**PROVINCIAL ASSEMBLY OF THE PUNJAB**

**Bill No. 15 of 2019**

**THE PUNJAB MEDICAL TEACHING INSTITUTIONS REFORMS BILL 2019**

A

Bill

*to improve medical education and healthcare services in medical teaching institutions in the public sector.*

It is expedient to take measures to improve medical education and enhance effectiveness, efficiency and responsiveness for provision of quality healthcare services to the people of the Punjab in public sector hospitals and other matters ancillary and incidental thereto;

Be it enacted by Provincial Assembly of the Punjab as follows:

**CHAPTER 1**

**PRELIMINARY**

**1. Short title, extent and commencement**.–(1)This Act may be called the Punjab Medical Teaching Institutions Reforms Act 2019.

(2) It extends to the whole of the Punjab.

(3) It shall apply to such Medical Teaching Institutions as may be notified under this Act.

(4) It shall come into force at once.

**CHAPTER II**

**DEFINITIONS**

**2. Definitions**.-In this Act, unless the context otherwise requires:

1. “Act” means the Punjab Medical Teaching Institutions Reforms Act 2019;
2. “Basic Science Faculty” means all Medical Faculty not involved in patient care;
3. “Board” means the Board of Governors constituted under section 5 of the Act;
4. “Chairperson” means the Chairperson of the Policy Board or the Board of Governors of a Medical Teaching Institution;
5. “Clinical Faculty” means a Medical Faculty involved in any manner with clinical care of patients, whether diagnostic or therapeutic;
6. “Commission” means the Punjab Healthcare Commission established under the Punjab Healthcare Commission Act 2010 (XVI of 2010);
7. “consultant” means and includes-

(i) a person qualified to provide the highest level of medical and health care, and

(ii) recruited or appointed as such;

1. “Dean” means the academic head of a Medical Teaching Institution;
2. “employee” means:

(i) an employee of a Medical Teaching Institution appointed under the Act; or

(ii) an existing employee of the Medical Teaching Institution, lawfully appointed before commencement of this Act; or

(ii) a civil servant who has opted to become an employee of the Medical Teaching Institution under section 16 of the Act; or

(iii) a civil servant who is on deputation to the Medical Teaching Institution.

1. "Government" means Government of the Punjab;
2. "healthcare services” means preventive, curative, promotive, rehabilitative health services and includes diagnostic, support services, laboratory, accident and emergency, pharmacy and paramedic support;
3. “Medical Faculty” means and includes the Basic Science Faculty and Clinical Faculty which includes Senior Registrar and above as well as Dean of a College, involved in teaching, training or patient care;
4. “Medical Teaching Institution” means a Medical College, a Dental College, or other health related teaching institutions and their affiliated teaching hospitals in the public sector, which is funded in majority by public funds and the majority operating expenses of which are funded by public funds, or which is directly under the control of the Government and provides healthcare services, medical education and training, and medical research;
5. "member" includes the Chairperson;
6. "prescribed" means prescribed by the rules or the regulations made or framed under the Act;
7. "regulations" means the regulations framed under the Act;
8. "rules" means the rules made under the Act; and
9. "Search and Nomination Council" means the Search and Nomination Council notified by the Government under section 12 of the Act.

**CHAPTER: III**

**MEDICAL TEACHING INSTITUTIONS**

**3.** **Medical Teaching Institutions**.– (1)A Medical Teaching Institution shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of movable and immovable property and may in its name sue and be sued.

(2) Every Medical Teaching Institution shall consist of a college or teaching institution and such number of hospitals as may be notified.

**4. Objectives of the Medical Teaching Institutions**.- The objectives of the Medical Teaching Institutions shall be:

1. to undertake all functions required for providing health facilities to the people;
2. to provide medical education and training and research;
3. to provide health facilities and services to the people; and
4. to perform such other ancillary functions as are assigned to it by the Chief Minister from time to time.
5. **Provincial Policy Board**.-(1) There shall be a Provincial Policy Board to oversee and supervise the functioning of Medical Teaching Institutions.

(2) The Board shall consist of such number of members as the Government may determine and shall not be less than five members or more than seven members:

provided that a Government servant shall not be a member of the Board.

