:

The Executive of the Commission, with the approval of the Chief Executive Officer, may make office procedures, not inconsistent with the provisions of the Act, Rules and these Regulations.

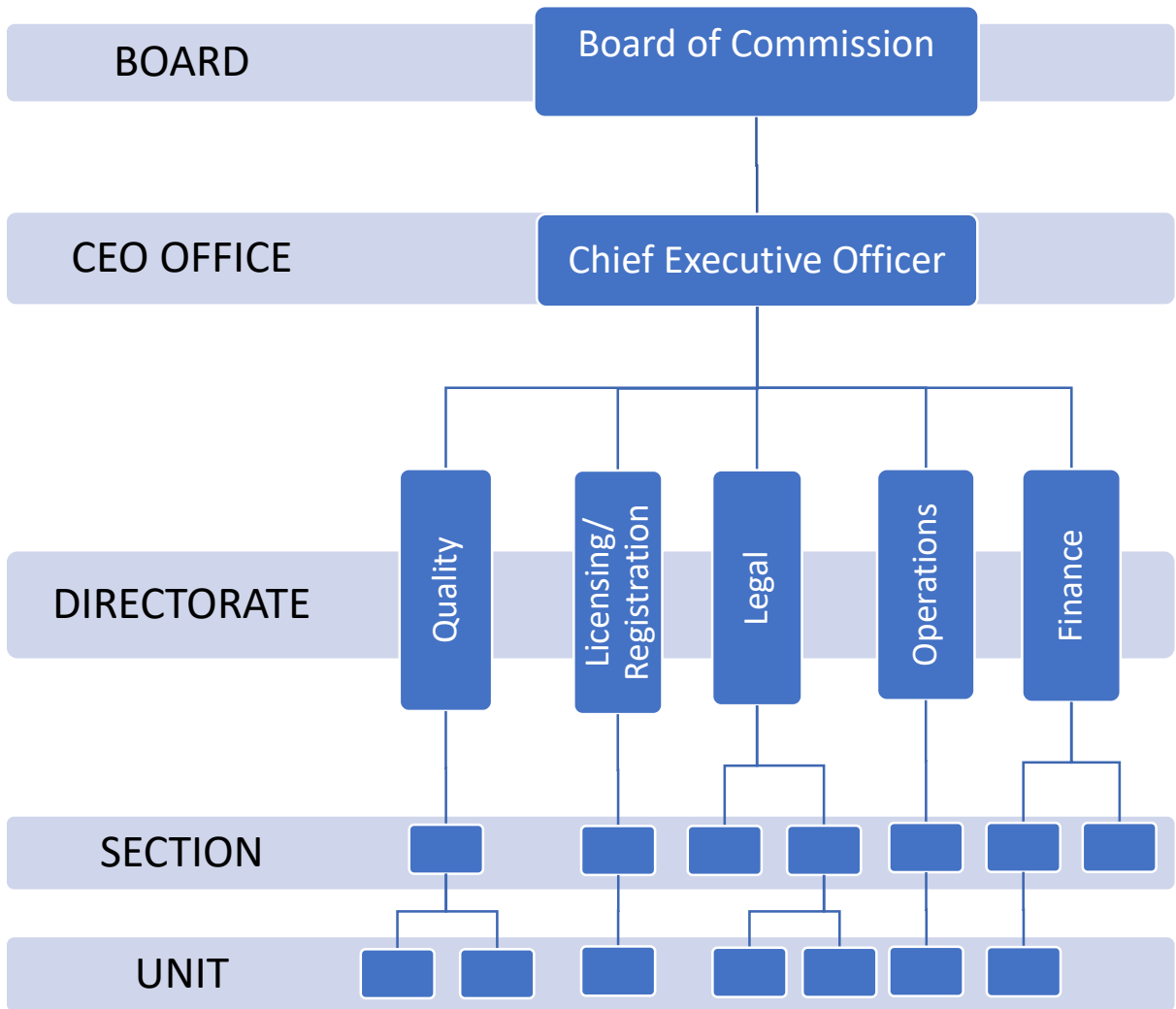
18. Overriding Effect:

Notwithstanding anything to the contrary contained in any other regulations, the provisions of these Regulations shall have an overriding effect and the provisions of any such regulations to the extent of inconsistency to these Regulations shall cease to have effect.

