

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*to provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic and higher medical education and training and recognition of qualifications in medicine and dentistry*

WHEREAS it is expedient to provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic and higher medical education and training, and recognition of qualifications in medicine and dentistry;

It is hereby enacted as follows :-

**1. Short title, extent and commencement.**— (1) This Act shall be called the Pakistan Medical Commission Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(i) **“Authority”** means the National Medical Authority established under this Act;

(ii) **“Board”** means the National Medical and Dental Academic Board constituted under this Act;

(iii) **“Chairman”** means the Chairman of the Board elected under section 11(3);

(iv) **“Commission”** means the Pakistan Medical Commission established under section 3;

(v) **“Commission of Inquiry”** means the Commission formed under section 43;

(vi) **“Council”** means the Medical and Dental Council constituted under this Act;

(vii) **“Disciplinary Committee”** means the Committee constituted under this Act;

(viii) **“full licence”** means a permanent licence to practice granted under this Act, subject to continuing validity of the licence under this Act and applicable rules and regulations;

- (ix) **“Higher Education Commission”** means the Higher Education Commission established under the Higher Education Commission Act, 2002 (LIII of 2002);
- (x) **“medical and dental institution”** means an entity which imparts medical or dental education or training or provides healthcare services including hospitals and diagnostic services but excluding private medical or health clinics of a medical or dental practitioner;
- (xi) **“medical and dental colleges admissions test” or “MDCAT”** means the medical and dental colleges admissions test;
- (xii) **“member”** means the member of the National Medical Authority as appointed pursuant to this Act;
- (xiii) **“Division”** means the Division to which business of this Act stands allocated;
- (xiv) **“national equivalence board examination” or “NEB”** means the national equivalence board examination;
- (xv) **“national licensing examination” or “NLE”** means national licensing examination as defined in section 21;
- (xvi) **“President”** means the President of the Council;
- (xvii) **“provisional licence”** means a licence granted to enable training and education prior to grant a full licence and subsequent to having qualified the national licensing examination;
- (xviii) **“regulations”** means regulations made under this Act;
- (xix) **“rules”** means rules made under this Act;
- (xx) **“temporary licence”** means a licence granted for a fixed period of time for a specific purpose provided for under this Act;
- (xxi) **“Tribunal”** means the Medical Tribunal as constituted pursuant to the Medical Tribunal Act, 2019;
- (xxii) **“Vice-President”** means the Vice-President of the Council;

**3. Constitution of the Commission.—** (1) Upon the commencement of this Act, the Federal Government shall establish in accordance with the provisions of this Act the Pakistan Medical Commission.

(2) The Commission shall be a body corporate by the name of the Pakistan Medical Commission having perpetual succession and a common seal, with power, subject to the provision of this Act, to hold and dispose of property, to enter into contracts and shall in the said name sue and be sued.

(3) The headquarters of the Commission shall be at Islamabad and it may establish its offices at any other place as it may deem necessary.

(4) the Pakistan Medical Commission shall consist of,—

(a) The Medical and Dental Council;

(b) The National Medical and Dental Academic Board; and

(c) The National Medical Authority consisting of members as provided for under section 16.

**4. Composition of the Council.**— (1) The Council shall comprise the following members to be notified after approval by the Prime Minister of Pakistan in the official Gazette, namely:—

(a) three members of civil society who shall be nominated by the Prime Minister of Pakistan consisting of a nationally recognized philanthropist or person of known repute, a legal professional and a chartered accountant;

(b) three members being licensed medical practitioners with at least twenty years experience of outstanding merit and not being the vice-chancellor, dean, principal or administrator or owner or shareholders of a medical or dental university, college or hospital, nominated by the Prime Minister;

(c) one member being a licensed dentist with at least twenty years experience of outstanding merit and not being the vice-chancellor, dean, principal, administrator or owner or shareholders of a medical or dental university, college or hospital, nominated by the Prime Minister of Pakistan;

(d) one member being the Surgeon General of the Armed Forces Medical Service or his nominee; and

(e) the President of the College of Physicians and Surgeons of Pakistan.

(2) After the notification of the members of the Council, the Division shall forthwith and not later than fifteen days of the issuance of notification, call the first meeting of the newly constituted Council for the purposes of electing the President and Vice-President of the Council. A minimum of seven members of the Council, shall constitute

a quorum for the purposes of the first meeting of the Council or any other meeting wherein an election is to be undertaken.

(3) The President shall be elected from amongst the members of the Council appointed under clauses (b) and (c) of sub-section (1) and the Vice-President shall be elected from amongst the members of the Council appointed under clause (a) of sub-section (1).

(4) No member shall enter upon office of the member of the Council until he signs and submits a declaration of no conflict of interest.

(5) The Council shall be deemed to be not properly constituted if its membership falls below six members.

(6) Subject to sub-section (5), no act done by the Council shall be invalid on the ground merely of existence of any vacancy in or any defect in the constitution of the Council.

**5. Mode of election.**— (1) An election under sub-section (3) of section 4 shall be conducted by a nominee of the Division by secret ballot.

(2) No election to an office of the Council shall be called in question except by an election petition presented within ten days to the Medical Tribunal. The Tribunal shall decide the election petition within thirty days of the filing of the same and its decision thereon shall be final.

**6. Restrictions on nominations and elections.**— No person, his spouse or children shall be eligible to become a member of the Council if they or any one of them has any conflict of interest being an owner or having any direct or indirect financial interest in a medical or dental institution.

