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KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 24th August, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/3411.—The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 20th August, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 21st August, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTIONS REFORMS (AMENDMENT) ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. XXXIII OF 2015)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 24th August, 2015).*

AN
ACT

*to amend the Khyber Pakhtunkhwa
Medical Teaching Institutions Reforms Act, 2015.*

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Act No. IV of 2015), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2015.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Act No. IV of 2015), hereinafter referred to as the said Act, in section 2,-

(a) after clause (g), the following new clause shall be inserted, namely:

“(g-i) “employee” means,-

- (i) an employee appointed by the Medical Teaching Institution under this Act; or
- (ii) an existing employee of the Medical Teaching Institution appointed by the Management Council under the Khyber Pakhtunkhwa Medical and Health Institution and Regulation of Health Care Services Ordinance, 2002; or
- (iii) a civil servant, who has opted to become an employee of Medical Teaching Institution under section 16 of this Act; or
- (iv) a civil servant, who is on deputation to Medical Teaching Institution;”;

(b) in clause (h), for the word "Principal", the word "Dean" shall be substituted; and

(c) clause (n) shall be deleted.

3. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 5,-

(a) for sub-section(2), the following shall be substituted, namely:

“(2) The Board of each Medical Teaching Institution shall comprise such number of members as the Government may determine but not exceeding seven members, all of whom shall be from the private sector.”;

(b) in sub-sections (3), (5), (6), (7) and (8), the words “from the private sector” or “from private sector” wherever occurring, shall be deleted; and

(c) sub-section (4), shall be deleted.

4. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 6, for sub-section (3), the following shall be substituted, namely:

“(3) The quorum shall be four members or two thirds of the total member of Board Members, whichever is less”.

5. Amendment of section 7 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 7, in sub-section (1) , for clause (k), the following shall be substituted, namely:

“(k) constitution of Finance Committee, Recruitment Committee and such other Committees or Sub-Committees, as it may deem appropriate;”

6. Amendment of section 9 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 9, -

(a) for sub-section (2), the following shall be substituted, namely:

“(2) The college shall be headed by a Dean and shall consist of Chairpersons and medical faculties of various departments of the college.”;

(b) for sub-section (3), the following shall be substituted, namely:

“(3) In each college there shall be an Academic Council headed by the Dean to prescribe and set principles and standards for teaching, research, training, student admissions, curriculum development, scholarly activity, to ensure and inculcate the highest ethical standards.”;

(c) for sub-section (4), the following shall be substituted, namely:

“(4) The Dean shall be appointed by the Board for a period of three years through merit-based process on such terms and conditions and having such qualification and experience as the Board may prescribe; and

(d) for sub-sections (5) and (6), the following shall be substituted, namely:

“(5) The Chairpersons and medical faculties of the college shall be appointed by the Dean for a period of three years through a merit based process on such terms and conditions and in such manner as may prescribed.

(6) The Dean may be removed from office by the Board at any time on such grounds as may be prescribed.”.

7. Amendment of section 10 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 10, for sub-section (4), the following shall be substituted, namely:

“(4) The Hospital Director shall attend all or part of each Board meeting as an invited guest as required by the Board, to update the Board on hospital non-clinical activities and functions and any other matters as required by the Board.”.

8. Amendment of section 12 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 12,-

(a) for sub-sections (1) and (2), the following shall respectively be substituted, namely:

“(1) Each Board shall appoint a full time Medical Director for the Hospital for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Medical Director.

(2) The Medical Director shall possess a recognized Medical Degree with management or administrative experience in management positions in a Health institution or organization as may be prescribed.”; and

(b) for sub-section (5), the following shall be substituted, namely:

“(5) The Medical Director shall attend all or part of each Board meeting as an invited guest as required by the Board, to update the Board on hospital clinical activities and functions and any other matters as required by the Board.”.

9. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 14, for sub-section (4) the following shall be substituted, namely:

“(4) The Nursing Director shall attend all or part of each Boarding meeting as an invited guest as required by the Board, to update the Board on Nursing matters and any other matters as required by the Board.”.

10. Amendment of section 16 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 16,-

- (i) for sub-sections (3) and (4), the following shall respectively be substituted, namely:

“(3) On commencement of this Act, all the civil servants, serving in an existing Medical Teaching Institution may, within a period to be notified by the Government, opt for the employment of the Medical Teaching Institution. The civil servants who opt for employment of the Medical Teaching Institution, their service structure, promotion and disciplinary matters shall be determined by the Medical Teaching Institution. Such employees shall be entitled to post-retirement benefits and emoluments as per existing government laws and rules. Medical Teaching Institution shall deposit pension contribution on their behalf. For the civil servants on deputation to the Medical Teaching Institution, pension contribution shall be made by the Medical Teaching Institution. Civil servants who do not opt for their absorption in the Medical Teaching Institution, so notified, shall be dealt in such a manner as provided in section 11A of the Khyber Pakhtunkhwa Civil Servants Act, 1973, for their future posting which includes secondment to the Medical Teaching Institution on need basis. All deductions made from pay of such civil servants shall be deposited by the borrowing authority.

(4) After the commencement of this Act, if the provisions of this Act are applied to any newly established Medical Teaching Institution within the meaning of section 3 of this Act, all the civil servants serving in such Medical Teaching Institution shall be dealt in a manner as provided in sub-section (3); and

- (ii) in sub-section (5), for the brackets and figure "(4)", the brackets and figure "(3)" shall be substituted.

11. Amendment of section 17 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 17, for sub-sections (2) and (3), the following shall respectively be substituted, namely:

“(2) Employees, who opt for the private practice within the premises of the hospital, clinics, imaging facilities and laboratories of the Medical Teaching Institution, may be entitled to such increase in salary, adjustment, bonuses or other ancillary benefits, as the Board may approve.

(3) Employees, who do not opt for the private practice within the premises of the hospital, clinics, imaging facilities and laboratories of the Medical Teaching Institution, and shall not be entitled to any increase adjustment, bonuses or other ancillary benefits.”.

12. Amendment of section 22 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, the existing section 22 shall be numbered as sub-section (1) and thereafter the following new sub-section shall be added, namely:

“(2) Government may vest powers and functions in Chairman, under the rules which are not inconsistent with this Act.”.

13. Amendment of section 24 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 24, sub-section (2) shall be deleted.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

**(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa**