

**THE PUNJAB MEDICAL TEACHING INSTITUTIONS
(REFORMS) ACT 2020
(II of 2020)**

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TEXT

'THE PUNJAB MEDICAL TEACHING INSTITUTIONS (REFORMS) ACT 2020

(II of 2020)

[19th March, 2020]

An
Act

*to improve medical education and enhance effectiveness, efficiency and
responsiveness of healthcare services.*

It is necessary to improve medical education and enhance effectiveness, efficiency and responsiveness of healthcare services in Medical Teaching Institutions, and to make provisions for the purposes ancillary thereto.

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

CHAPTER I PRELIMINARY

1. Short title, extent, application and commencement.— (1) This Act may be cited as the Punjab Medical Teaching Institutions (Reforms) Act 2020.

(2) It extends to whole of the Punjab.

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

(4) It shall come into force at once.

CHAPTER II DEFINITIONS

2. Definitions.— In the Act:

(a) "Act" means the Punjab Medical Teaching Institutions (Reforms) Act 2020;

(b) "Basic Science Faculty" means a Medical Faculty not involved in patient care;

(c) "Board" means the Board of Governors constituted under section 7 of the Act;

(d) "Chairperson" means the Chairperson of the Policy Board or the Board of Governors of a Medical Teaching Institution;

(e) "Clinical Faculty" means a Medical Faculty involved in clinical care of patients, whether diagnostic or therapeutic;

(f) "consultant" means and includes:

¹This Act was passed by Provincial Assembly of the Punjab on 19 March 2020; assented to by the Governor of the Punjab on 18 March 2020; and, was published in the Punjab Gazette (Extraordinary), dated: 19 March 2020, pp.3817-3828.

- (i) a person qualified to provide the highest level of medical and healthcare; and
- (ii) recruited or appointed as such;
- (g) "Dean" means the academic head of a Medical Teaching Institution;
- (h) "employee" means:
 - (i) an employee of a Medical Teaching Institution appointed under the Act; or
 - (ii) an existing employee of a Medical Teaching Institution, appointed before coming into force of the Act; or
 - (iii) a civil servant who has opted to become an employee of a Medical Teaching Institution under subsection (8) of section 22 of the Act; or
 - (iv) a civil servant who is on deputation to a Medical Teaching Institution;
- (i) "Government" means Government of the Punjab;
- (j) "healthcare services" means preventive, curative, promotive, rehabilitative health services and includes diagnostic, support services, laboratory, accident and emergency, pharmacy and paramedic support;
- (k) "Medical Faculty" means the Basic Science Faculty and Clinical Faculty and includes an Assistant Professor and above as well as Dean of a College, involved in teaching, training or patient care;
- (l) "Medical Teaching Institution" means a medical college, a dental college, or any other health related teaching institution and includes the affiliated teaching hospitals 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 providing healthcare services, medical education and training and medical research, as may be notified under section 3 of the Act;
- (m) "member" includes the Chairperson;
- (n) "Policy Board" means the Provincial Policy Board established under section 5 of the Act;
- (o) "prescribed" means prescribed by the rules or the regulations made or framed under the Act;
- (p) "regulations" means the regulations framed under the Act;
- (q) "rules" means the rules made under the Act; and
- (r) "Search and Nomination Committee" means the Search and Nomination Committee constituted under section 12 of the Act.

CHAPTER III MEDICAL TEACHING INSTITUTIONS

3. Medical Teaching Institutions.– (1) The Government may, from time to time, notify Medical Teaching Institutions in the official Gazette for the purposes of the Act.

(2) 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:

Provided that a Medical Teaching Institution shall not dispose of an immovable property without permission of the Government.

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

4. Objectives of the Medical Teaching Institutions.– The objectives of the Medical Teaching Institutions shall be to:

- (a) undertake all functions required for providing health facilities to the people;
- (b) provide medical education, training and research;
- (c) provide health facilities and services to the people; and
- (d) perform such other ancillary functions as may be assigned by the Government.

5. Provincial Policy Board.– (1) The Government shall, by notification in the official Gazette, establish a Policy Board to be known as Provincial Policy Board to oversee and supervise the functioning of the Medical Teaching Institutions.

