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ORDINANCE NO.XV OF 2019

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ORDINANCE

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;

AND WHEREAS, the Senate and the National Assembly are not in session and the President of Islamic Republic of Paksitan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

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

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

(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 Ordinance;

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

(viii) **“full licence”** means a permanent licence to practice granted under

this Ordinance subject to continuing validity of the licence under this Ordinance and applicable rules and regulations;

- (ix) **“higher Education Commssion”** means the Higher Education Commssion established under the Higer Education Commssion Ordinanace, 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 Ordinance;
- (xiii) **“Division”** means the Division to which business of this Ordinance 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”** mean regulations made under this Ordinance;
- (xix) **“rules”** mean rules made under this Ordinance;
- (xx) **“temporary licence”** means a licence granted for a fixed period of time for a specific purpose provided for under this Ordinance;
- (xxi) **“Tribunal”** means the Medical Tribunal as constituted pursuant to the Medical Tribunal Ordinance, 2019 (_____ of 2019);

(xxii) "Vice-President" means the Vice-President of the Council;

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