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PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

March 21, 2019

No. PAP /Legis-2(11)/2019/1965. The Pakistan Kidney and Liver Institute and Research Center Bill 2019, having been passed by the Provincial Assembly of the Punjab on March 13, 2019, and assented to by the Governor of the Punjab on March 18, 2019, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PAKISTAN KIDNEY AND LIVER INSTITUTE AND RESEARCH CENTER ACT 2019

ACT XI OF 2019

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated March 21, 2019.]

An
Act

to provide for the establishment of the Pakistan Kidney and Liver Institute and Research Center.

It is necessary to provide for the establishment of the Pakistan Kidney and Liver Institute and Research Center in the Punjab and for the matters ancillary thereto;

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

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Pakistan Kidney and Liver Institute and Research Center Act 2019.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. **Definitions.**— In this Act:

(a) "Act" means the Pakistan Kidney and Liver Institute and Research Center Act 2019;

(b) "Board" means the Board of Governors of the Institute;

(c) "Chairperson" means Chairperson of the Board;

- (d) "Council" means the Executive Council of the Institute;
- (e) "Dean" means head of the Institute and the Council;
- (f) "Government" means Government of the Punjab;
- (g) "Hospital Director" means head of the administration of a hospital appointed under section 15 of the Act;
- (h) "Institute" means Pakistan Kidney and Liver Institute and Research Center established under the Act;
- (i) "Medical Director" means head of the clinical units appointed under section 17 of the Act;
- (j) "member" means a member of the Board;
- (k) "Nursing Director" means head of the Nursing establishment of a hospital appointed under section 19 of the Act;
- (l) "prescribed" means prescribed by the rules or the regulations made under the Act;
- (m) "regulations" means the regulations framed under the Act; and
- (n) "rules" means the rules made under the Act.

3. Establishment of the Institute.— (1) The Government shall, by notification in the official Gazette, establish an Institute to be known as the Pakistan Kidney and Liver Institute and Research Center.

(2) The Institute shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of any movable and immovable property subject to subsection (3) and shall by the said name, sue and be sued.

(3) The Institute shall not dispose of immovable property without prior approval, in writing, of the Government.

4. Functions of the Institute.— The Institute shall:

- (a) establish a center of excellence in medical and surgical care, teaching and research with respect to kidney, liver, bladder, prostate and pancreatic diseases;
- (b) provide free of cost, shared cost or full cost basis diagnosis and treatment of kidney, liver and bladder diseases;
- (c) educate and increase awareness about prevention of kidney, liver, bladder, prostate and pancreas diseases;
- (d) provide state of the art medical and surgical services to patients with kidney, bladder, prostate, liver and pancreatic diseases;
- (e) promote various aspects of preventive medicines of kidney, bladder, prostate, liver and pancreatic diseases;
- (f) provide education and training in the above mentioned disciplines to doctors, medical students, nurses, technicians and para-medical staff according to international standards, and award the training certificates;
- (g) distribute prizes in recognition of outstanding original research work;
- (h) purchase, take on lease or otherwise acquire any movable or immovable property;
- (i) accept donations or other transfer of any moveable or immovable property from any individual or organization;
- (j) coordinate with international institutions with regard to work of the Institute;
- (k) raise funds and seek donations for furtherance of the work of the Institute;
- (l) establish and manage funds for its employees and patients;
- (m) raise and borrow any funds required for purposes of the Institute on recognized security mechanism;
- (n) invest monies of the Institute not immediately required in such securities, shares, debentures or otherwise in such manner, as may, from time to time, be determined by the Board; and
- (o) perform any other function as may be ancillary to the above functions or as may be prescribed.

5. Administration of the affairs of the Institute.— (1) The general administration of the Institute and its affairs shall vest in the Board.

(2) The Board shall transact and dispose of its business in such manner as may be prescribed.

(3) If for any reason, the Board becomes dysfunctional, the Government shall constitute an administrative committee to run the affairs of the Institute for a period of three month.

