

Dated Quetta, the 21st October, 2015.

No.PAB/Legis:V(22)/2015. The Establishment of the Balochistan Institute of Nephro Urology Quetta Bill, 2015, (Bill No. 22 of 2015) having been passed by the Provincial Assembly of Balochistan on 12th October, 2015 and assented to by the Governor, Balochistan on 16th October, 2015 is hereby published as an Act of Balochistan Provincial Assembly.

**The Establishment of the Balochistan Institute of
Nephro-Urology Quetta Act, 2015(Act No XVIII of 2015.**

**AN
Act**

to provide for the establishment of the Balochistan Institute of Nephro-Urology, Quetta and their affiliated teaching hospitals/Centre in the Province of the Balochistan and to improve performance, enhance effectiveness, efficiency and responsiveness for the provision of quality renal healthcare services to the people of Balochistan.

WHEREAS it is expedient to make provision for establishment and efficient management of the Balochistan Institute of Nephro-Urology, Quetta and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

**CHAPTER- I
PRELIMINARY**

**Short title,
extent,
application and
commencement.**

1. (1) This Act may be called the Establishment of the Balochistan Institute of Nephro Urology Quetta Act, 2015.
- (2) It shall extend to the whole of Balochistan except Tribal Areas.
- (3) It shall come into force at once.

**CHAPTER- II
DEFINITIONS**

Definitions

2. In this Act, unless the context otherwise requires,—
 - (a) “**Board**” means the Board of Governors constituted under section 5 of this Act;
 - (b) “**Chairperson**” means the Chairperson of the

Board of Governors of the Balochistan Institute of Nephro Urology, Quetta;

- (c) **“Clinical Faculty”** means a Medical Faculty involved in any manner with a clinical care of patients, whether diagnostic or therapeutic;
- (d) **“Department”** means the department of Nephrology, Urology, Anesthesiology, Radiology and Pathology;
- (e) **“Institute”** means the Balochistan Institute of Nephro Urology, Quetta;
- (f) **“Consultant”** means and includes—
 - (i) those medical faculties involved in patients care; *or*
 - (ii) those staff hired by the Balochistan Institute of Nephro-Urology, Quetta to act as service provider to the patients in Hospital.
- (g) **“Teaching Hospital”** means a Hospital affiliated with the Balochistan Institute of Nephro Urology, Quetta in the public sector or directly under the control of Government, which provides healthcare services, medical education and training, and medical research;
- (h) **“Government”** means the Government of the Balochistan;
- (i) **“Member”** means a member of the Board including Chairperson;
- (j) **“Prescribed”** means prescribed by rules or regulations made under this Act;
- (k) **“Regulations”** mean regulations made under this Act;
- (l) **“Rules”** mean rules made under this Act; *and*
- (m) **“Executive Council”** means an Executive Council notified by Government under section 8 of this Act.

CHAPTER– III
MEDICAL TEACHING INSTITUTIONS

- Establishment of Balochistan Institute of NephroUrology, Quetta and their affiliated Hospitals.** 3. (1) Government may, by notification in the official Gazette, establish Balochistan Institute of Nephro Urology, Quetta and an allied Teaching Hospital, as it may deem necessary and shall apply the provisions of this Act to this institution and its allied hospitals.
- (2) The Balochistan Institute of Nephro Urology, Quetta and Hospital established under this Act 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.
- Objects.** 4. The objects of the Balochistan Institute of Nephro Urology, Quetta and its teaching Hospital/Centers shall be—
- (a) to undertake all functions required for providing services in the area of renal diseases including renal transplantation, for the people of Balochistan and the region at large, developing to the level of a centre of excellence in the field of healthcare and research;
- (b) to achieve this and related objectives inclusive of a Centre of excellence in Health Professionals Education and Training in the related fields, ranging from Postgraduate Medical Education, Nursing, Paramedical, Social Service, Support Staff and related Trainings;
- (c) to train the doctors, technicians and paramedics for future planning to establish dialysis facility on Divisional and District level; *and*
- (d) to perform such other functions as are assigned to it by the Government.
- Board of Governors.** 5. (1) There shall be a Board of Governors for the Balochistan Institute of Nephro Urology, Quetta and their allied Hospitals/Centers to administer and manage its affairs.