(3) The members of the Board shall be appointed from a list of persons submitted by the Search and Nomination Committee and shall have such qualifications as are provided in subsection (8) of section 7 of the Act.

(4) Not more than one third of the members of the Policy Board may be members of the Institutional Boards.

(5) The members of the Board shall hold office for a period of three years and shall be eligible for reappointment for one more term.

(6) The Board shall have a Chairperson who shall be elected in the manner provided in subsection (9) of section 7 of the Act.

1. **Functions of the Board**.- (1) The Provincial Policy Board shall:
2. ensure that every Medical Teaching Institution complies with such minimum standards as are determined by the Government, the Commission or such other bodies as are authorized by law to issue the same or such higher standards as may be determined by the Policy Board;
3. ensure that every medical teaching institution keeps and maintains medical records in an electronic form
4. ensure that every medical teaching institution keeps and maintains a list of inventories in an electronic form with a status update
5. ensure the audit of medical and other records to determine the performance of the hospitals, its units or clinics and its personnel
6. recommend to the Government, policies for the improvement of the Medical Teaching Institutions;
7. recommend to the Government changes and modifications in minimum standards;
8. recommend model regulations and other policies and amendments therein, to be framed by the Board of each Medical Teaching Institution;
9. plan and implement specialized central training programs as and when required for management and employees of all Medical Teaching Institutions;
10. ensure that minimum qualification standards established by PMDC or other regulatory bodies are met to ensure merit based appointments, provided that the Board of any Medical Teaching Institution may enhance such minimum qualification of merit at their discretion;
11. provide guidance and advice on any matter referred by the Board of a medical teaching institution or the Government;
12. review the annual reports of each Medical Teaching Institution and give recommendations thereon; and
13. assist, aid or advise the Government on any matter relating to the health sector as referred to them by the Government.

(2) The Policy Board shall meet at least three times in a year, in addition to holding an annual meeting, which shall be attended by the members of the Boards of all Medical Teaching Institutions.

1. **Board of Governors**.-(1) There shall be a Board of Governors for each Medical Teaching Institution.

 (2) The Board of Governors shall have overall superintendence and control over the functioning and administration of a Medical Teaching Institution.

 (3) The Board of Governors of each Medical Teaching Institution shall comprise such number of members as may be determined by the Government and shall not be less than five and not more than seven members:

 Provided that a Government servant shall not be a member of the Board.

 (4) A member shall, unless otherwise directed by the Chief Minister, hold office for a period of three years and be eligible for re-appointment.

 (5) A vacancy in the Board shall be filled within one month.

 (6) The Chairperson, Board of Governors of the Medical Teaching Institution, may, in case of exigency of service, appoint Deans, Medical Director, Hospital Director, Nursing Director and Finance Director on officiating basis and all such appointments shall be placed before the Board of Governors for approval within three months.

 (7) The members of the Board shall be eminent technical and professional persons in their respective fields in the areas of law, regulation, finance, management, medical services, medical education and patient care.

 (8) The Chairperson shall be elected by the members of the Board through voting from amongst themselves, who shall preside over the Board meetings and in case of his absence, the Chairperson may nominate a Board member as acting Chairman or if he has not done so, the members present shall elect an acting Chairperson for that meeting.

 (9) If for any reason the Board becomes dysfunctional, the Government shall by notification in the official Gazette constitute a committee of administration which shall perform the functions of the Board and such committee of administration shall not act beyond a period of two months during which the Government shall reconstitute the Board or make the same functional.

1. **Manner of appointment and removal**.-(1)The members shall be appointed and notified by the Government on the recommendation of the Search and Nomination Committee constituted under the Act.

 (2) A member shall cease to hold office when a notification to that effect is issued by the Government.

 (3) The Government shall remove a member from the Board if-

1. he resigns; or
2. fails to attend three consecutive meetings without sufficient cause;
3. he becomes incapacitated.
4. **Disqualification of members**.-No person shall be appointed or remain as a member of the Board , if he-
5. is of unsound mind;
6. has applied to be adjudicated as an insolvent and his application is pending;
7. is an un-discharged insolvent;
8. has been convicted by a Court of law for an offence involving moral turpitude;
9. has been debarred from holding any office under any provisions of law; or
10. has a conflict of interest with such a position.
11. **Conduct of Business**.- (1) All decisions of the Board shall be taken by consensus, and in case of division of opinion, the decision shall be taken by majority of votes and in case of equality of votes, the Chairperson of the Board shall have a second or casting vote.