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

(3) A member of the Policy Board shall not be a Government employee.

(4) The members of the Policy Board shall be appointed from a list of persons submitted by the Search and Nomination Committee.

(5) No member of the Policy Board shall be a member of any Board concurrently.

(6) The members of the Policy Board shall hold office for a period of three years.

(7) The members of the Policy Board shall have such qualifications as may be prescribed.

(8) A member of the Policy Board shall be eligible for re-appointment for one more term.

(9) The Policy Board shall have a Chairperson who shall be elected in such manner as may be prescribed.

(10) There shall be amongst the members of the Policy Board at least one retired professor of a medical institute.

6. Functions of Policy Board.– (1) The Policy Board shall:

- (a) ensure that every Medical Teaching Institution complies with such minimum standards as are determined by the Government, the Punjab Healthcare Commission established under the Punjab Healthcare Commission Act, 2010 (Act XVI of 2010) 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;
- (b) ensure that every Medical Teaching Institution keeps and maintains medical records in an electronic form;
- (c) ensure that every Medical Teaching Institution keeps and maintains a list of inventories in an electronic form with a status update;
- (d) ensure the audit of medical and other records to determine the performance of the hospitals, its units or clinics and its personnel;
- (e) recommend to the Government, policies for the improvement of the Medical Teaching Institutions;
- (f) recommend to the Government, changes and modifications in minimum standards;
- (g) recommend model regulations and other policies and amendments therein to be framed by the Board of each Medical Teaching Institution;
- (h) plan and implement specialized central training programs as and when required for management and employees of all Medical Teaching Institutions;
- (i) ensure that minimum qualification standards established by the Pakistan Medical and Dental Council 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;
- (j) provide guidance and advice on any matter referred by the Board of a Medical Teaching Institution or the Government;
- (k) review the annual reports of each Medical Teaching Institution and give recommendations thereon; and
- (l) assist, aid or advise the Government on any matter relating to the health sector.

(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.

(3) In order to carry out its functions under subsection (1), or in public interest, the Policy Board may:

- (a) call for record of any proceedings, any document or any person related to a Medical Teaching Institution for examination and inspection;
- (b) order an inquiry into any matter related to a Medical Teaching Institution to be conducted by any person; and
- (c) issue a direction to the Board, and the Board shall comply with such direction:

Provided that in case of any difference of opinion between the Policy Board and the Board regarding a direction by the former, the matter shall be referred to the Government for decision which shall be final.

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

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

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

(4) No member of the Board shall be a Government servant.

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

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

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

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

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

(10) If for any reason the Board becomes dysfunctional, the Government shall by notification constitute an administrative committee which shall perform the functions of the Board, and the Committee of Administration shall not act beyond a period of two months during which the Government shall reconstitute the Board or make the Board functional.

(11) Where a Medical Teaching Institution being a constituent college is subject to an Act of a Medical University, the Vice Chancellor of that Medical University shall be an ex officio member of the Board.

8. Appointment and removal of members of the Board.– (1) The members of the Board shall be appointed and notified by the Government on the recommendation of the Search and Nomination Committee constituted under section 12 of 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 he:

- (a) resigns;
- (b) fails to attend three consecutive meetings without sufficient cause;
- (c) becomes incapacitated; or
- (d) willfully contravenes the Act, the rules or the regulations.

(4) Notwithstanding anything contained in the Act or any other law for the time being in force, the Chief Minister, may, on his own motion, or on recommendation of the Policy Board, dissolve the Board.

9. Disqualification of members of the Board.– No person shall remain or be appointed as a member of the Board if he:

- (a) is of unsound mind;
- (b) has applied to be adjudicated as an insolvent and his application is pending;
- (c) is an un-discharged insolvent ;
- (d) has been convicted by a Court of law for an offence involving moral turpitude;
- (e) has been debarred from holding any office under any provisions of law; or
- (f) has a conflict of interest with such a position.

10. Conduct of business of the Board.– (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 casting vote.

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

(3) The quorum shall be four members or two third 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 may be 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 the 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 shall 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.