(2) The Board of Governors shall comprise the following:

1	Minister, Health Department;	Chairperson
2	Secretary, Health Department, GoB;	Vice Chairperson
3	Secretary, Finance Department, GoB;	Member
4	Secretary, Planning & Development Department, Quetta GoB;	Member
5	Secretary, Law Department, GoB;	Member
6	Secretary, Labour and Manpower Department/ Chairman WWB, GoB;	Member
7	Heads of concerned Departments;	Member
8	Two Members of Provincial Assembly (nominated by the Speaker, Balochistan Assembly);	Member
9	Two Members from Civil Society (to be nominated by the Government); <i>and</i>	Member
10	Chief Executive Officer of the Institute.	Member/ Secretary

Conduct of business.

6. (1) The chairperson of the Board shall preside over the meeting and in his absence the said meeting shall be presided over by the vice chairperson.

(2) 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:

Provided that in case of equality of votes, the Chairperson of the Board shall have a second or casting vote.

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

(4) The quorum shall be two third of the total numbers of the Board members.

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

(6) No member except specifically stated in the

text shall, chair or be member of subordinate committee or sub-committee, to ensure unbiased oversight.

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

(8) 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.

(9) Subject to the provisions of this Act and the rules made there under, a Committee constituted under this sub-section (8) shall perform such functions as may be prescribed.

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

(11) The Secretary to the Board would perform all secretarial and official functions of the Board at the direction of the Chairperson or the vice chairperson as the case may be; and would be responsible for taking minutes at the Board meetings, convening Board meetings, sending out letters to Board members as per direction of the Board Chairperson or the vice chairperson of.

Functions and powers of the Board.

7. (1) The Board shall be responsible for—
- (a) ensuring that the objectives of the Institute within the overall ambit of Government policy are achieved, overseeing the effective management, and providing strategic direction to the Institute;
 - (b) policy making of the Institute and ensuring that the performance of Institute and its programs are efficient and effective;
 - (c) approval of vision and mission statement of the Institute;
 - (d) approval of annual budget /business plan;
 - (e) approval of the recommendations for the recruitment in B-17 and above in

the Institute / Hospital.

- (f) approval of new programs and services and monitor organizational performance; *and*
- (g) Compliance to Government policies and standards and in case of any deviation from agreed standards or procedures shall obtain prior approval from Government.

(2) The Balochistan Institute of Nephro Urology, Quetta/Hospital shall be accountable to Government for its performance and shall regularly provide performance based data at set intervals based on Government's set performance monitoring format for the Institute with attendant reward and discipline measures and the Government shall also periodically evaluate the performance of the Institute 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 Institute.

Executive Council.

8. (1) Government shall constitute and notify on Executive Council for the Institute, which shall consist of-
- (a) Secretary to the Government, Health Department; Chairperson
 - (b) Representative of the Finance / S&GAD / P&D / Law Department not below the rank of Additional Secretary; Member
 - (c) Representatives of the concerned departments; *and* Member
 - (d) Chief Executive Officer of the Institute. Member/
Secretary

(2) The Chairperson shall chair the meeting of the Council.

(3) The Council shall be responsible for–

- (a) review and approval of major transactions;
- (b) approval of new programs and services and monitor organizational performance;
- (c) preparation of financial plans and annual budget;
- (d) to perform the function as recruitment Committee for the staff of the Institute for the positions in B-17 and above;
- (e) recommend for the appointment of members of the medical staff in B-16 and below;
- (f) approval of programs and services to ensure that Institute fulfills legal, regulatory and accreditation requirements;
- (g) constitute Executive Committee, Finance Committee, Recruitment Committee and such other Committees or Sub-Committees, as it may deem appropriate; *and*
- (h) compliance to Government policies and standards and in case of any deviation from agreed standards or procedures shall obtain prior approval from Government.

Chief Executive Officer.

9. (1) The Government of Balochistan shall appoint a full time Chief Executive Officer for the Institute on proposal of the Health Department.