(2) No act or proceedings of the Board shall be invalid, merely on account of existence of any vacancy.

(3) The quorum for a meeting of the Board shall be four members or two thirds of the total number of Board Members, whichever is less.

(4) The member count shall be determined by actual members being present and proxy vote shall not count.

(5) The Board may hold meetings as frequently as required; provided that the Board shall hold at least one meeting on quarterly basis.

(6) Special meetings of the Board shall be convened on the special request of at least one third of the Board members for consideration of any important or urgent matter.

(7) Subject to the provisions of the Act and the rules made thereunder, the Board may constitute committees and sub committees to perform such functions as may be prescribed.

(8) The remuneration for attending the Board meeting shall be such as may be prescribed by rules.

(9) The Secretary to the Board shall be an employee of the Board, who shall perform all secretarial and office functions of the Board at the direction of the Chairperson; and would be responsible for recording minutes of the Board meetings, convening Board meetings, carrying out communication with all Board members, and all other functions as may be prescribed by the Board or the Chairperson.

1. **Functions and powers of the Board of Medical Teaching Institutions**.-(1) The Board shall be responsible for:
2. ensuring that the objectives of the Medical Teaching Institution within the overall ambit of Government policy are achieved, overseeing the effective management, and providing strategic direction to the Medical Teaching Institution;
3. policy making of a Medical Teaching Institution and ensuring that the performance of a Medical Teaching Institution and its programs are efficient and effective;
4. prescribing procedure for appointment, terms and conditions of service, disciplinary matters and other service matters for the employees of a Medical Teaching Institution; creation, re-designation or abolition of posts provided that the financial implications do not exceed the approved annual budget;
5. approval of vision and mission statement of a Medical Teaching Institution;
6. approval of annual business plan;
7. review and approval of major transactions;
8. approval of new programs and services and monitor organizational performance;
9. approval of financial plans and annual budget;
10. approval of bye-laws for medical staff and oversee the process for appointment of members of the medical staff;
11. approval of programs and services to ensure that a Medical Teaching Institution fulfills legal, regulatory and accreditation requirements;
12. constitution of Finance Committee, and such other Committees or Sub-Committees, as it may deem appropriate; and
13. compliance with the Government and Board policies and minimum standards applicable;
14. compliance with minimum standards set by the Commission or other bodies authorized by law to issue standards;
15. maintenance of all medical and other records in an electronic form; and
16. maintenance of a list of inventories in an electronic form with a status update.

(2) each Medical Teaching Institution shall be accountable to the Government for its performance and shall regularly provide performance based data at set intervals based on Government's set performance monitoring format for the Medical Teaching Institutions with attendant reward and discipline measures and the; the Government shall also periodically evaluate the performance of the Medical Teaching Institutions against the set targets particularly related to efficiency, effectiveness and equity with attendant reward and discipline measures.

(3) The Board may delegate its powers for recruitment to various management levels within the Medical Teaching Institution.

(4) The Chairperson may make appointment of a Dean, Hospital Directors, Medical Directors, Nursing Directors and Finance Directors on officiating basis for a period of up to 3 months; provided that the process of regular appointments shall be completed during this period.

(5) The Board shall appoint the Dean of the Medical Teaching Institutions and, Hospital Directors, Medical Directors, Nursing Directors and Finance Directors of the hospitals forming part of it.

**12. Search and Nomination Committee.**- (1) The Chief Minister shall constitute and notify a Search and Nomination Committee, for recommendations of persons from the private sector suitable to be appointed as members of the Board and members of the Policy Board, which shall consist of:

1. Minister for Health; Chairman
2. Additional Chief Secretary Punjab; Vice Chairman
3. Secretary to the Government, Specialized Healthcare and Medical Education Department; Member
4. Vice Chancellor of a medical University; Member
5. a philanthropist with substantial contribution to the public healthcare system to be nominated by Chief Minister; Member
6. a retired senior person from medical profession to be nominated by Chief Minister; Member
7. a representative of civil society to be nominated by Chief Minister; Member

(2) The Chairman shall chair the meeting of the Council and in his absence, the Vice Chairman shall chair the meeting.