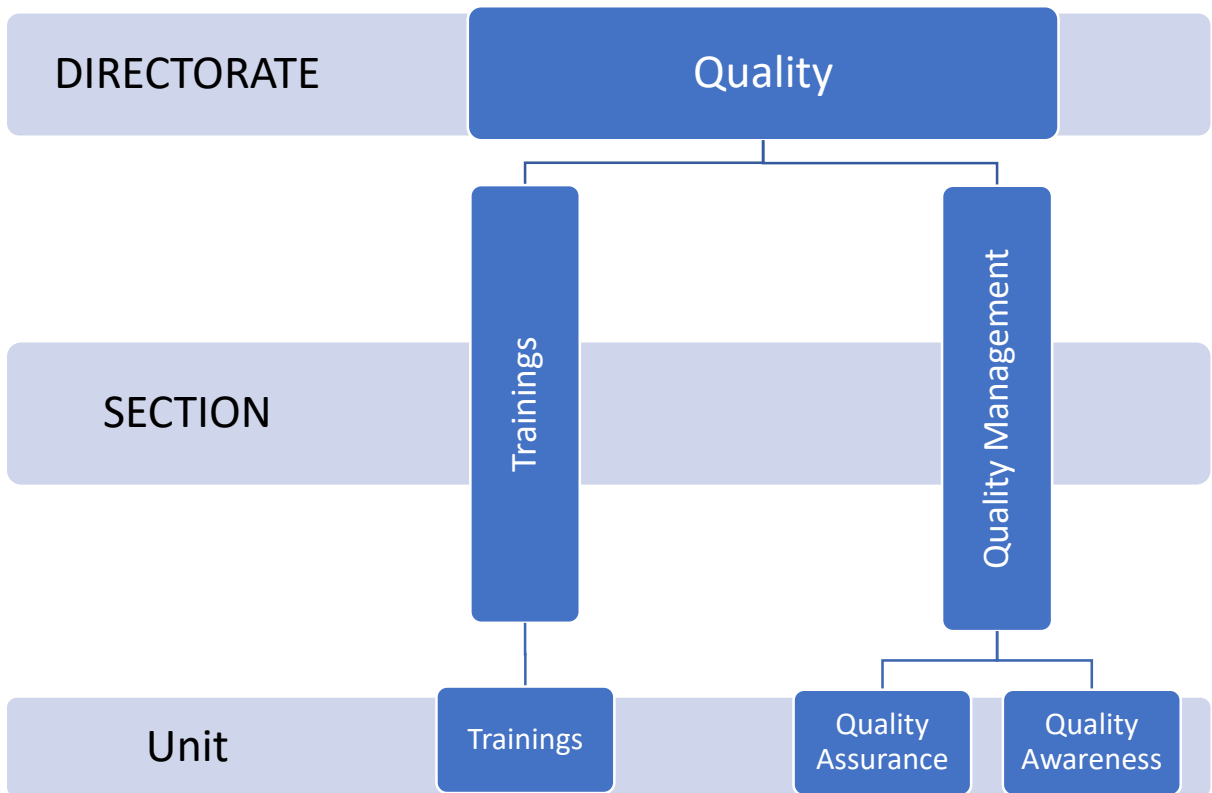
19. Repeal:

The Regulations of Procedure of the Khyber Pakhtunkhwa Health Care Commission, 2016 are hereby repealed.