(2) The Chief Executive Officer shall be selected from the Senior Professors of the Urology or Nephrology Department of the Government Hospitals, who possess a Postgraduate Degree recognized by PMDC and also has other relevant experience of management in an organization or

institution as may be prescribed.

(3) The Chief Executive Officer may be removed from the office by the Government on the recommendation of the Board.

(4) The Chief Executive Officer shall be required to attend each Board meeting, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(5) In performance of his functions, the Chief Executive Officer shall be responsible to the Board.

(6) The Chief Executive Officer shall not have any conflict of interest with such a position.

Functions of the Chief Executive Officer.

10. The Chief Executive Officer shall be responsible—
- (a) for all clinical and non-clinical functions of the Institute;
 - (b) preparation of the annual budget, and business plan for presentation and approval to the Board;
 - (c) develop an annual clinical budget, including capital medical equipment requests for presentation to the Board;
 - (d) maintenance of building and engineering services;
 - (e) maintenance and development of all ancillary services, including but not limited to pharmacy, nursing, materials management, human resources, clerical, communications and security services;
 - (f) ensuring clinical excellence in all aspects of Hospital function;
 - (g) ensuring timely, appropriate management of patients;
 - (h) ensuring the best outcomes for all patients;
 - (i) undertaking clinical governance for quality control;
 - (j) assessing and auditing existing clinical programs and developing new clinical

programs;

- (k) to act as the principal accounting officer responsible and accountable for maintaining the financial discipline and transparency; *and*
- (l) for implementation and execution of Board policies and to achieve the targets set by the Board.

**Service of the
Balochistan
Institute of
Nephro Urology,
Quetta/Hospital.**

11. (1) The Board may appoint such persons, experts, consultants or teaching staff in the service of a Balochistan Institute of Nephro Urology, Quetta/Hospital, as deemed necessary and on such terms and conditions as may be prescribed.

(2) Before the commencement of this Act, all administrative, medical, nursing and teaching staff recruited under the Balochistan Civil Servants Act, 1974 (Act No. IX of 1974) or any other Rules in vogue, shall be considered as employees of the Balochistan Institute of Nephro Urology, Quetta/Hospital and shall continue to serve the Balochistan Institute of Nephro Urology, Quetta/Hospital on the same terms and conditions as applicable to them immediately before the issuance of the notification, till further orders.

(3) The options under sub-section (4) once exercised shall be final. A civil servant, who opt to serve the Balochistan Institute of Nephro Urology, Quetta / Hospital shall cease to be civil servant from the date of his absorption in the service of the Balochistan Institute of Nephro Urology, Quetta/Hospital concerned and their seniority, pension and other matters vis-à-vis with the employees of the Balochistan Institute of Nephro Urology, Quetta, shall be determined in the manner, as may be prescribed by rules.

(4) If at any time, a Balochistan Institute of Nephro Urology, Quetta reverts to Government for running under its own administration and management for any reason, the employees appointed under sub-section (1) shall continue to

serve the Balochistan Institute of Nephro Urology, Quetta, on the same terms and conditions as applicable to them immediately before such reversion.

Private practice. 12.

(1) After the commencement of this Act, all Consultants working in Government hospitals, clinics, imaging facilities and laboratories shall be given an option either to do their private practice within the hospitals, clinics, imaging facilities and laboratories of the Balochistan Institute of Nephro Urology, Quetta or to do their private practice outside the hospitals, clinics, imaging facilities and laboratories of the Balochistan Institute of Nephro Urology, Quetta, as the case may be. The option shall be exercised within a period of sixty (60) days after the commencement of this Act. The question of option shall be further streamlined under the rules.

(2) The civil servants or the employees of the Balochistan Institute of Nephro Urology, Quetta, as the case may be, if, opt for the private practice within the premises of the institute / Hospital, clinics, imaging facilities and laboratories of the Balochistan Institute of Nephro Urology, Quetta, may be entitled to such increase in salary, adjustment, bonuses or other ancillary benefits, as the Board may approve.

