

**Khyber Pakhtunkhwa Health Care Commission  
(Anti-quackery) Regulations, 2022**

**CHAPTER I  
PRELIMINARY**

**1. Short title, Application and Commencement:**

- (1) These Regulations shall be called the Khyber Pakhtunkhwa Health Care Commission (Anti-quackery) Regulations, 2022.
- (2) These Regulations shall extend to the whole of the Khyber Pakhtunkhwa.
- (3) These Regulations shall come into force at once.

**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) "Anti-quackery Section" means the Anti-Quackery Section established at the Khyber Pakhtunkhwa Health Care Commission as provided for herein;
  - (c) "Board" means the Board of Governors constituted under the Khyber Pakhtunkhwa Health Care Commission Act, 2015
  - (d) "Commission" means the Khyber Pakhtunkhwa Health Care Commission,
  - (e) "Competent Authority" means the authority having power to order operations against quacks, issue show cause notices and seal quacks temporarily, which is the Director Licensing/Registration, or any other officer of the Commission, specifically authorized in this regard, exercising delegated authority of the Board through the Chief Executive Officer exercising delegated authority of the Board through Chief Executive Officer;
  - (f) "Inspection" means process of examining any apparatus, appliance, equipment, instrument, product, goods or items used or found in, or any practice or procedure being carried out, at a Health Care Establishment;
  - (g) "Licence" means licence issued by the Commission under section 12 of the act for the use of any premises or conveyance as a Health Care Establishment and "licensed" and "licensing" shall be construed accordingly;
  - (h) "Proprietor" means such person who owns the Health care Establishment and includes any such person who may also be the manager in-charge of the Health Care Establishment;
  - (i) "Quack" means any person who is;
    - i. Duly qualified but not validly registered with Pakistan Medical & Dental Council (PM&DC), Council for Tibb and Homeopathy and Nursing Council or any other registration authority for healthcare service providers; or
    - ii. Neither qualified nor registered with the relevant council; or
    - iii. Duly qualified and validly registered but providing services beyond the provisions of his/her registration; or
    - iv. Neither duly qualified nor validly registered but practicing under the name of a qualified and validly registered medical practitioner
  - (j) "Reference Manual" means any such manual(s) prepared by the Commission from time to time for regulating the Health Care sector and achieving the purposes of the Act, containing sets of guidelines for the Health Care Establishments relating to implementation of the standards.
  - (k) "Registration" means registration granted under Section 12 of the Act.
  - (l) "Report" means such reports as are submitted to the Commission on the prescribed

- format, by the various authorized officers and/or persons who are duly authorized by the Commission or on its behalf, from time to time, pertaining to the activities of quacks and those relating to quackery, in the Province of Khyber Pakhtunkhwa
- (m) “Review committee” means a committee constituted by the Chief Executive Officer, consisting of at least three members and headed by an officer of the Directorate of Legal Affairs, not below the rank of deputy director, for review of cases, providing hearing opportunity and taking decisions accordingly.
  - (n) “Standards” means all the Health Care Standards and include the Minimum Service Delivery Standards (MSDS), approved by Commission from time to time.
  - (o) “Team” for the purpose of these regulations means a team of staff/officers of the Commissions constituted for anti-quackery campaign
- (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 QUACKERY ERADICATION**

### **3. Anti-quackery Section:**

- (1) The Commission shall establish an Anti-quackery Section as part of the relevant Directorate, headed by the Director duly appointed by the Commission and consisting of as many other staff members as decided by the Commission from time to time;
- (2) The Anti-quackery Section shall devise and streamline necessary strategy, as deemed necessary and appropriate, for the eradication of quackery from the Province of Khyber Pakhtunkhwa in all its forms and manifestations and shall also issue necessary directions, in this regard;
- (3) The Anti-quackery Section shall implement the strategy for eradication of quackery and shall perform such other tasks for the purposes of ensuring that the health care services are rendered in accordance with the provisions of the Act, Regulations, Standards and orders etc., as issued by the Commission, from time to time.

