



PROVINCIAL ASSEMBLY SECRETARIAT, KHYBER PAKHTUNKHWA

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NOTIFICATION

Dated Peshawar, the 31/08/2026

No.PA/Khyber Pakhtunkhwa/Bills-109/2026/ 2651 In pursuance of the provision contained in Rule 113 of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 2025, the Khyber Pakhtunkhwa Health Care Commission (Amendment) Bill, 2026 as introduced in the Provincial Assembly of Khyber Pakhtunkhwa on 25th August, 2026 is hereby published for general information.

(Here print as in the accompaniment).



(SYED WIQAR SHAH)

Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

The Manager, Government
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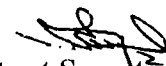
Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

Endst. No. & Date Even.

Copy of the above is forwarded for information and necessary action to:-

1. The Principal Secretary to Hon'ble Speaker, Provincial Assembly of Khyber Pakhtunkhwa.
2. The Director I.T, Provincial Assembly of Khyber Pakhtunkhwa for uploading on Official Website.
3. The Deputy PS to Hon'ble Deputy Speaker, Provincial Assembly of Khyber Pakhtunkhwa.



Assistant Secretary,

Provincial Assembly of Khyber Pakhtunkhwa

**A
BILL**

to amend the Khyber Pakhtunkhwa Health Care Commission Act, 2015.

WHEREAS, it is expedient to amend the Khyber Pakhtunkhwa Health Care Commission Act, 2015 (Khyber Pakhtunkhwa Act No. V of 2015) for the purposes hereinafter appearing.

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Health Care Commission (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 1 of the Khyber Pakhtunkhwa Act No. V of 2015.—In Khyber Pakhtunkhwa Health Care Commission Act, 2015 (Khyber Pakhtunkhwa Act No. V of 2015), hereinafter referred to as the said Act, in section 1, for sub-section (2),-

(a) after the words "private sectors", the words "in the Province of Khyber Pakhtunkhwa" shall be inserted; and

(b) clause (a) and (b) shall be deleted.

3. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 2,-

(a) in clause (i), after the words and comma "diagnostic centre", the words and comma "pathology laboratories and collection centres, centers providing aesthetic services," shall be inserted;

(b) in clause (k), after the words "Nursing Council", the words "or any other council or entity duly authorized to issue licence of provisions of health care services" shall be inserted;

(c) after clause (m), the following new clauses shall be inserted, namely:

"(m-i) "licence" mean a licence issued by the Commission under this Act for the use of any premises or conveyance as a health care establishment subject to compliance with the quality standards;

(m-ii) "maladministration" means poor or failed administration by a health care establishment or health care service provider and includes-

- (i) a decision, process, recommendation, act or omission or commission which is contrary to law, rules, regulations, standards or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or is based on irrelevant grounds; or involves the exercise of powers or the failure, refusal to do so;
- (ii) neglect, inattention, delay, incompetence, inefficiency or ineptitude in the administration or discharge of duties and responsibilities including but not limited to, administrative irregularities, abuse of power, incorrect action or failure to take any action, failure to foresee and take comprehensive precautionary measures against possible mishaps, failure to provide the requisite information, failure to investigate, failure to reply, misleading or inaccurate statements, inadequate liaison, corrupt behavior, incorrect or illegal administration of a drug to a patient or client, incorrect or incomplete entry in a document or violation of human rights;

(m-iii) "malpractice" includes improper, unskilled, immoral, illegal or unethical professional conduct by a health care establishment or health care service provider or charging the patients or their attendants in excess of the rates determined by the competent authority and being the proximate cause of injury or harm to another person;

(m-iv) "medical negligence" means the failure to perform due diligence or the breach of duty of care by a health care establishment or health care service provider which results in damage to the person or property of a patient and the same includes conduct and reporting of unprofessional and wrong medico-legal and post-mortem examinations and criminal negligence;";

Assistant Director
Government
Law Department

(d) in clause (p), the word "and" appearing at the end shall be deleted;

(e) in clause (q), the full-stop appearing at the end shall be replaced with a semi colon and thereafter the following new clauses shall be added, namely:

"(r) "registration" means the registration granted by the Commission under section 12 of this Act as provisional permission for the use of any premises or conveyance as a health care establishment, till grant of licence; and

(s) "standards" means the quality standards of health care approved by the Commission."

4. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. V of 2015.-
--In the said Act, in section 4,

(a) in sub-section (1), for the words "ten" and "three", the words "eleven" and "four" shall respectively be substituted;

(b) in sub-section (2), after the words "Home Department", the words and comma ", Finance Department" shall be inserted;

(c) in sub-section 5, the full stop appearing at the end shall be replaced with a colon and thereafter the following proviso shall be inserted:

"Provided that, upon completion of the term of office of the non-official members, Government shall initiate the process for appointment of new non-official members at least 120 days prior to the expiry of their term.";

(d) in sub-section (7), in clause (e), the word "and", appearing at the end, shall be deleted; and

(e) in clause (f), the full-stop appearing at the end shall be replaced with semi-colon and the word "and" and thereafter the following new clause shall be added, namely:

"(g) is guilty of misconduct, misuse of power and inefficiency in the performance of his duty as member of the Commission."

5. Amendment of section 6 of the Khyber Pakhtunkhwa Act No. V of 2015.-
--In the said Act, in section 6, in sub-section (2),-

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Government of Khyber Pakhtunkhwa
Law Department

(a) in clauses (g), (j) and (k), the word "private", wherever occurring, shall be deleted;

(b) after clause (m), the following new clause shall be inserted, namely:

"(m-i) create, re-designate or abolish posts; provided that while creating posts the financial implications do not exceed the approved annual budget;"

(c) in clause (q), the full-stop appearing at the end shall be replaced with a semi-colon and the word "and" and thereafter the following new clause shall be added, namely:

"(r) regulate, fix and control the prices of health care services."; and

(d) in sub-section (4), for the word "advice", the word "advise", shall be substituted.

6. Amendment of section 12 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 12, in sub-section (1), for the word "divisional", the word "regional" shall be substituted;

7. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 13,-

(a) in sub-section (2), the full stop appearing at the end, shall be replaced with colon and thereafter the following new proviso shall be inserted, namely:

"Provided that the Commission, on the basis of information received from reliable sources or referred by other government authorities, may also take suo-motu notice and initiate an inquiry into the reported irregularities.";

(b) for sub-sections (3) and (4), the following shall be substituted, namely:

"(3) The Commission shall establish an internal complaints management system which shall, for the purpose of hearing and passing appropriate orders and for taking such remedial steps as are required and warranted under the law, receive complaints regarding-

(a) medical negligence;

(b) maladministration and malpractice;

Assistant Secretary
Govt. of Punjab
Law Department

- (c) quackery in all its forms and manifestations;
- (d) failure in the provision of health care services or providing sub-standard services;
- (e) operating a health care establishment without registration and/or licence by the Commission or providing health care services beyond the scope of licence;
- (f) obstruction, hindrance or impedance in the performance of function or execution of duty of the Commission, including the inspection and investigation team;
- (g) furnishing or causing to furnish wrong information;
- (h) rights of the service providers including financial rights, and harassment of health care service providers, patients and attendants, which includes verbal, physical, psychological harassment and improper conduct;
- (i) quality and cost of health care services; and
- (j) any other act or omission, falling within the purview of this Act, rules, regulations and standards.

(4) A health care service provider or health care establishment, if found guilty of any of the above acts, shall be liable to fine in accordance with section 18 of this Act."

8. Insertion of new sections 13A and 13B in the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, after section 13, the following new sections shall be inserted, namely:

"13A. Inquiry.—(1) The Commission shall investigate and inquire all the complaints in a transparent manner and collect such evidences as are necessary for just disposal of the complaints.

(2) The Commission shall specify the procedure for the conduct of inquiries, disposal of the complaints and implementation of its decision through regulations.

(3) The Commission shall, while deciding upon the complaints, exercise quasi-judicial powers and shall ensure that the matters are disposed of through speaking orders containing reasons and complying with the norms of natural justice.

(4) The Commission may, in appropriate cases, also initiate forensic audits of the hospitals and reported cases.

13B. Power to pass interim orders.—(1) In view of the allegations contained in the complaint or report, and in order to ensure transparency and meet the ends of natural justice, the Commission may, in appropriate cases, for the reasons to be recorded, pass all or any of the following orders, namely:

- (a) order to restrain the respondent from any act or omission;
- (b) issue recommendations to the Health Department Khyber Pakhtunkhwa;
- (c) issue directions to a health care establishment or health care service provider;
- (d) pass any conditional order relating to the manner in which health care services are being delivered or to improve the health care delivery system at any health care establishment;
- (e) temporarily suspend the licence or registration of a health care establishment;
- (f) issue any directions to any other authority within the scope of this Act; and
- (g) issue such other directions as deemed necessary and just.

(2) The Commission shall have the power to amend, alter or revoke any interim orders, on such terms and conditions, as it deems appropriate.

(3) The complainant may withdraw the complaint as may be prescribed in the regulations; however, the Commission, despite withdrawal

Assistant Training Officer
Govt. Health Department
Khyber Pakhtunkhwa

of complaint, shall probe the matter and proceed as per the outcome of such probe."