**7. Terms of office.**— (1) The President and Vice-President of the Council shall hold office either for a term not exceeding three years or till completion of their term as member of the council which ever is earlier.

(2) The term of a member nominated to the Council shall be three years unless earlier withdrawn by the Prime Minister for reasons to be disclosed. A member of the Council shall be eligible for re-appointment to the Council for a second term, but shall not be eligible for a third term.

(3) If a member fails to attend three consecutive meetings of the Council without any valid reason or remains out of Pakistan for a continuous period exceeding one year, he shall cease to be the member of the Council.

(4) A member including the President and the Vice-President of the Council shall be removed by the Division, if-

- (a) the Council decides by a three-fourth majority that their membership is not in the interest of the Council; or
- (b) their name has been removed from the register of practitioners as a result of inquiry under this Act; or
- (c) they become insane or are declared un-discharged insolvent by a competent court; or
- (d) they are convicted for a criminal offence involving moral turpitude, including un-professional and unethical conduct as provided for under this Act; or
- (e) their nomination is withdrawn in accordance with sub-section (2).

(5) If the membership of a member is called in question on any of the reasons provided under sub-section (4), they shall be deemed suspended until the issuance of a notification of removal by the Division under sub-section (4).

(6) Where the said term of three years is about to expire in respect of any member, their successor may be nominated or elected at any time within three months before the expiry of said term, but the successor shall not assume office until the expiry of the said term.

(7) An elected office-bearer or nominated member may, at any time, resign his membership by writing under his hand addressed to the President and the seat of such member shall be deemed to have fallen vacant from the date of acceptance of his resignation by the President.

(8) A vacancy in the Council shall be filled through the prescribed process of nomination under Section 4 and the person nominated to fill the vacancy shall hold office for the remaining term of the vacancy. Any nomination required to fill a vacancy shall be submitted within fifteen days of such vacancy having occurred.

**8. Meeting of the Council.—** (1) The Council shall meet at least once in three months at such time and place as may be decided by the President. A notice of the meeting shall be issued at least fourteen days prior to the meeting with the exception of an emergency meeting which may be called by a unanimous decision of the President and Vice-President of the Council for reasons to be recorded in writing on a minimum three days prior notice.

(2) A minimum of six members of the Council shall form a quorum, except an elective meeting, and all of the acts of the Council shall be decided by a majority of the members present and voting.

**9. Powers and functions of the Council.**— (1) The Council shall have the functions and powers of general supervision over the working of the Commission and shall hold the President and Vice-President of the Council, National Medical and Dental Academic Board, the National Medical Authority, Committees and other authorities accountable for all its functions. The Council shall have all powers not expressly vested in any other authority or officer by any other law where such powers not expressly mentioned in this Ordinance are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers and notwithstanding anything contained in any other law for the time being in force, the Council shall have the following functions and powers, namely:—

- (a) to appoint the members, officers and employees of the Commission on such terms and conditions as the Council deems necessary to carry out the purposes of this Act and to provide for all matters relating to welfare, terms and conditions of service of the members, officers and employees of the Commission in accordance with regulations framed by the Council and including the right, with the approval of the Division to institute a compulsory golden handshake scheme for the employees of the Commission or such other severance package, as it may deem proper;
- (b) approve the proposed annual plan of work including key performance indicators, the annual and revised budgets, the annual report and the annual statement of account;
- (c) approve strategic plans and approve financial resource development plans of the Commission;
- (d) to approve accreditation standards, for under-graduate medical and dental programs of study based in Pakistan;
- (e) to approve curriculum and scope of under-graduate medical and dental programs of study in Pakistan leading to general registration of the graduates of those programs to practice medicine and dentistry in Pakistan;
- (f) to approve the examination structure and standards of the medical and dental colleges admissions test, national licensing exam and the national equivalence board examinations as proposed by the national medical and dental academic board including the standards of revalidation of licences to practice medicine or dentistry in Pakistan;

- (g) to grant recognition to medical and dental institutions in Pakistan which train or grant or both train and grant medical and dental post graduate qualifications and to the qualifications granted by these institutions leading to registration of the graduates of those programs to practice medicine in Pakistan as specialists;
- (h) to approve the assessment of international under-graduate medical programs and institutions for registration of their graduates in Pakistan;
- (i) to approve the assessment of authorities or institutions in other countries that conduct examinations for post graduate registration in medicine and dentistry or that accredit post graduate programs of study relevant to registration in medicine and dentistry;
- (j) to approve listing for any new medical and dental specialties;
- (k) to hear and decide complaints against licensees of professional negligence and misconduct in accordance with regulations prescribed by the Council;
- (l) to advise the Federal Government and the Provincial Governments on proposals for granting a charter to award post graduate degrees in the field of medicine and dentistry, both in public and private sector;
- (m) to advise the Federal Government and the Provincial Governments, health-care commissions, regulatory bodies in the field of medicine and dentistry and any other authority or local body on matters within the powers of the Commission under this Act and ancillary and incidental thereto;
- (n) to work with international health, accreditation and testing authorities and agencies to bring about improvement in the furtherance of these objectives;
- (o) to determine the remuneration and allowances to be paid to the members of the Authority;
- (p) to fix the salaries, remuneration and benefits of the officers and employees of the Commission;
- (q) constitute from amongst its members or outside experts such committees as the Council deems necessary to carry out the purposes and functions of the Commission;
- (r) to levy fees for grant, renewal or re-validation of licences, examinations, registrations, inspections, permissions,