(3) A member from private sector shall, unless otherwise directed by Chief Minister, hold office for a period of three years and shall be eligible for another term of three years or part thereof as the Government may deem appropriate:

provided that the Government may remove a non-official member at any time after giving him an opportunity of being heard.

* + - 1. **Teaching Institutions**.- (1) A medical institution notified under the Act which is not subject to a Medical University Act shall be affiliated with the University of Health Sciences for purposes of syllabus, curriculum, training and examinations.

(2) A Medical Teaching Institution notified under the Act shall be headed by a Dean and shall consist of a Chairpersons and medical faculties of various departments of the Teaching Institution.

(3) A medical teaching institution notified under this Act shall have an Academic Council, headed by the Dean and consisting of such members as may be prescribed, to set principles and standards for teaching, research, training, student admissions, curriculum development and to ensure and inculcate the highest ethical standards.

(4) Where a medical teaching institution is subject to a medical university Act, the provisions of this Act shall be in addition to the provisions contained in that Act.

**14. Management Committee**.-(1) For every hospital forming part of the Medical Teaching Institution, there shall be a Management Committee headed by the Dean and consisting of the following:

(a) Hospital Director;

(b) Medical Director;

(c) Nursing Director;

(d) Finance Director; and

(e) two persons nominated by the Board on the recommendations of the Dean.

(2) The Management Committee shall:

(i) subject to delegation of powers by the Board, appoint or terminate any and all employees of a Medical Teaching Institution in accordance with the rules and regulations framed under this Act;

(ii) review and recommend for approval to the Board, the Annual Budget, for the Medical Teaching Institution, as prescribed by regulations;

(iii) coordinate efforts to ensure achievement of the relevant Standards;

(iv) submit a quarterly report on management, health care services and financial management on a prescribed format to the Board;

(v) recommend to the Board any addition of a department, facility or post at the Medical Teaching Institution; and

(vi) perform all such functions as may be specifically prescribed by regulations.

1. **Dean**.-(1) The Dean shall be appointed by the Board for a period of five years, and shall be eligible for re-appointment, on such terms and conditions and having such qualifications and experience as the Board may prescribe.

(2) The Dean shall be the Chief Executive Officer of the Medical Teaching Institution.

(3) The Dean shall act to ensure that the Medical Teaching Institution-

1. functions in accordance with law, rules and regulations;
2. complies with minimum standards regarding provision of health services;
3. maintains medical records of all patients;
4. maintains all other records; and
5. works in accordance with the policy directions of the Board.

(4) The Dean, on appointment, shall simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed Institutional requirements for the faculty post, which appointment shall not be limited to the term applicable to the office of the Dean.

(5) The Chairpersons of various departments for Medical Institutions shall be appointed by the Dean, from amongst the medical faculty on such terms and conditions and in such a manner as may be prescribed and a Chairperson may be removed by the Board on the recommendation of the Dean.

(6) The Dean may be removed from the office by the Board, before the expiration of the period of five years, at any time on such grounds as may be prescribed including failure to achieve targets set by the Board.

(7) In the performance of functions, the Dean shall be responsible to the Board and the Chairpersons of the department shall be responsible to the Dean and Academic Council.

(8) The Board from amongst the Chairpersons shall appoint a Vice-Dean to perform the functions of the Dean in the absence of the Dean.

1. **Hospital Director**.- (1) The Board shall appoint a full-time Hospital Director for every hospital forming part of the Medical Teaching Institution for a period of five years.
2. The Hospital Director shall be eligible to re-appointment, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Hospital Director.
3. The Hospital Director shall possess a recognized Masters degree in Hospital Management or Health Services Management or Business Management or Public Health or Public Administration or any other relevant management qualifications having experience of management in an organization or institution as may be prescribed:

provided that a person, who possesses a recognized medical degree may also apply for the post of Hospital Director with the condition that he shall have an additional management degree and experience provided in this sub­section and shall have no right to do private practice.