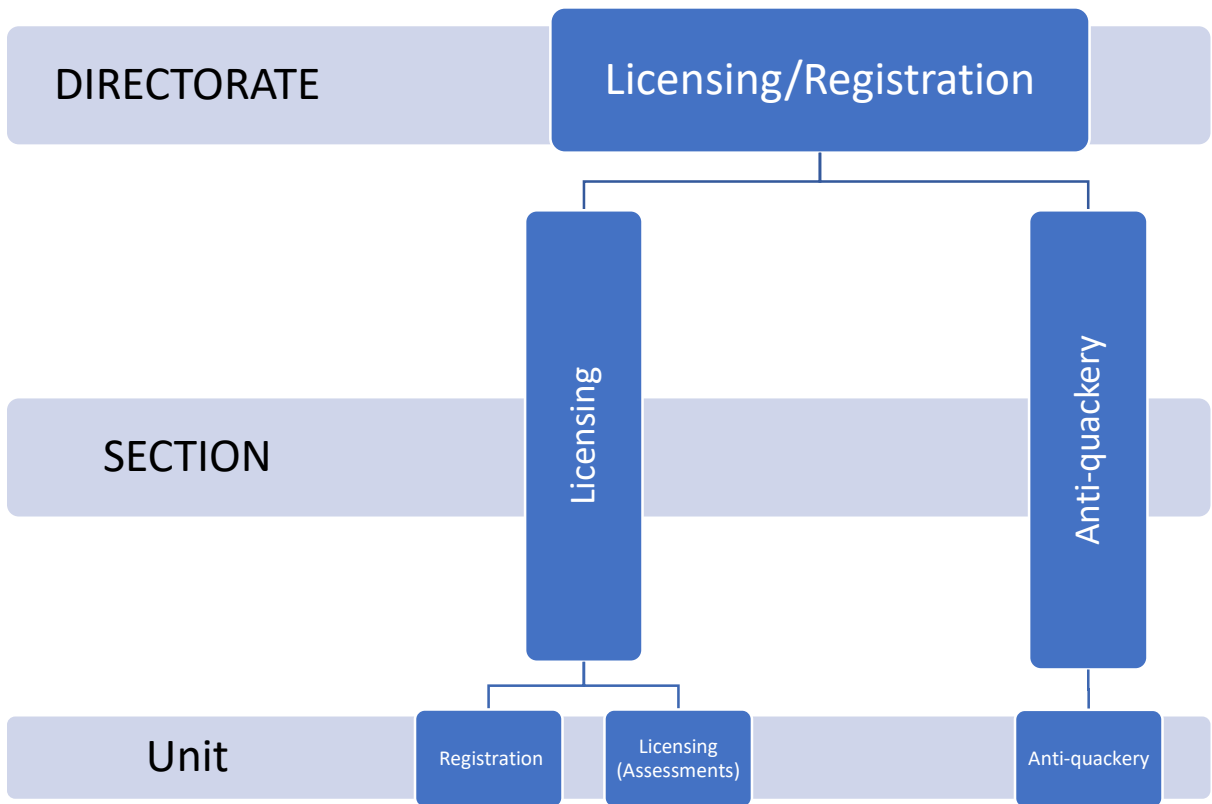
FIRST SCHEDULE
Functional Organogram of the Commission



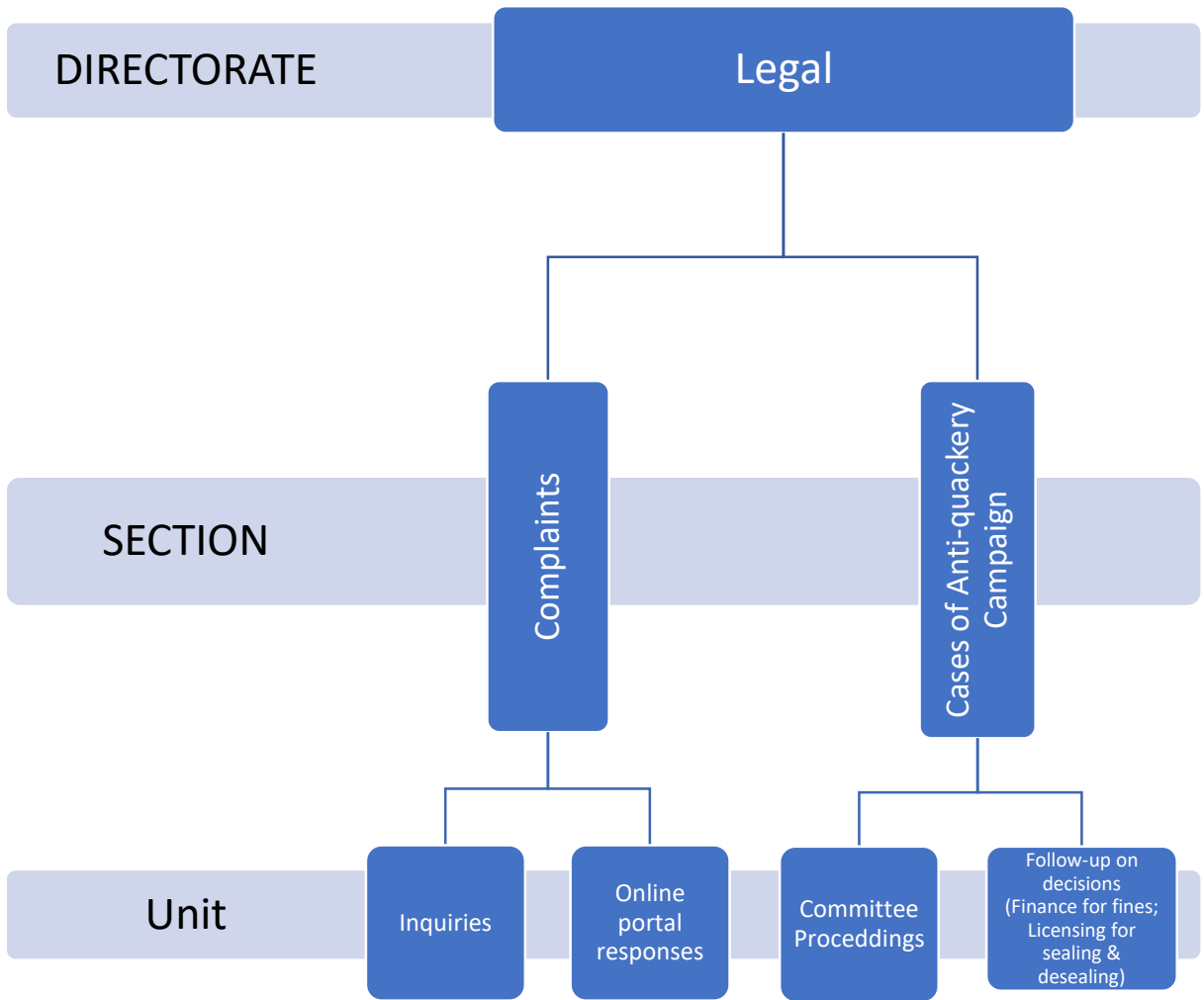
Functional Organogram of the Directorate of Quality



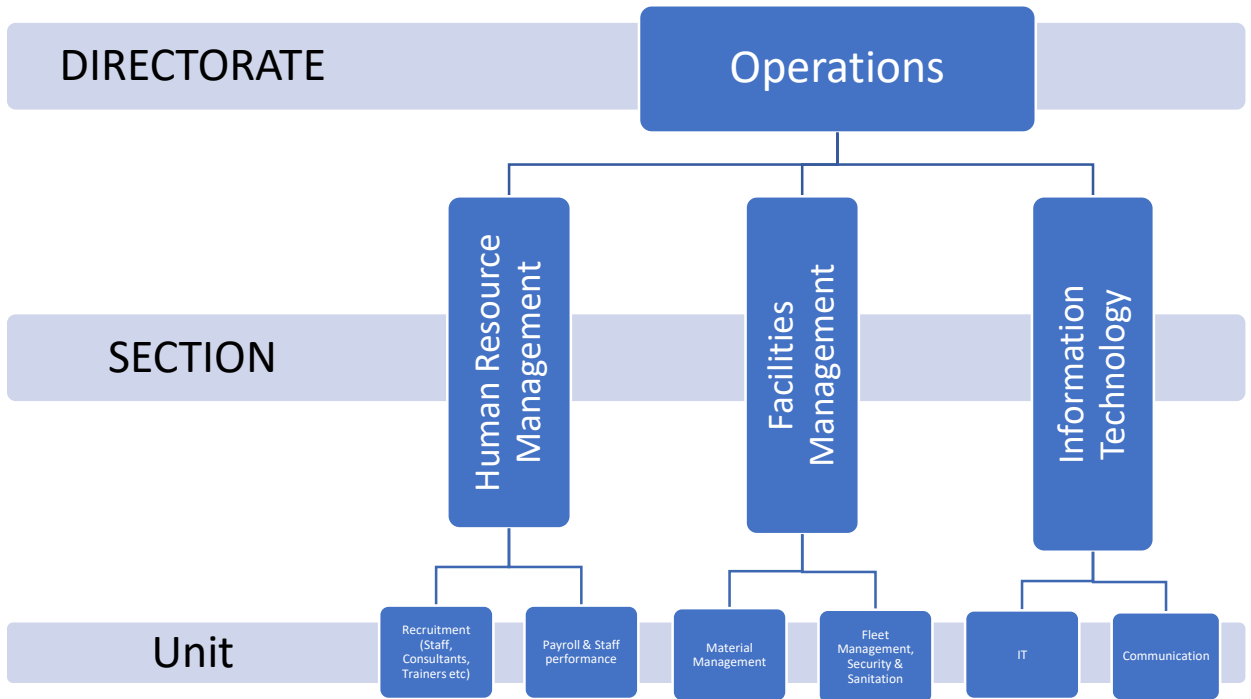
Functional Organogram of the Directorate of Licensing/Registration



Functional Organogram of the Directorate of Legal Affairs



Functional Organogram of the Directorate of Operations



Functional Organogram of the Directorate of Operations

