

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 12TH AUGUST, 2020**

NO.PAS/LEGIS-PB-06/2020-The Sindh Teaching Hospitals (Establishment of Management Board) Bill, 2020 having been passed by the Provincial Assembly of Sindh on 23rd July, 2020 and assented to by the Governor of Sindh on 05th August, 2020 is hereby published as an Act of the Legislature of Sindh.

**THE SINDH TEACHING HOSPITALS
(ESTABLISHMENT OF MANAGEMENT BOARD) ACT, 2020**

SINDH ACT NO. XV OF 2020

**AN
ACT**

to provide for the establishment of Management Board for Teaching Hospitals in the Province of Sindh.

WHEREAS it is expedient to provide for the establishment of management Board for teaching hospitals in the Province of Sindh to provide quality and affordable health care to all sections of the society and management of teaching hospitals to provide for the matters of ancillary thereto. **Preamble.**

1. (1) This Act may be called the Sindh Teaching Hospitals (Establishment of Management Board) Act, 2020. **Short title, commencement and application.**

(2) It shall come into force at once.

(3) Government shall by notification in the official gazette, apply this Act to all teaching hospitals of the Province of Sindh operating under its administrative control.

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

(a) "Board" means the Management Board constituted under **sections 3 and 4;**

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

(c) "Chief Minister" means the Chief Minister of Sindh;

(d) "Department" means the Health Department, Government of Sindh;

(e) "Director" means the Director of the teaching hospital and includes the Executive Director;

(f) "Government" means the Government of Sindh;

(g) "teaching hospital" means the hospital affiliated with Medical College or Medical University and operating under the administrative control of Government;

(h) "prescribed" means prescribed by the rules and regulations; and

(i) "rules and regulations" means respectively the rules **and regulations** made under this Act.

3. Government shall, by notification in the official gazette, establish a Management Board in teaching hospitals, in the Province of Sindh. **Establishment of Management Board for Teaching Hospitals.**
4. (1) Subject to control, supervision, and direction of the Chief Minister, a Management Board shall be an advisory body of every Teaching Hospital for its administration as per composition provided in sub-section (2). **Constitution of Board.**
- (2) The Board shall consist of -
- (i) Vice Chancellor of the University or Principal of the Medical Colleges in case of Medical Colleges, with which the teaching hospitals is affiliated. **Chairperson**
 - (ii) Secretary Health or his representative not below the rank of BS-19. **Member**
 - (iii) Secretary Finance or his representative not below the rank of BS-19. **Member**
 - (iv) **Member of Provincial Assembly to be nominated by the Speaker.** **Member**
 - (v) Dean of Medical & Allied clinical sciences affiliated with University/ College. **Member**
 - (vi) Dean of Surgical Allied clinical sciences affiliated with University / College. **Member**
 - (vii) A retired eminent health professional having experience in the field of Medical Sciences, to be nominated by the **Chief Minister.** **Member**
 - (viii) A prominent member of Civil Society / Philanthropist / renowned advocate (High Court / Supreme Court) to be nominated by the **Chief Minister.** **Member**
 - (ix) Medical Superintendent or Director of Teaching Hospital concerned. **Member**
 - (x) Director Finance. **Member**
 - (xi) Director Administration/Procurement. **Member/Secretary**
- (3) **The Medical Superintendent or Director of Teaching Hospital, as the case may be, shall act as the executive head of the Hospital Management who shall be posted by the department from amongst the senior doctors of BS-20 of the Health department.**
- (4) The Department shall be represented by an officer nominated by the Department not below the rank of BPS-19.
- (5) The procedure for the selection, tenure and removal of non-official members shall be prescribed by rules; provided that the first tenure of the non-official members shall be for three years.
- (6) A non-official member may resign by serving a notice in writing under his hand addressed to the Chairperson.
5. Subject to the provisions of this Act, the Board shall have the following powers and functions:- **Power and Function of Board.**

- (a) to approve and monitor overall plan, policies and programs of the hospital with a view to upgrading hospital services and facilities in conformity with approved policy of Government;
- (b) be responsible for the management of teaching Hospitals affiliated with it;
- (c) to approve and review annual plan including development and recurring budget for submission to the Department.
- (d) to approve expenditure of the teaching hospital;
- (e) to prepare detailed regulations and procedures for financial management for smooth function of teaching hospital;
- (f) to evaluate, examine and approve the annual and periodic reports of the teaching hospital for submission to the Department;
- (g) to demand additional grant from Government whenever it is expedient necessary;
- (h) to assess, review and revise the charge in the form of fees for admission, clinical and procedural service and facilities;
- (i) to assess and redesign the modalities for the medical treatment of patients;
- (j) to approve training and research program for officers and staff of Teaching Hospital for capacity buildings;
- (k) to explore the opportunity of revenue generation for teaching hospital through grants, donations, contribution and other such means;
- (l) supervise administrative and financial powers delegated to **authorized officer** under this Act and rules;
- (m) perform all such functions and actions as may be necessary for the smooth functioning of Teaching Hospital and to achieve the objectives of this Act.