1. The Hospital Director may be removed from the office by the Board, before the expiration of the period of five years, on such grounds as may be prescribed.
2. In performance of his functions, the Hospital Director shall be responsible to the Board.
3. The Hospital Director shall not have any conflict of interest with such a position.

**17.** **Functions of the Hospital Director**.- The Hospital Director shall be responsible:

1. for all non-clinical functions of the hospital;
2. preparation of the annual budget, and business plan for presentation to the Management Committee and Board;
3. maintenance of building and engineering services;
4. maintenance and development of all ancillary services, including but not limited to pharmacy, nursing, materials management, human resources, clerical, communications and security services;
5. to act as the principal accounting officer responsible and accountable for maintaining financial discipline and transparency;
6. for implementation and execution of Board and Management Committee policies and to achieve the targets set by the Board; and
7. ensuring compliance with minimum standards and maintenance of records.

**18.** **Medical Director**.- (1) The Board shall appoint a full time, Medical Director for every hospital forming part of the Medical Teaching Institution for a period of five years and shall be eligible for re-appointment, 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, on appointment, will simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed Institutional requirements for the faculty post, which appointment shall not be limited to the term applicable to the office of the Medical Director.

(3) The Medical Director shall possess a recognized Medical degree with management or administrative experience of working in management positions in an institution or organization as may be prescribed by the Board.

(4) The Medical Director may be removed from the office by the Board, before the expiration of the period of five years, on such grounds as may be prescribed by the Board.

(5) All clinical department heads will report to the Medical Director.

(6) In performance of his functions, the Medical Director shall be responsible to the Board.

(7) The Medical Director shall not have any conflict of interest with such a position.

**19.** **Functions of the Medical Director**.- The Medical Director shall be responsible for all clinical functions of the hospital, including but not limited to:

(a) ensuring clinical excellence in all aspects of hospital function;

(b) ensuring timely, appropriate management of patients;

(c) ensuring the best outcomes for all patients;

(d) undertaking clinical governance for quality control;

(e) assessing and auditing existing clinical programs and developing new clinical programs;

(f) develop an annual clinical budget, including capital medical equipment requests for presentation to the Hospital Director, the Management Committee and the Board; and

(g) ensuring compliance with minimum standards pertaining to health care services and maintenance of medical records.

**20. Nursing Director**.- (1) The Board shall appoint a full time, Nursing Director for every hospital forming part of the Medical Teaching Institution for a period of five years, and shall be eligible for re-appointment, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as such.

(2) The Nursing Director shall possess such qualification and experience as may be prescribed by the Board.

(3) The Nursing Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed by the Board.

(4) In performance of his functions, the Nursing Director shall be responsible to the Board.

(5) The Nursing Director shall not have any conflict of interest with such a position.

(6) The Nursing Director shall be responsible for all nursing functions, including training of nurses, ensuring adequate nursing staffing for all clinical needs, ensuring minimum standards and maintenance of records, maintaining the highest nursing standards and performing regular audits of nursing functions.

(7) The Nursing Director shall perform such other functions as may be prescribed by the Board.

**21.** **Finance Director**.- There shall be a Finance Director for every hospital forming part of the medical teaching institution shall be appointed by the Board in the prescribed manner, for a period of three years, and shall be eligible for re-appointment, who shall be an employee of a Medical Teaching Institution with minimum qualifications as may be prescribed and to perform such functions in relation to financial matters as may be prescribed.

**22. Services of the Medical Teaching Institution**.- (1) The Board may appoint such persons, experts or consultants in the service of a Medical Teaching Institution, as deemed necessary and on such terms and conditions as may be prescribed.

 (2) Before the commencement of this Act, all administrative and teaching staff who are employees of the medical teaching institution, regardless of status of terms and conditions of service before commencement of this Act shall be considered employees of the concerned Medical Teaching Institution on such terms and conditions as may be prescribed by the Board of Governors:

 provided that such terms and conditions shall not be less favorable in financial terms than the terms and conditions admissible to them immediately before the commencement of this Act.