### **4. Functions of the Anti-Quackery Section:**

The Anti-Quackery section of the Commission, under these regulations shall have the following functions:

- (1) Run the public awareness campaigns on Anti-quackery;
- (2) Conduct anti-quackery campaigns throughout the province;
- (3) Issue directions to the relevant authorities of the Provincial Government, within the scope of the Khyber Pakhtunkhwa Health Care Commission Act, 2015;
- (4) Issue directions to a Health Care Establishment necessary for implementation of these regulations;
- (5) Pass any conditional orders relating to the manner in which health care services are being delivered and/or to improve the health care delivery system at any given Health Care Establishment;

- (6) Liaise and communicate with the Pakistan Medical and Dental Council (PM&DC), Council for Homeopathy, Council for Tibb, Nursing Council or any other authority competent to handle the matter and to assist the Commission in deciding the matter, in the larger public interest;
- (7) Inspect any Health Care Establishments and see whether all the codal formalities are fulfilled;
- (8) Check any document, material, procedure, credentials of the staff etc. for the purposes of verification under these regulations;
- (9) Issue Show Cause Notices and seal/close down the premises where quackery is being practiced in any form, whatsoever, temporarily till the decision of the review committee and permanently, if the review committee so decides;
- (10) Register FIR against the quacks under section 28 of the Act upon the advice of Director Legal Affairs/ review committee;
- (11) Issue any other such directions as deemed necessary and appropriate to ensure that quackery is stopped and eventually eradicated, in all its forms and manifestations from the province.
- (12) Prepare a report and forward the same to the Chief Executive Officer.

#### **5. Public Awareness about Quackery:**

The Anti-quackery Section shall:

- (1) Take all necessary steps to create and enhance public awareness about various forms of quackery, health problems caused by quackery and the steps taken by the Commission for eradication of quackery in all its forms and manifestations;
- (2) Use print, electronic and social media, and official website of the Commission for dissemination of all the relevant information;
- (3) Arrange public seminars, awareness walks and other activities for enhancing awareness about quackery.

#### **6. Anti-quackery Campaign:**

- (1) The Anti-quackery Section shall regularly carry out anti-quackery campaigns throughout the province, on the direction and under supervision of the competent authority. For the purpose of regular anti-quackery campaigns across the province, the Anti-Quackery Section shall:
  - (a) Constitute anti-quackery teams consisting of two or more staff/officers to inspect the Health Care Establishments for the purposes of enforcement of these regulations;
  - (b) Inform the concerned executive, police and any other law enforcement agency of the Government about the visit of anti-quackery teams in their area of jurisdiction and ask them, under section 27 of the Khyber Pakhtunkhwa Health Care Commission Act, 2015, to provide security and any other assistance that may be required for conduct of the anti-quackery campaign well within the spirit and object of the law;
  - (c) Visit the relevant suspected premises to check and verify, if the person(s) rendering Health Care services therein has/have the requisite valid registration from any of the registration councils mentioned in these regulations;
  - (d) Check if the Health Care Establishment has the required certificate of registration and a valid licence of the Commission, under the provisions of Section 12 of the Khyber Pakhtunkhwa Health Care Commission Act, 2015.
  - (e) Seal the premises and seize all or any relevant evidence, which are deemed necessary, including but not limited to prescription slips, medicines being given and/or administered to the patients by persons who do not have valid registration from any of the above mentioned Councils, and forward the same to competent authority along with report. The team may also record statements of the patients and/or their attendants who may be willing to appear before the Commission as a

witness.