6. Board of Governors.— (1) The composition of the Board of Governors shall be as follows:

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| (a) Chief Minister, Punjab; | Patron in Chief |
| (b) Secretary to the Government, Specialized Healthcare and Medical Education Department; | Member |
| (c) Secretary to the Government, Finance Department; | Member |
| (d) Secretary to the Government, Law and Parliamentary Affairs Department; | Member |
| (e) Secretary to the Government, Planning and Development Department; | Member |
| (f) Dean, Pakistan Kidney and Liver Institute; | Member |
| (g) seven persons of eminence from the private sector including at least one female member from the civil society; and | Members |
| (h) Hospital Director; | Member/Secretary |

(2) The Government shall appoint the Chairperson and private members for a period of three years and a retiring member shall be eligible for re-nomination.

(3) A private member may be removed by the Government at any time during his term of office in the manner provided under section 8 of the Act.

(4) The Board may co-opt any other person or expert for a meeting or for a specific purpose or project.

(5) A private member may resign by tendering resignation to the Government.

(6) A private member may receive remuneration for the services rendered as a member as may be prescribed by the Government and he shall be entitled to receive traveling, boarding and lodging allowances.

7. Meetings of the Board.— (1) The Board shall meet at least six times in a calendar year.

(2) The Patron in Chief shall preside over a meeting of the Board and in his absence the Chairperson shall preside over the meeting.

(3) One third members shall constitute quorum for a meeting of the Board.

(4) Decisions of the Board shall be taken by simple majority of the members of the Board, and, in case of tie, the person presiding over shall have the second vote.

8. Disqualifications.— No person shall be, or shall continue to be, the member of the Board who:

- (a) has tendered resignation and not withdrawn it within a period of thirty days;
- (b) is, or at any time has been, adjudicated as insolvent;
- (c) is found to be of unsound mind by a court of competent jurisdiction;
- (d) is, or has at any time been, convicted of any offence involving moral turpitude;
- (e) has mental or physical infirmity as may be determined by a Medical Board constituted by the Government;
- (f) is guilty of misconduct; and
- (g) absents himself from three consecutive meetings of the Board, without taking leave from the Board.

9. Removal of a private member.— (1) If the Government is of the opinion that a private member is unable to perform his functions as a member due to conditions specified in section 8, it may remove such a member.

(2) If a person is removed from the office of member under this section, he shall not be eligible for re-appointment under this Act.

10. Casual vacancy.— In case of any vacancy of the post of a private member, the Government shall fill such vacancy by appointing another person for the remainder of the tenure of the member whose post has become vacant due to any reason.

11. Power and duties of the Board.— (1) The Board shall, subject to the provisions of the Act, rules and regulations framed thereunder, exercise complete administrative, financial and academic powers in respect of the Institute as may be necessary for its proper and efficient functioning.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board shall:

- (a) lay down policy for the administration of the property, funds, investment and resources of the Institute including the approval of the purchase or acquisition and disposal of immovable property and borrow or raise money for the purpose of the Institute;
- (b) approve the proposed annual plan of work, the annual and revised budgets, the annual report and annual statement of accounts and to exercise supervision and overall control over the Institute;
- (c) approve the appointment of professionals, deans, teaching staff of the Institute or a committee;
- (d) examine the annual research program, annual reports and audited statements of accounts of the Institute;
- (e) create, suspend or abolish such posts of medical, nursing, administrative, para-medical, teaching and non-teaching staff of the Institute as may be necessary;
- (f) determine terms and conditions of the teaching and non-teaching staff of the Institute;
- (g) consider and approve annual and revised budget estimates and to re-appropriate funds from one major head of expenditure to another and to appoint Internal and third party Auditors;
- (h) cause proper books of accounts to be kept for all sums of money received and expended by the Institute and for asset and liabilities of the Institute; and
- (i) frame regulations.

(3) The Board may delegate any of its functions to the Chairperson, a committee, or any other member of the Board.

12 Chairperson.— (1) The Chairperson shall perform such functions as may be delegated to him by the Board.

(2) The Chairperson may, in an emergency, which in his opinion requires immediate action, take such action as deemed necessary and shall, as soon as possible, submit report of his action to the Board.

