

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

*to provide for establishment of the Islamabad Healthcare Regulatory  
Authority*

WHEREAS it is expedient to provide a regulatory framework to ensure provision of quality health care services, by implementing quality standards by the healthcare sector, to residents of the Islamabad Capital Territory and where as it is expedient to establish the Islamabad Healthcare Regulatory Authority for aforesaid purpose and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

**CHAPTER I**

**INTRODUCTION**

1. **Short title, extent, commencement and application.**- (1) This Act may be called the Islamabad Healthcare Regulation Act, 2018.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) it shall come into force at once.

(4) It shall apply to all healthcare establishments in the Islamabad Capital Territory.

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context:-

(i) "accreditation" means systemic quality improvement process which ensures that services provided meet the notified practices;

- (ii) "assessor" means an expert or group of experts commissioned by the Authority or any other recognized institution or organization for assessment of quality of a healthcare establishment;
- (iii) "allied health professional" means a person who assists in providing services for diagnostic, therapeutic, preventive, curative and rehabilitative field in health care delivery system and has qualified a prescribed course of training in an recognized institution having recognition from their respective council;
- (iv) "allopathic" means a system of medical practice that aims to combat disease by use of remedies, as drugs or surgery, producing effects different from or incompatible with those produced by the disease being treated;
- (v) "alternative medicine system" means *unani, tibb, ayurveda*, homoeopathic, acupuncture or any other recognized system of treatment of diseases in Pakistan;
- (vi) "Authority" means Islamabad Healthcare Regulatory Authority established under section 3;
- (vii) "Board" means the Board of the Authority constituted under section 5;
- (viii) "Chairperson" means the Chairperson of the Board;
- (ix) "chief executive officer" means the chief executive officer of the Authority;
- (x) "council" means the Pakistan Medical and Dental Council, the Pakistan Nursing Council, the National Council for Homeopathy, the National Council for Tibb, the Pharmacy Council or such other Councils established by Federal

Government to regulate various cadre of healthcare professional and notified in official Gazette under this clause;

- (xi) "Council for Homeopathy" means the National Council for Homeopathy established under the *Unani, Ayurvedic and Homocopathic Practitioners Act, 1965* (II of 1965);
- (xii) "Council for Tibb" means the National Council for Tibb established under the *Unani, Ayurvedic and Homocopathic Practitioners Act, 1965* (II of 1965);
- (xiii) "equipment" includes all electrical, electronic, mechanical, laser, scanning, x-ray, imaging, analyzing and testing machinery, equipment, device, tools, apparatus, including various utensils and related material and chemical or other substances which are used to determine the performance, functionality, disorder, ailment or any other effect on state of health of human;
- (xiv) "Fund" means the Islamabad Healthcare Regulatory Authority Fund established under section 37;
- (xv) "healthcare establishment" means any premises used or intended to be used for the provision of healthcare services, including but not limited to a hospital, teaching hospitals, surgical centers, maternity homes, nursing homes, clinics, dispensaries, dentistry, dental clinics, clinical laboratories, x-ray laboratories, diagnostic centers, ambulatories, cosmetic centers, psychiatric hospitals, burn units, psychiatric nursing home, community mental health center, hemodialysis center, dialysis centre, patient rehabilitation center, slimming clinic or centre, hair transplant clinic, domiciliary care, home based services and such other healthcare or health-related premises as

the Federal Government may, by notification in the official Gazette, specify;

- (xvi) "healthcare professional" means a medical practitioner and dentist registered with the Pakistan Medical and Dental Council, nurse, midwife, community midwife, female family workers or lady health visitor registered with the Pakistan Nursing Council, a *tabib* registered with the National Council for *Tibb* or homeopathic practitioner registered with the National Council for Homeopathy or pharmacist registered under the Pharmacy Council of Pakistan Act, 1967 (XI of 1967) or paramedic, allied health professional or physiotherapist, psychologist or any other person qualified and permitted by law to provide any medical, surgical treatment or other healthcare service as well as any person qualified to perform any health related test on human body or test any body fluid under a laboratory process and provide results of such test to confirm or determine any health condition or physical or mental ailment;
- (xvii) "healthcare services" include any medical, surgical, dental, allied health, ambulatory, patient accommodation, screening or diagnostic services, treatment of persons suffering from or believed to be suffering from any disease, injury, pain or disability of mind or body, burn or hurt treatment, wound dressing, physiotherapy, acupuncture, any service for curing or alleviating any abnormal condition of human body or mind by application of any apparatus, equipment, instrument or device or any other medical technique or method, hemodialysis treatment, preventive or promotive health treatment, services at healthcare establishments by healthcare professional;