(3) The civil servants and the employees of the Balochistan Institute of Nephro Urology, Quetta, who do not opt for private practice within the premises of Hospital, clinics, imaging facilities and laboratories, shall be allowed to do their private practice outside the premises of Hospital, clinics, imaging facilities and laboratories of the Balochistan Institute of Nephro Urology, Quetta and shall not be entitled for any increase in adjustment, bonuses or other ancillary benefits:

Provided that a Consultant, who do not give any option for private practice shall be dealt in such a manner, as the Government may determine.

Provided further that after the commencement of this Act, any person appointed as Consultant in a Balochistan Institute of Nephro Urology, Quetta, shall do private practice within the premises of the

institute / Hospital, clinic, imaging facility or laboratory of Balochistan Institute of Nephro Urology, Quetta.

(4) In the performance of functions in the Hospital, the Consultant shall be responsible to the institute/Hospital Management, with respect to service provider to the patient in the Hospital and shall follow all the rules and regulations relating to the Hospital Management.

(5) The Balochistan Institute of Nephro Urology, Quetta/ Hospital 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 Balochistan Institute of Nephro Urology, Quetta will remain open as long as necessary to provide these services. 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 Chief Executive Officer and staff.

(6) Consultants professional fee shall not exceed the usual and customary fees charged for the same services in the community, assuring efficiency, and value for money to the clients.

(7) 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 the Hospital, clinic, imaging facility, or laboratory, and the professional fee shall return component to the Consultant.

(8) No reduction of the professional component income to the Consultant from the patient shall be permissible by the Balochistan Institute of Nephro Urology, Quetta.

(9) A percentage share from the institutional charges shall be distributed between the employees of the Balochistan Institute of Nephro Urology, Quetta, based on the performance and productivity, according to a format to be

prescribed by rules.

- Retention of fee.** 13. (1) Notwithstanding anything contained in any law or rules, the Balochistan Institute of Nephro Urology, Quetta/Hospital shall retain receipts from various fees levied by Government or the Board to meet recurring and development expenditure of the Balochistan Institute of Nephro Urology, Quetta.
- (2) The amount realized from receipts of the Balochistan Institute of Nephro Urology, Quetta shall not be deducted from the annual grant of the Balochistan Institute of Nephro Urology, Quetta provided by Government and the Board shall utilize such amount realized from receipts as per specification.

- Fund.** 14. (1) There shall be a Fund to be known by the name of each Balochistan Institute of Nephro Urology, Quetta/ Hospital and shall vest in the Balochistan Institute of Nephro Urology, Quetta /Hospital.
- (2) The Fund shall consist of—
- (a) grants from Government in such manner as may be notified;
 - (b) receipts and user charges as specified by Board in consultation with Government from time to time in such manner as may be prescribed;
 - (c) voluntary contributions or donations;
and
 - (d) grants from other sources.
- (3) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.
- (4) The Fund account shall be maintained at such Bank or Treasury as may be prescribed.
- (5) The Board may, in so far as its money is not required for immediate expenses, invest the surplus money in such manner as ay be prescribed.
- (6) The Board shall not invest its money in

listed securities or any derivative thereof whether listed or not.

Budget, audit and accounts.

15. (1) The budget of the Institution shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.
- (2) Government may order to carry out special audit other than routine audit through third party as and when deemed necessary.
- (3) The accounts of the Balochistan Institute of Nephro Urology, Quetta shall be audited by the Auditor-General of Pakistan.

Public servant.

16. The Board members and all other employees of the Balochistan Institute of Nephro Urology, Quetta and its allied Hospitals/centers shall be deemed to be public servants within the meaning of section 21 of the Pakistan Panel Code (Act XLV of 1860).

Removal of difficulties.

17. If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as it may deem to be necessary for the purpose of removing such difficulty and such power may be exercised upto one year after the commencement of this Act.

Power to make rules.

18. Government may, by notification in the official Gazette, make rules for giving effect to the provisions of this Act.

Power to make regulations.

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

Overriding effect.

20. Notwithstanding anything to the contrary contained in any other law, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of such inconsistency to this Act shall cease to have effect

(MUHAMMAD AZAM DAWI)
Secretary,
Balochistan Provincial Assembly