11. Functions and powers of the Board.– (1) The Board shall be responsible for:

- (a) ensuring that the objectives of the Medical Teaching Institution within the overall ambit of the Government policy are achieved, overseeing the effective management, and providing strategic direction to the Medical Teaching Institution;
- (b) policy making of a Medical Teaching Institution and ensuring that the performance of a Medical Teaching Institution and its programmes are efficient and effective;
- (c) 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 operating and development budget;
- (d) approval of vision and mission statement of a Medical Teaching Institution;
- (e) approval of annual business plan;
- (f) review and approval of major transactions, except that the sale of an asset of value in excess of rupees two million shall require prior approval of the Specialized Healthcare and Medical Education Department of the Government;
- (g) approval of new programs and services and monitor organizational performance;
- (h) approval of financial plans and annual operating and development budget;
- (i) approval of bye-laws for medical staff and overseeing the process for appointment of members of the medical staff;
- (j) approval of programs and services to ensure that a Medical Teaching Institution fulfills legal, regulatory and accreditation requirements;

- (k) constitution of Finance Committee, and such other Committees or Sub-Committees, as it may deem appropriate;
- (l) compliance with the policies and minimum standards made or set by the Government and the Board;
- (m) compliance with minimum standards set by the Punjab Health Care Commission or such bodies authorized by law to issue standards;
- (n) ensure the maintenance of all medical and other records in electronic form; and
- (o) ensure the 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 such intervals based on such performance monitoring format as may be set by the Government, for the Medical Teaching Institutions with attendant reward and disciplinary measures;

(3) The Government shall periodically evaluate the performance of the Medical Teaching Institutions against the set targets particularly related to efficiency, effectiveness and equity with attendant reward and disciplinary measures.

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

(5) The Chairperson may make appointment of a Dean, Hospital Director, Medical Director, Nursing Director and Finance Director on officiating basis:

provided that all such appointments shall be for a period of three months:

provided further that the process of regular appointments shall be completed during the period of three months.

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

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:

- (a) Minister for Health; Chairperson
- (b) Additional Chief Secretary Punjab; Vice Chairperson
- (c) Secretary to the Government, Specialized Healthcare and Medical Education Department; member
- (d) Vice Chancellor of the concerned University; member
- (e) a philanthropist with substantial contribution to the public healthcare system to be nominated by Chief Minister; member
- (f) a retired senior person from medical profession to be nominated by Chief Minister; member

- (g) a representative of civil society to be nominated by the Chief Minister. member

(2) The Chairperson shall preside the meetings of the Committee and in his absence, the Vice Chairperson shall preside the meetings.

(3) A member from private sector shall, unless otherwise directed by the 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.

13. Medical Teaching Institutions.– (1) Every Medical Teaching Institution shall be affiliated with a Medical University for purposes of syllabus, curriculum, training and examinations.

(2) A Medical Teaching Institution shall be headed by a Dean, and shall consist of Chairpersons and Medical Faculties of various departments of the Medical Teaching Institutions.

(3) A Medical Teaching Institution shall have an Academic Council, headed by the Dean and consisting of such number of 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:

Provided that where a Medical Teaching Institution being a constituent college is subject to an Act of a Medical University, the Academic Council shall be headed by the Vice Chancellor of that Medical University.

(4) Where a Medical Teaching Institution is subject to an Act of a Medical University, the provisions of the Act shall be in addition to the provisions contained in the Act of that Medical University.

14. Management Committee.– (1) For every Hospital forming part of a 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 recommendation of the Dean.

(2) The Management Committee shall:

- (i) subject to delegation of powers by the Board, appoint or terminate any employee of Medical Teaching Institution in accordance with the rules and regulations;
- (ii) review and recommend for approval to the Board, the annual operating and development budget for the Medical Teaching Institution, as may be prescribed by the regulations;

- (iii) coordinate efforts to ensure compliance of the relevant Standards;
- (iv) submit a quarterly report on management, healthcare 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 prescribed by the regulations.

15. 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.