- (f) Issue such directions regarding any medicines or other perishable items found at the premises, as the team may deem fit for the purposes of protecting the same from expiry or decay, as the case may be, if so requested by any person or an employee at the premises.
  - (g) Prepare a recovery memorandum of the items so seized at the premises, in the presence of the proprietor, or in-charge of the Health Care Establishment, as the case may be, and under the signatures/thumb impressions of the said persons present at the premises. In case, such person(s) are not willing to do so, it would be sufficient for the officer(s) to note their refusal to do so.
  - (h) Record the statement of patients, attendants or any other person(s) present in the premises as witness, if he/she is willing to do so.
  - (i) After sealing the premises, hand over the keys of premises to the proprietor, in-charge of the Health Care Establishment, as the case may be, with the direction that same shall not be opened without permission of the Commission. In case the proprietor, in charge of the Health Care Establishment leaves the premises or absconds during or after the visit by the team, the keys of the sealed premises shall be submitted to the competent authority, along with report;
  - (j) Direct the quack to appear before the review committee of the Commission on a certain time and date;
  - (k) Issue a Show Cause Notice to the quack on the spot, as to why the premises may not be permanently closed down/sealed and why any one or more of the penalties provided by the act or these regulations shall not be imposed against him/her;
  - (l) Submit a detailed report along with all the relevant documents, recoveries and evidences to the concerned Directorate, for further legal proceedings.
- (2) The Report so received under clause 6(1) *ibid*, shall be forwarded to the review committee for hearing and final decision under these regulations.
- (3) The Commission may itself take notice of the activities of quacks and other activities relating to quackery through any source of information and in such a situation, the matter shall be referred to the Anti-quackery Section for proceedings in accordance with law.

Provided that before sealing any premises under these regulations, the team shall ensure that there are no such patients at the premises, who may need immediate treatment and management. In case, any such patient is present at the premises, the team shall take all necessary arrangements for immediate shifting of such patient(s), to the nearest valid Health Care Center.

#### **7. Review Committee:**

- (1) The Chief Executive Officer shall constitute a review committee(s), consisting of at least three members and headed by an officer of the Legal Directorate, not below the rank of deputy director;
- (2) The report of any actions against the quacks, received by the Anti-quackery Section shall be forwarded to the review committee, to be fixed before the committee for hearing;
- (3) The chairman of review committee may fix the days and time of hearing well in advance and communicate it to the team, so that the quacks so apprehended are informed about the date and time of hearing, on the spot;
- (4) Depending on the number and nature of cases, the chairman of the Committee, may in his/her discretion decide the day(s) and time of hearing of the cases;
- (5) In case, a person so reported upon under Regulation 6 *ibid* approaches the Commission in view of the report submitted to it, such person shall be given an opportunity of hearing and submit before the review committee such statements, documents, affidavits and evidences, as the said person desires;

- (6) If the person so reported upon under regulation 6 ibid does not appear before the committee on the date given on the spot, the committee shall issue a notice to such person and on appearance, give him/her the opportunity of hearing as per clause 7(3) ibid;  
 Provided that for the purpose of issuing notices and compelling attendance of the quacks, witnesses or any other person, the review committee shall exercise the powers of Civil Court under the Code of Civil Procedure, 1908.
- (7) If the person, to whom the notice is issued, is persistently absenting and the committee is satisfied that such person is willfully harboring and avoiding the due process, it may, subject to approval of the Chief Executive Officer, order permanent sealing of the premises, forfeiture of the entire movable property, including the medicine and medical equipment and auction of the said property after not less than 30 days of the order. The sale proceeds of the property so auctioned shall be credited to the accounts of the Commission under the Head of Fines.
- (8) The committee may, if satisfied, decide upon a case brought before it on the first hearing or if any further probe is required, it may adjourn the hearing to such date and time as it may fix, within a fortnight.  
 Provided that during the extended period for hearing, the premises so sealed by the team shall remain intact.
- (9) If a registered person approaches the review committee for de-sealing of the premises being used for rendering health care services, he/she shall also submit the details of his/her employment(s), professional engagements, specifying the time spent at various Health Care Establishments, along with the documentary evidence of entitlement.
- (10) A person, who applies for de-sealing of the premises, being used for rendering health care services, shall apply for registration and licence of the premises with the Khyber Pakhtunkhwa Health Care Commission, provided it fulfils the criteria.
- (11) The review Committee shall maintain proper record and database of the proceedings before it.