(3) If due to any reason, the Chairperson is unable to perform his function or where the office of the Chairperson has become vacant, Secretary to the Government Specialized Healthcare and Medical Education Department shall perform the functions.

13. Dean.— (1) The Board shall appoint a full time Dean for the Institution for a period of five years, who 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 Dean.

(2) The Dean shall possess such qualification and experience as may be prescribed.

(3) The Dean shall:

- (a) keep in custody the records and seal of the Institute;
- (b) authorize payments of monthly salaries and allowances to the employees working in the Institute;
- (c) prepare budget estimates and supplementary budget estimates of the Institute and place the same before the Board for approval;
- (d) approve payment of bills under any head of the budget of the Institute;
- (e) act as honorary non-voting member of the Board and to perform such functions with respect to Board meetings as may be assigned to him by the Chairperson or the Board;
- (f) take steps for the implementation of decisions of the Board;
- (g) receive and send all the correspondence of the Institute;
- (h) execute deeds and documents on behalf of the Institute; and
- (i) perform any other duties as may be assigned to him by the Board.

(4) The Dean may delegate any of his powers to any other officer or committee of the Institute.

(5) The Dean shall be the Principal Accounting Officer, responsible and accountable for maintaining financial discipline and transparency.

14. Executive Council.— (1) The Institute shall have an Executive Council which shall perform such functions as may be assigned to it by the Board or under the Act or the rules or regulations made under the Act.

(2) The Dean shall be the Head of the Council and in the absence of the Dean the Hospital Director shall preside over the meeting.

(3) The Hospital Director shall be the secretary of the Council.

(4) The Hospital Director, Medical Director, Finance Director, Nursing Director and the heads of the Department of the Institutes shall be members of the Council.

(5) The Council may associate such other experts as it may consider necessary.

(6) The meetings of the Council shall be held as frequently as may be possible, but not less than six times in a calendar year.

(7) The quorum of a meeting of the Council shall be one half of the total number of the members of the Council.

15. Hospital Director.— (1) The Board shall appoint a full time Hospital Director for the Institution for a period of five years, who 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 Hospital Director.

(2) The Hospital Director shall possess such qualification and experience as may be prescribed.

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

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

(5) The Hospital Director shall not have any conflict of interest with his official business.

16. 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 budget, and business plan for presentation to the Dean;
- (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, communication, janitorial and security services;
- (e) procurement; and
- (f) implementation and execution of the orders of the Board and the Council and to achieve the targets set by the Board.

17. Medical Director.— (1) The Board shall appoint a full time Medical Director for the Institution for a period of five years, who 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 shall possess such qualification and experience as may be prescribed.

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

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

(5) The Medical Director shall not have any conflict of interest with his official business.

(6) All heads of clinical departments shall report to the Medical Director.

18. Functions of Medical Director.— The Medical Director shall be responsible for the performance of all clinical functions including but not limited to:

(a) ensure clinical excellence in all aspects of hospital functions;

(b) ensure timely, appropriate management of the patients;

(c) ensure the best outcome of all patients;

(d) undertake clinical governance for quality control;

(e) assess and audit existing clinical programs and developing new clinical programs; and

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

19. Nursing Director.— (1) The Board shall appoint a full time Nursing Director for the Institution for a period of five years who 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.

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

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

(5) The Nursing Director shall not have any conflict of interest with his official business.

(6) The Nursing Director shall be responsible for all nursing functions, including but not limited to:

(a) training of nurses;

(b) ensuring adequate nursing staffing for all clinical needs;

(c) maintaining the highest nursing standards; and

(d) performing regular audits of nursing functions.

20. Finance Director.— (1) The Finance Director shall be appointed by the Board, in the manner as may be prescribed, for a period of three years, and shall be eligible for re-appointment.

(2) The Finance Director shall have such minimum qualification and experience as may be prescribed.

(3) In performance of his functions, the Finance Director shall be responsible to the Board through the Dean.

(4) The Finance Director shall be responsible for all functions relating to finance, including but not limited to:

(a) compliance with financial rules and propriety;

(b) pre-audit functions;

(c) ensure value for money; and

(d) liaising and coordinating with external audit.