- (a) functions in accordance with the Act, the rules and the regulations;
- (b) complies with minimum standards regarding provision of health services;
- (c) maintains medical records of all patients;
- (d) maintains all other records; and
- (e) works in accordance with the policy directions of the Board.

(4) The Dean shall, on his appointment, simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed Institutional requirements for the faculty post:

provide that the term of office of a person as Dean shall not have effect on his position in the relevant faculty.

(5) The chairpersons of various departments in the Medical Teaching 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 recommendations 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 his functions, the Dean shall be responsible to the Board and the chairpersons of the department shall be responsible to the Dean and the Academic Council.

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

16. 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 for re-appointment, on such terms and conditions as the Board may determine:

Provided that no member of the Board shall be appointed as Hospital Director.

(3) The Hospital Director shall possess a recognized Master's 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 sub-section and shall have no right to do private practice.

(4) 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.

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

(6) The Hospital Director shall not have any conflict of interest with his position as Hospital Director.

17. Functions of the Hospital Director.— The Hospital Director shall be responsible for:

- (a) all non-clinical functions of the hospital;
- (b) preparation of the annual operating and development budget, and the business plan for presentation to the Management Committee and Board;
- (c) maintenance of building and engineering services;
- (d) maintenance and development of all ancillary services, including but not limited to pharmacy, nursing, materials management, human resources, clerical, communications and security services;
- (e) acting as the principal accounting officer responsible and accountable for maintaining financial discipline and transparency;
- (f) implementation and execution of Board and Management Committee policies and to achieve the targets set by the Board; and
- (g) 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 member of the Board shall be appointed as Medical Director.

(2) The Medical Director shall, on his appointment, simultaneously receive a faculty appointment at a level commensurate with his qualifications and the prescribed institutional requirements for the faculty post:

Provide that the term of office of a person as Medical Director shall not have effect on his position in the relevant faculty.

(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 heads of the clinical department shall 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 his position as Medical Director.

19. Functions of the Medical Director.— The Medical Director shall be responsible for all clinical functions of the hospital, including:

- (a) ensuring clinical excellence in all functions of the hospital;
- (b) ensuring timely and appropriate management of patients;
- (c) ensuring the best services for all patients;
- (d) undertaking clinical governance for quality control;
- (e) assessing and auditing existing clinical programs and developing new clinical programs;
- (f) developing annual clinical budget;
- (g) medical equipment requests for presentation to the Hospital Director, the Management Committee and the Board; and
- (h) ensuring compliance with minimum standards pertaining to healthcare 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 Institutions 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 Nursing Director.

(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 his position.

(6) The Nursing Director shall be responsible for all nursing functions, including training of nurses, ensuring adequate nursing staff for all clinical requirements, 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.— (1) The Board shall appoint a Finance Director for every hospital forming part of the Medical Teaching Institution, for a period of three years, in such manner as may be prescribed and shall be eligible for re-appointment.

(2) The Finance Director shall be an employee of a Medical Teaching Institution with such minimum qualification and 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 the Medical Teaching Institution, as deemed necessary and on such terms and conditions as may be prescribed.

(2) Before the enactment of the Act, all administrative and teaching staff who are employees of a Medical Teaching Institutions regardless of status of terms and conditions of service shall be considered employees of the Medical Teaching Institution on such terms and conditions as may be prescribed by the Board:

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

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

(4) A civil servant who does not opt for absorption in the Medical Teaching Institution, so notified, shall be dealt with in such a manner as provided in section 11-A of the Punjab Civil Servants Act 1974 (VIII of 1974) for his future posting, which includes deputation to the Medical Teaching Institution subject to a request by the Board:

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

Provided further that the period of service of a civil servant working in a Medical Teaching Institution shall be counted towards his length of service.

(5) A civil servant at the request of the Board may be sent on deputation to the Medical Teaching Institution by the Government.

(6) For a civil servant on deputation to a Medical Teaching Institution, pension contribution shall be made by the Medical Teaching Institution.

(7) The deputation of a civil servant in a Medical Teaching Institution may be terminated by the Board as per deputation policy of the Government and the rules.