#### **8. Decisions of Review Committee:**

The review committee shall, after hearing of the case is complete, issue any or all of the following decisions:

- (1) If the person reported upon satisfies the committee through an undertaking that the Health Care Establishment/ Service Provider was duly qualified and will ensure registration and licensing, availability of basic required qualified staff, necessary equipment and facilities required for the Health Care Services being offered therein, the committee may on such terms and conditions as it deems appropriate, including imposition of fine for the default, provisionally de-seal the premises and permit such a Health Care Establishment to start rendering Health Care services, in terms of the said order.
- (2) In cases the proprietor of the premises has no concern with the Health Care services being provided therein and satisfies the committee that he/she was not in any way connected with provision of the health care services, the committee may subject to an undertaking and on such other terms and conditions as the committee deems fit, de-seal the premises for such person with the condition that the premises shall not be used for the disputed activities anymore. In such cases, the person involved in unauthorized health care services provision shall be reported to the relevant Council with recommendation of suspension/cancellation of his/her registration and licence and/ or reported to police for further action.
- (3) In any case, the review committee, after hearing the concerned persons concludes, that a person who is duly registered with either of the Pakistan Medical & Dental Council or Council for Homeopathy or Council for Tibb or Council for Nursing or any other licensing authority is rendering unsubstantiated and unjustified support to an unregistered person(s), in any manner whatsoever, his/her such conduct shall be reported to the relevant Council, with recommendation of suspension/cancellation of his/her registration and licence. Such Premises shall be permanently sealed and the person(s) responsible

shall also be liable to fine which may extend to rupees one million.

- (4) If in any case, the review committee after hearing the concerned persons concludes that a public servant was involved in any malpractice, including quackery as defined in these regulations, the review committee may, after providing sufficient opportunity of defence, recommend and forward such cases to the head of the concerned government department/autonomous body or any other organization/agency of the government for initiating disciplinary proceedings against such person, in addition to the penalties as prescribed under these regulations;
- (5) If a person appearing before the committee is proved to be practicing as a quack and/or willfully involved in the act of quackery, the premises shall be permanently sealed and such person shall be liable to fine which may extend to rupees one million.
- (6) The committee may, in such circumstances as it deems fit, recommend registration of FIR U/S 28 of the Act, against the quack.
- (7) The premises so permanently sealed under these regulations, may be de-sealed by the Committee at any time, subject to an undertaking that no health care services shall be provided in the premises and on such other terms and conditions as it deems appropriate.
- (8) The review committee shall have the power to issue, amend, alter, affirm or revoke any orders on hearing the concerned person(s) in the matter, after due notice.

#### **9. Appeal:**

Within 30 days of the decision of the review committee under Regulation 8 *ibid*, any of the aggrieved parties may file an appeal before the District and Sessions Judge.

#### **10. Powers to refer cases:**

The Competent Authority and/or Director Legal Affairs/Review Committee may, if deems necessary, refer the cases to other law enforcing agencies, for appropriate proceedings under any other relevant law(s).

#### **11. Follow Up of Decisions:**

The actions taken by the team during anti-quackery campaign or/and the decision of the review committee, as the case may be, shall be regularly followed up by the relevant section of the Commission and ensure that the directions of the Commission are followed in letter and spirit. In case, any of the directions were not followed within the defined timeline, the committee shall reopen the case on the basis of follow up report and pass appropriate orders, including initiating criminal proceedings for contempt of lawful authority.

### **CHAPTER III MISCELLANEOUS**

#### **12. Indemnity:**

All the proceedings under these regulations shall be presumed to have been done in good faith and in the best interest of public service, hence, no civil/criminal/administrative proceedings shall lie against any official of the Commission, expert or any member of the authorities acting in aid of the Commission.

#### **13. Assistance to the Commission:**

- (1) All law enforcement agencies of the Government shall provide assistance to the Health Care Commission as per KP HCC Act.
- (2) The Commission may use all or any of its powers and instruct /direct any such executive authority and/or law enforcement agencies, as deemed appropriate, to assist in the anti-quackery activities and to report to the Commission the activities and whereabouts of the

quack(s), and also submit reports regarding quackery being practiced at any Health Care Establishment, as per KP HCC Act.

**14. Removal of Difficulties:**

- (1) The Board of the Governors 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 of the Governors for its guidance and or for further necessary action, if so deemed necessary for the implementation of these Regulations.
- (3) The Board may amend or repeal these Regulations with simple majority of the members.

**15. Office Procedures:**

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

**16. 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.

**17. Repeal:**

The Khyber Pakhtunkhwa Health Care Commission Anti-quackery Regulation, 2021 are hereby repealed.