6. (1) The Board shall meet at least once in a quarter on the dates to be fixed by the Secretary of the Board in consultation with the Chairperson: **Meetings of the Board.**

Provided that the Chairperson may convene a meeting at any time **or as frequently as monthly or as the need may be.**

(2) The Chairperson shall preside over the meeting.

(3) In the absence of the Chairperson, the meeting may be presided over by the member appointed by the members present in the scheduled meeting.

(4) The quorum for a meeting shall be one-third of the total number of members, a fraction being counted as one, but no quorum shall be necessary for the meeting held in lieu of the meeting which was adjourned for want of quorum.

(5) The Chairperson shall have and exercise a casting vote in the case of a tie.

(6) The Director **Administration/Procurement** being the Secretary of the Board shall record the minutes of meeting which shall be submitted by him at the next meeting for confirmation.

7. The Medical Superintendent or Director, as the case may be, of a teaching hospital shall –

- (a) be responsible for all matters relating to hospital management and patient care and shall discharge all duties entrusted by the Board and to report the same to the Board;
- (b) plan and implement comprehensive patient care and clinical facility program in the hospital with the approval of the Board in order to raise the standards of health delivery as may be determined by the Department;
- (c) maintain the discipline in the teaching hospital including punctuality, conduct and performance of its officers and staff;
- (d) be responsible for maintaining clinical and **hospital management;**
- (e) ensure the compliance of tasks assigned by the Board and Department;
- (f) be responsible for proper maintenance of equipment and machinery of health institution;
- (g) ensure judicious and efficient expenditure for the smooth functioning of hospital and observance of best financial practices;
- (h) perform such functions and duties as may be assigned to him by the Board or Department to further the objectives of the Act.

**Functions of
Medical
Superintendent /
Director of
Teaching Hospital.**

8. (1) The **Chief Minister** shall appoint a person as Director Finance **for a period not exceeding three years, from a panel of three candidates recommended by the Board**, having such qualification and experience of managing finances, receipts, expenditure, funds and investments and shall be entitled for such remuneration and allowances as the Chief Minister may determine or **by transfer on tenure basis from amongst the cadre officers of BS-19 having experience of accounts management.**

**Appointment and
Function of
Director Finance.**

(2) The Director Finance shall –

- (a) act as drawing and disbursing officer;
- (b) be the Chief Finance and Accounts Officer and answerable to the Board;

- (c) keep all the accounts of Teaching Hospital and ensure its audit in accordance with the provisions of this Act and rules;
- (d) coordinate and supervise all financial and accounting matters of Teaching Hospitals;
- (e) advise the Board on financial matters having financial implications;
- (f) coordinate with the Department, **the Board** and Medical Superintendent / **Director as the case may be** on financial matters for smooth functioning of the Teaching Hospital;
- (g) prepare detailed procedures for financial management of Teaching Hospitals for approval of the Board;**
- (h) prepare budget estimates, supervise proper utilization of budget and finances of teaching hospital or institution approved by the Board; and**
- (i) ensure transparency in financial matters of the teaching hospital;
- (j) perform such other duties as the Board may assign to him for the efficient performance of the teaching hospital.

9. (1) **Chief Minister** shall appoint by transfer **on tenure basis** an experienced senior cadre officer, not below the rank of BPS-19 as Director Administration / Procurement, on such terms and conditions as may be determined by the Board.

Appointment and Function of Director Admin / Procurement.

(2) The Director Administration / Procurement shall –

- (a) act as administrator and purchase officer for the teaching hospitals;
- (b) be responsible for the **Human Resource Management** and day to **day** affairs of the teaching hospital;
- (c) prepare annual procurement plan for the approval of Board;
- (d) manage procurement of goods, works and services for the teaching hospitals in accordance with Sindh Public Procurement Act, 2009 and Rules made thereunder, as amended from time to time;
- (e) ensure transparency in the entire process of procurement;
- (f) coordinate with Medical Superintendent / Director, as the case may be, of teaching hospital on determination of demand for goods, medicines, machinery, equipment and services for smooth functioning of the Teaching Hospital;
- (g) be responsible for the quality and quantity of the goods procured for the teaching hospital; and
- (h) keep the inventory of all goods, machinery, equipment and services procured.