(8) A civil servant who opts to join the employment of a Medical Teaching Institution, shall cease to be a civil servant from the date of his notification in the service of the Medical Teaching Institution and his seniority, pension and other employment affairs shall be determined in the manner, as may be prescribed.

(9) In addition to the Fund established under section 26 of the Act, every Medical Teaching Institution shall establish from its own resources, a Fund for purposes of payment to its employees the contributory pension, benevolent fund, group insurance and general provident fund.

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

(11) All employees of a Medical Teaching Institution, whether on deputation or appointed directly prior to enactment of the Act or pursuant to the Act, shall be at all times governed exclusively by the terms and conditions of service, as may be prescribed.

(12) 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 to the Board, against any penalty, censure or termination of their employment:

Provided that the Dean, Hospital Director, Medical Director, Nursing Director or Finance Director shall have the right to appeal against decision of the Board to the Provincial Review Board.

(13) The Provincial Review Board shall be notified by the Government for Medical Teaching Institutions and shall consist of such persons as may be prescribed by the rules.

(14) Any employee aggrieved by a decision of the Board shall have the right to appeal to the Provincial Review Board:

Provided that a decision of termination by or upheld by the Board shall not be suspended pending decision of the appeal by the Provincial Review Board.

(15) On coming into force of the Act, all employment disputes as may be pending before any Court shall be transferred to the Provincial Review Board established by the Government under subsection (13)

(16) An appeal against a decision of the Provincial Review Board shall lie to the Supreme Court.

23. Private practice.— (1) After issuance of a notification under section 3 all consultants working in a hospital forming part of a Medical Teaching Institution shall be given an option either to do their private practice within the hospital of the Medical Teaching Institution or to do their private practice outside the hospital of the Medical Teaching Institution, as the case may be, and the option shall be exercised within a period of sixty days after issuance of such notification:

Provided the Board may allow further time period for exercise of the option in such manner as may be prescribed by the rules.

(2) The 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 the rules, which shall also govern the ratio between private and public practice of an individual consultant.

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

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

(6) A 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.

(7) A Medical Teaching Institution shall remain open as long as necessary to provide services under the Act.

(8) The individual consultant shall be held responsible for the most efficient use of the facilities and shall provide cost and income projections for each new facility, equipment or service request with the support of Hospital Director and staff.

(9) Professional consultant's fee for private practice shall not exceed the fees fixed by the Board.

(10) Private patient billing shall include 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.

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

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

24. Retention of Fee.— (1) Notwithstanding anything contained in any law or the rules, a Medical Teaching Institution shall retain receipts from various fees levied by the Government or the Board to meet its recurring and development expenditure.

(2) The amount realized from receipts of a 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 healthcare service providers.— Every healthcare service provider in a Medical Teaching Institution shall:

- (a) comply with the minimum standards;
- (b) maintain medical records and other records in the prescribed manner; and
- (c) provide the same level of care to private and non-private patients.

26. 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 the 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 the 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 the 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 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 from the Fund in listed securities or any derivatives thereof, whether listed or not.

27. Budget, audit and accounts.— (1) The operating and development budget of a Medical Teaching 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 a Medical Teaching Institution shall be audited by the Auditor-General of Pakistan.

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

29. Removal of Difficulties.— (1) Notwithstanding anything contained in the provisions of the 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 frame regulations.— (1) The Board may frame regulations not inconsistent with the provision of the 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 framing the 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 provided by the Act and subject to subsection (4) of section 13, the provisions of the Act shall have an overriding effect and the provisions of any such law to the extent of inconsistency with the Act shall cease to have effect.

33. Repeal and saving.— (1) The Punjab Medical Teaching Institutions (Reforms) Ordinance 2019 (XII of 2019) is hereby repealed.

(2) Where applicable, a reference to the Act shall be deemed a reference to the Punjab Medical Teaching Institutions (Reforms) Ordinance 2019 (XII of 2019).

(3) Notwithstanding the repeal of the Punjab Medical Teaching Institutions (Reforms) Ordinance 2019 (XII of 2019), all actions taken under the repealed Ordinance shall be deemed to have been taken under the Act.