- (xviii) "in-charge of a healthcare establishment" means the owner or person responsible for management of day to day affairs of a healthcare establishment which are owned and operated by private persons, natural or corporate, or Government in any premises;
- (xix) "inspection" means the inspection and examination of the healthcare establishment by an inspection team;
- (xx) "inspection team" means a team comprising more than two experts having relevant qualifications and experience constituted by the Registration Board;
- (xxi) "licence" means a licence issued by the Authority under this Act for the use of any premises as a healthcare establishment to deliver healthcare services and "licensed" and "licensing" shall be construed accordingly;
- (xxii) "licensee" means a person to whom licence has been issued under this Act;
- (xxiii) "Medical and Dental Council" means the Medical and Dental Council constituted under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962);
- (xxiv) "medical negligence" means any negligence by an act or omission of a healthcare professional in performing his duty. In medical negligence cases it has to be established that-
- (a) there was a duty which the healthcare professional owed to the patient;
  - (b) there was a breach of duty;
  - (c) the breach resulted in injury to the patient; and
  - (d) the injury resulted in causing damage or death;

- (xxv) "Nursing Council" means the Pakistan Nursing Council established under the Pakistan Nursing Council Act, 1973 (XXVI of 1973);
- (xxvi) "notified practices" mean all such healthcare services provision, best measures, practices, protocols, standing operating procedures, medical and clinical hygiene standards or specifications, quarantine standards, patient handling and care standards and principles of medical ethics developed by national or international organizations collected and published by the Authority from time to time to act as a guiding document for service provision in a healthcare establishment;
- (xxvii) "patient data" means the details of a patient to whom any healthcare services are offered or provided in a healthcare establishment or by a healthcare professional, as the case may be, containing details of results of diagnosis of disease or ailment, tests or examinations conducted, medicines prescribed or administered, any surgical treatment or procedures performed as well as dates of admission and discharge of the patient etc.;
- (xxviii) "prescribed" means prescribed by rules or regulations made under this Act;
- (xxix) "quack" means any person who is rendering any healthcare services to a person without getting itself registered under respective Councils or otherwise not authorized or permitted by any law to offer or render such kind of healthcare services;
- (xxx) "registration" means registration under section 14;
- (xxxi) "regulations" means the regulations made under this Act;
- (xxxii) "rules" means rules made under this Act;

- (xxxiii) "Registration Board" means the Registration Board constituted under this Act for registration of healthcare establishments; and
- (xxxiv) "standards" means standards notified by the Authority for licensing of healthcare establishment.

## CHAPTER II

### ESTABLISHMENT, FUNCTIONS AND POWER OF THE AUTHORITY

**3. Establishment of Islamabad Healthcare Regulatory Authority.-** (1) The Federal Government shall, within one month of the commencement of this Act and by notification in the official Gazette, establish the Islamabad Healthcare Regulatory Authority which shall be responsible for implementation, administration and enforcement of this Act

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers to enter into contract, hold properties, sue and be sued by its name.

(3) The principal office of the Authority shall be at Islamabad.

**4. Powers and functions of the Authority.-** (1) The Authority shall have following powers and functions, namely:-

- (a) maintain register of all healthcare establishment;
- (b) set standards for registration and licensing of healthcare establishments for the purpose of this Act;
- (c) registration of all healthcare establishments, health professional and equipment and their notification in the official Gazette;
- (d) issuance of licence for defining scope and extent of healthcare services to be provided by a healthcare establishment;