- 21. Employees of the Institute.**— (1) The Board may appoint such number of employees for services and operations of the Institute as the Special Selection Board may recommend.
- (2) The employees so appointed shall not be considered as the employees of the Government.
- (3) The Board may determine the terms and conditions of the service of various categories of the employees.
- (4) The employees of the Institute shall be liable to such disciplinary action in such manner as may be prescribed.
- (5) The Board may post doctors and nurses on deputation basis in the Institute with the prior approval of the Government.
- (6) Where the Dean, Hospital Director, Medical Director or Finance Director are Government servants, they shall receive such additional remuneration as may be determined by the Board and approved by the Government.
- (7) Only consultants and heads of clinical disciplines shall be allowed institutional-based private practice as may be prescribed by the Government.
- 22. Special Selection Board.**— (1) The Government shall, on recommendations of the Board, constitute a Special Selection Board which shall recommend appointment of persons in the Institution.
- (2) The Special Selection Board shall consist of such number of members, as may be determined by Government, in consultation with the Board.
- (3) The members mentioned in subsection (2), shall include representatives of Secretary, Specialized Healthcare and Medical Education Department, Secretary Regulations Wing of Services and General Administration Department and one subject specialist to be nominated by the Secretary of the concerned Administrative Department.
- 23. Funds.**— (1) There shall be a Fund of the Institute to be known as the Pakistan Kidney and Liver Institute and Research Center Fund which shall be operated and managed by the Board.
- (2) The Fund shall consist of:
- (a) grants made by the Government or by the Federal Government;
 - (b) donations and endowments received from any person or entity;
 - (c) income from investments and deposits;
 - (d) loans raised or aid obtained by the Institute;
 - (e) fees, royalties on publications of the Institute and other charges for services rendered by the Institute;
 - (f) grants made by any local or international agency; and
 - (g) any other money received by the Institute from any source.
- (3) The Government shall provide adequate funds for construction, establishing and operation of various facilities of the Institute to perform its functions effectively.
- (4) The powers for utilization of the Fund shall be as per the prescribed criteria.
- 24. Bank accounts.**— (1) All Funds of the Institute, not otherwise employed or invested, shall be deposited to the credit of the Institute in a scheduled bank.
- (2) The Board may authorize any officer or employee of the Institute to sign cheques, drafts and other orders for the payment of money from an account of the Institute as it deems appropriate.
- 25. Maintenance of accounts.**— The Board shall cause the accounts of the Institute to be maintained in such form and in such manner as may be prescribed.
- 26. Accounts and audit.**— (1) The Board shall ensure keeping of complete and proper books of accounts of the Institute for each financial year.
- (2) The accounts of the Institute shall be audited every year by the Auditor General of Pakistan.

(3) The Board shall appoint an internal auditor of the Institute for pre-audit of expenditures.

(4) The Dean shall submit annual statement of accounts to the Board and the Board may pass such order as it deems necessary.

(5) Third party audit may be conducted with the approval of the Board.

27. Transfer of state land.— (1) The land transferred to the Institute by the Government shall remain the property of the Government.

(2) The Institute shall not transfer or permanently alienate its immovable property except through exchange of land for obtaining right of way with the prior approval of the Government.

28. Indemnity.— No suit or legal proceedings shall lie against the Government, the Board or any person in respect of anything which is done or purported to have been done or intended to be done in good faith under the Act.

29. Power to make rules.— The Government may, by notification in the official Gazette, make rules, for carrying out the purposes of the Act.

30. Power to frame regulations.— The Board may, by notification in the official Gazette, frame regulations, not inconsistent with the provisions of the Act and the rules, for carrying out the purposes of the Act.

31. Trust.— The Pakistan Kidney and Liver Institute and Research Center Trust shall cease to have any role in the affairs of the Institute.

32. Repeal.— The Pakistan Kidney and Liver Institute and Research Centre Act, 2014 (Act II of 2015) is hereby repealed.

Muhammad Khan Bhatti
Secretary