10. (1) The Teaching Hospital shall be responsible for providing quality health care facilities and treatment free of cost to the poor patients in the hospital.

Teaching Hospital.

(2) The teaching hospital shall arrange the training and refresher course for health care staff to build their capacity in accordance to the need of tertiary care hospital.

(3) The staff serving in teaching hospital in any capacity immediately before the commencement of this Act shall notwithstanding any law or terms of their service shall be placed under the administrative control of the Board.

(4) Notwithstanding their administrative control by the Board, the staff shall continue to be the employee of Health Department and shall be governed by the Sindh Civil Servants Act 1973 and rules made there under or such other terms and conditions as may be prescribed by the Government:

Provided the Board may offer any extra allowance or remuneration as it may deem appropriate from the resources earned by the teaching hospital.

11. (1) A Fund to be known as Teaching Hospital Management Board **Board Fund.** Fund shall be established which shall be utilized by the Board to meet the expenditure incurred for functioning of teaching hospital under this Act; provided that except the sums of annual grant by Government, the other income, donations or grants which shall form part of the Fund shall be non-lapsable fund.

(2) To the credit of Teaching Hospital Management Board, a fund shall be placed comprising –

- (a) such sums as Government may, from time to time, allocate to it in the annual budget grant;
- (b) grants from any other source;
- (c) income from investment by Board;
- (d) donation by philanthropist to the teaching hospitals; and
- (e) all other sums or properties which may in any manner become payable to, or vest in, the Board in respect of any manner.

(3) The Board, while performing its functions and exercising powers, shall observe highest level of prudence as far as expenditures are concerned.

12. (1) The fund shall be spent for the purpose of –

Expenditure to be charged on Fund.

- (a) paying any expenditure lawfully incurred by the Board, relating to remuneration of its members, employees, advisors, and consultants of the Board, including provident fund contributions, superannuating allowances or gratuities, legal fees and costs including other fees and costs;
- (b) paying any other expenses, costs or expenditure properly incurred and accepted by the Board in the performance of its functions or the exercise of its powers under this Act;
- (c) purchasing or hiring equipment, machinery and any other work and undertakings in the performance of its functions or the exercise of its powers under this Act; and

(d) to adjust any unforeseen expense incurred during financial year, by re-appropriating it from the savings from any other head within allocated funds in conformity with financial rules with prior approval of the Board and Department.

13. The Board shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date in such form as it may be specified by government a statement showing the estimated receipts and estimated expenditure and sums to be required from government for a financial year.

Budget and Accounts.

14. The Board shall cause proper maintenance of the accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of the accounts of the teaching hospital which shall include a balance sheet and an account of receipt and expenditure.

Maintenance of the Accounts.

15. (1) The Board shall maintain accounts of receipts and expenditure in accordance with the rules.

Audit.

(2) The Board shall maintain an internal Audit wing which shall regularly undertake institutional internal checks and control.

(3) The accounts of the Board shall be audited every year by Director General Audit Sindh or Auditor General of Pakistan.

(4) The accounts shall be audited by an Independent Auditor of well-known repute every year. The criteria for selection of the Independent Auditor shall be decided by the department.

16. For the efficient performance of the teaching hospital, the Board may recruit mandatory technical and non-technical **human resource** on market-based remuneration purely on contract basis for a period not exceeding **one year** after adopting codal formalities till the time Government recruits suitable candidates for the positions.

Recruitment of technical and non-technical human resource on market-based remuneration.

17. (1) The Board shall submit a six monthly report to Department, in respect of all its activities or furnish such information as and when required by the Department which shall be submitted to the Government.

Submission of Report.

(2) The Board may post all relevant information in a user-friendly manner on its website.

18. The Board may constitute such committees or sub-committees as it may deem necessary to carry out its functions under provisions of this Act.

Constitution of Committees.

19. The Board may delegate any of its duties or functions to any officer of the Board, or a committee constituted by it.

Delegation of duties and functions.

20. (1) The Board may engage any non-governmental organization or private agency to carry out or discharge the function as per need of teaching hospital with prior approval of **Chief Minister routed through the department.** **Engagement of non-governmental organization or private agency.**

(2) The Board may conduct third party assessment for functions performed by management in health delivery and financial matters other than Accountant General with the prior approval of Health department.

21. Government may make rules for carrying out the purpose of this Act. **Rules.**

22. The Board may make Regulations not inconsistent with the provisions of this Act and rules. **Regulations.**

23. If any difficulty arises in implementation of the provision of this Act, Chief Minister may on the recommendation of the **department** or otherwise, give appropriate direction to remove such difficulties. **Removal of Difficulties.**

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

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**