9. Amendment of section 18 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 18, in sub-section (1),—

- (a) for the words "one million", the words "five million" shall be substituted; and
- (b) for the full-stop appearing at the end shall be substituted with a colon and thereafter the following new proviso shall be inserted, namely:

"Provided that in addition to the penalties mentioned in sub-section (1), the Commission may also suspend, modify or cancel the registration or licence and permanently close the health care establishment and recommend to the concerned council to cancel or suspend the licence of the service provider and Government for disciplinary action if the service provider is an employee of Government."

Assistant Director
Govt. of Khyber Pakhtunkhwa
Department

10. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in sub-section (1), the full-stop appearing at the end shall be replaced with colon and thereafter, the following new proviso shall be inserted namely:

"Provided that where the amount of fine exceeds rupees five lakhs, the appeal shall be preferred to the High Court:

Provided further that the High Court or the Court of District and Sessions Judge, as the case may be, shall not entertain an appeal until the amount of fine so imposed against the appellant is deposited in the Court at the time of preferring of an appeal."

11. Amendment of section 28 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 28, in sub-section (1),—

- (a) for the words "six months", the words "three years" shall be substituted; and
- (b) for the words "one millions", the words "five million" shall be substituted,

12. Insertion of new section 28A in the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, after section 28, the following new section 28A shall be inserted, namely:

"28A. Trial of offence.—The Judicial Magistrate shall try the offences under this Act in accordance with the procedure prescribed for trials under the Code of Criminal Procedure, 1898 (Act No. V of 1898).".

13. Amendment of section 31 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act in section 31, sub-section (2) shall be deleted.

14. Amendment of section 34 of the Khyber Pakhtunkhwa Act No. V of 2015.—In the said Act, in section 34,—

- (a) in sub-section (3), for the words "aforesaid Act", the words "aforesaid Ordinance" shall be substituted; and
- (b) after sub-section (3), the following new sub-sections shall be added, namely:

"(4) The Khyber Pakhtunkhwa Blood Transfusion Safety Authority Act, 2016 (Khyber Pakhtunkhwa Act No. xxv of 2016) is hereby repealed.

(5) All property, assets, rights, obligations and liabilities of the Khyber Pakhtunkhwa Blood Transfusion Safety Authority shall by virtue of the Khyber Pakhtunkhwa Health Care Commission (Amendment) Act, 2026, and without any further assurance, transfer to and vest in the Khyber Pakhtunkhwa Health Care Commission.

(6) Any proceedings pending by or against the Khyber Pakhtunkhwa Blood Transfusion Safety Authority shall continue by or against the Khyber Pakhtunkhwa Health Care Commission.

(7) All contracts, agreements, deeds, bonds, records, funds, and engagements of the Khyber Pakhtunkhwa Blood Transfusion Safety Authority shall have effect as if made by the Khyber Pakhtunkhwa Health Care Commission.

(8) All staff of the Khyber Pakhtunkhwa Blood Transfusion Safety Authority shall stand transferred to the Khyber Pakhtunkhwa Health Care Commission on existing terms and conditions subject to any rules or regulations made under the repealed Act."

STATEMENT OF OBJECT AND REASONS

The Khyber Pakhtunkhwa Health Care Commission Act, 2015 was enacted to regulate and improve the quality, safety and standards of health care services in the Province. Experience gained during its implementation has revealed certain

legal, administrative and regulatory gaps that require legislative intervention to strengthen the institutional and enforcement framework of the Commission.

The proposed Bill seeks to amend the Act to expand its applicability and definitions, bring additional health care establishments and service providers within the regulatory framework, strengthen the composition and powers of the Commission, enhance its complaint management, inquiry and quasi-judicial functions, empower it to take suo-motu notice, issue interim orders, regulate the quality and pricing of health care services and improve the registration and licensing regime. The Bill further provides for enhanced penalties and enforcement measures, revises the appellate mechanism, prescribes the procedure for trial of offences, removes redundant provisions and repeals the Khyber Pakhtunkhwa Blood Transfusion Safety Authority Act, 2016 by transferring its assets, liabilities, functions and staff to the Khyber Pakhtunkhwa Health Care Commission to ensure an integrated and efficient regulatory framework for health care services in the Province.

The proposed Bill is intended to strengthen the regulatory oversight of health care establishments and service providers, promote quality, transparency and accountability in the delivery of health care services, safeguard the rights of patients and health care service providers, and provide for matters connected therewith and ancillary thereto.

The Bill is intended to achieve the above objectives.

(W). 1

Peshawar,
dated the: 07 / 08 / 2026.

MINISTER-IN-CHARGE