(3) All the civil servants serving in an existing Medical Teaching Institution, who opt for the employment of the Medical Teaching Institution, shall be subject to terms and conditions of employment as prescribed by the regulations including but not limited to their service structure, promotion and disciplinary matters and such opting employees shall be entitled to post-retirement benefits and emoluments as per the existing laws and rules; the Medical Teaching Institution shall deposit pension contribution on their behalf.

(4) The civil servants, who do not opt for absorption in the Medical Teaching Institution, shall be dealt with in such manner as may be provided in the Punjab Civil Servants Act, 1974 (VIII of 1974), for their future posting, which includes deputation to the Medical Teaching Institution subject to a request being made by the Board:

provided that a civil servant working in a Medical Teaching Institution, shall at all times, be deemed to be on deputation and all deductions made from the pay of such civil servants shall be deposited by the borrowing authority.

(5) A civil servant at the request of the Board may be sent on deputation to the Medical Teaching Institution by the Government and for civil servants on deputation to the Medical Teaching Institution, pension contribution shall be made by the Medical Teaching Institution; the deputation of a civil servant to a Medical Teaching Institution may be terminated by the Board at any time without assigning any reason thereof and such civil servants services shall revert to the Government immediately upon such termination being notified by the Board.

 (6) A civil servant, who opts to join the employment of the Medical Teaching Institution, shall cease to be civil servant from the date of his notification in the service of the Medical Teaching Institution concerned and their seniority, pension and other matters vis-à-vis employment in the Medical Teaching Institution, shall be determined in the manner, as may be prescribed.

(7) If at any time, a Medical Teaching Institution reverts to the Government for running under its own administration and management for any reason, the employees appointed under sub-section (1) shall continue to serve the Medical Teaching Institutions, on the same terms and conditions as applicable to them immediately before such reversion.

(8) All employees of a Medical Teaching Institution, whether having opted or directly appointed prior to the commencement of this Act or pursuant to this Act, shall be at all times governed exclusively by the terms and conditions of service, as may be prescribed.

(9) All employees of a Medical Teaching Institution, except the Dean, Hospital Director, Medical Director, Nursing Director and Finance Director, shall have the right to appeal against any penalty, censure or termination of their employment to the Board and the second appeal shall lie to the Provincial Review Board.

(10) The provincial review board shall consist of such persons as may be prescribed.

(11) Any employee aggrieved by a decision of the Board may seek resolution of the grievance by referral of the grievance or dispute to the Review Board for Medical Teaching Institutions and the decision of the Review Board shall be final in all respects.

(12) On commencement of this Act all employment disputes as may be pending before any Court shall be transferred with immediate effect to the Review Board established by the Government under this Act.

**23.** **Private Practice**.- (1) After the issuance of a notification under subsection (3) of section 1 of this Act, all Consultants working in a hospital forming part of the teaching institution shall be given an option either to do their private practice within the hospital of a Medical Teaching Institution or to do their private practice outside the hospital of a Medical Teaching Institution, as the case may be; the option shall be exercised within a period of sixty days of issuance of the notification under this section and the Board may specify further time period for exercise of the option in such manner as may be prescribed by rules.

 (2) Employees who opt for private practice within the premises of the hospital 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) The option to do private practice shall be subject to a performance audit in such manner as may be prescribed by rules.

 (4) The employees, who do not opt for private practice within the premises of the hospitals of the Medical Teaching Institutions, shall not be entitled to any increase and adjustment, incentives, bonuses or other ancillary benefits or administrative posts, except as may be prescribed by rules.

 (5) In the performance of functions in the Hospital, the Consultant shall be responsible to the Hospital Management with respect to delivery of services.

 (6) The Medical Teaching Institution shall provide facilities for the most efficient services to allow the Consultants to perform their services at the highest level of excellence, including space, equipment, nursing, ancillary or clerical staff, laboratory, imaging and inpatient and surgical services as needed; the Medical Teaching Institution will remain open as long as necessary to provide these services and the individual Consultant shall be held responsible for the most efficient use of the facilities and shall be expected to provide cost and income projections for each new facility, equipment or service request with the support of Hospital Director and staff.

 (7) Consultant’s professional fee for private practice shall not exceed the fees fixed by the Board.

 (8) Private patient billing shall consist of the professional fee component and the Institutional charges representing the charges of the clinic, imaging facility, laboratory services, or other Institutional charges:

provided that all patient billing shall be done only by the hospital, and the professional fee component shall be returned to the Consultant.

 (9) No reduction of the professional component income to the Consultant from the patient shall be permissible by the Medical Teaching Institution.

 (10) A percentage share from the institutional charges shall be distributed between the employees of the Medical Teaching Institution, based on the performance and productivity, according to a format to be prescribed by Regulations.

**24.** **Retention of Fee**.- Notwithstanding anything contained in any law or rules, the Medical Teaching Institution shall retain receipts from various fees levied by the Government or the Board to meet recurring and development expenditure of the Medical Teaching Institution, and the amount realized from receipts of the Medical Teaching Institution shall not be deducted from the annual grant of the Medical Teaching Institution provided by the Government and such amount realized from receipts shall be utilized as may be specified by the Board.

**25. Duties of health care service providers**.- Every health care service provider in a medical teaching institutions shall:

1. familiarize himself with minimum standards and comply with the same;
2. maintain medical records and other records in the prescribed manner; and
3. provide the same level of care to private and non-private patients.
4. **Fund**.- (1) There shall be a Fund to be known by the name of each Medical Teaching Institution and shall vest in the Medical Teaching Institution concerned.

(2) The Fund established under section 14 of the Punjab Medical and Health Institutions Act 2003 (IX of 2003), shall be deemed to have been established under this Act.

(3) The Fund shall consist of:

(a) grants from the Government as a single line budget.

(b) receipts and user charges as specified by Board in consultation with the Government from time to time in such manner as may be prescribed;

(c) voluntary contributions or donations; and

(d) grants from other sources.

(4) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed by regulations after approval from the Government.

(5) The Fund account shall be maintained at such Bank or Treasury as may be prescribed by regulations after approval from the Government.

(6) The Board may, in so far as its money is not required for immediate expenses, invest the surplus money in such manner as may be prescribed.

(7) The Board shall not invest any money in the Fund in listed securities or any derivatives thereof, whether listed or not.

**27. Budget, audit and accounts**.- (1) The budget of an institution shall be approved by the Board and its accounts shall be maintained and audited in such manner as may be prescribed by the regulations.

 (2) The Chief Minister may order to carry out special audit other than routine audit through third party as and when deemed necessary.

 (3) The accounts of the Medical Teaching Institution shall be audited by the Auditor-General of Pakistan.

**28. Public servant**.- All employees of the Medical Teaching Institution shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 *(XLV of 1860)*:

provided that it shall not ascribe to them any rights of employment or benefit as may be otherwise applicable to public servants.

**29.** **Removal of Difficulties**.- (1) Notwithstanding anything contained in the provisions of this Act, the Government may take such measures as deemed fit for the purpose of removing difficulties and ensuring effective and efficient healthcare management.

 (2) The Government may vest powers and functions in the Chairperson of the Board under the rules, which are not inconsistent with the Act.

**30**. **Power to make rules**.- The Government may, by notification in the official Gazette, make rules for giving effect to the provisions of the Act.

**31.** **Power to make Regulations**.- (1) The Board may frame regulations, not inconsistent with the provision of this Act, applicable standards and the rules, for carrying out the purposes of the Act.

 (2) The power to frame regulations conferred by this section shall be subject to the condition of previous publication and, before making any regulations, the draft thereof shall be published, in the official Gazette, and on the website of the Medical Teaching Institution, for eliciting public opinion thereon within a period of not less than fifteen days from the date of publication.

**32.** **Overriding Effect.**- Unless otherwise stated by this Act, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of inconsistency to this Act shall cease to have effect.

**STATEMENT OF OBJECTS AND REASONS**

It is necessary to take measures to improve medical education and enhance effectiveness, efficiency and responsiveness for provision of quality healthcare services to the people of the Punjab in public sector hospitals. The said measures may be taken under a comprehensive law; hence this Bill.

 **MINISTER INCHARGE**

**Lahore: MUHAMMAD KHAN BHATTI**

**29 April 2019 Secretary**