

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 12th August, 2016,

No. E&A/Health/3-60/2016:- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA
MEDICAL ATTENDANCE RULES, 2016.

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Medical Attendance Rules, 2016.

(2) They shall apply to all civil servants in service or retired of the Province of the Khyber Pakhtunkhwa and their family members.

(3) They shall come into force at once.

2. Definitions.---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) “Authorized Medical Attendant” means a doctor in a Government hospital and includes Professor, Associate Professor, Assistant Professor, Senior Registrar, District Specialist, Specialists posted in Government hospitals or any other Specialist in Government hospital, Chief Medical Officer (CMO), Principal Medical Officer (PMO), Senior Medical Officer (SMO), Medical Officer (MO), Dental Surgeon and Casualty Medical Officer;
- (b) “civil servant” means a civil servant as defined in the Khyber Pakhtunkhwa Civil Servant Act, 1973;
- (c) “Directorate General” means the Directorate General, Health Services, Khyber Pakhtunkhwa;
- (d) “Director General” means the Director General of the Directorate General;
- (e) “emergency case” means and includes road traffic accidents, myocardial infarction, burns/scalds, blast, poisoning, head injury or any other medical or surgical emergency of equivalent nature as determined by the Authorized Medical Attendant;
- (f) “family members” mean parents, wife or wives, husband, sisters and minor brothers, sons and daughters and step-children of a civil servant, residing with him and wholly dependent upon him;
- (g) “Government” means the Government of the Khyber Pakhtunkhwa;
- (h) “Government hospital” means a public sector hospital and includes Civil Dispensary (CD), Basic Health Unit (BHU), Rural Health Center (RHC), Dental Hospital, Civil Hospital (CH), Tehsil

Headquarters Hospital (THQH), District Headquarters Hospital (DHQH), Teaching Hospital, Autonomous Teaching Hospital of the Government, and hospitals duly categorized by the Government from time to time;

- (i) “medical attendance” means services provided to a patient in Government hospital or private hospital, as the case may be, and include consultation on such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis and treatment;
- (j) “patient” means a civil servant and his family member, who has fallen ill or need promotive, preventive, curative or rehabilitative care;
- (k) “private hospital” means hospital other than a Government hospital with which the Government has entered into an agreement for the treatment of patients and includes, in case of emergency, Combined Military Hospital, Private Hospitals, Social Security Hospitals, any Military or Forces Hospital and Specialized Institutes in Pakistan; and
- (l) “Treatment” means the use of all medical, surgical, diagnostic and rehabilitative facilities available at the Government hospital or in private hospital in which the patient is treated, and includes-
 - (i) the employment of such medical, surgical, pathological, bacteriological, radiological, rehabilitative or other methods, as is considered necessary by the Authorized Medical Attendant;
 - (ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the Government hospital or private hospital, as case may be;
 - (iii) the supply of such medicines, vaccines sera or other therapeutic substances not ordinarily so available, as the Authorized Medical Attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient; and
 - (iv) such accommodation as is ordinarily provided in the Government hospital or private hospital, as the case may be and is suited to his status. Such nursing care as is ordinarily provided to inpatients by the hospital. Such diagnostics/laboratory investigations/imaging etc., as are ordinarily available in such hospitals.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Entitlement.---(1) A patient is entitled to free of charge medical attendance or treatment, as the case may be, subject to such ceiling as may be fixed by Government.

(2) Where a patient is entitled to receive free of charge medical attendance or treatment, as the case may be, any amount paid by him on account of such medical attendance or treatment, as the case may be, shall be reimbursed by Government on production of a certificate in writing by the Authorized Medical Attendant in this behalf with all necessary documents as determined, and after proper verification or authentication by the Deputy Director (Admn) of Directorate General.

- (3) The necessary documents shall include-
- (a) a written certificate by the Authorized Medical Attendant;
 - (b) medical record of the patient;
 - (c) the printed tariff of the Government hospital or private hospital;
 - (d) detailed bill of the Government hospital or private hospital; and
 - (e) duly signed receipt in token of having paid

4. Referral.---(1) If the Authorized Medical Attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance or treatment, as the case may be, by another medical attendant, he may-

- (a) send the patient to the nearest Government hospital, where in his opinion, medical attendance or treatment, as the case may be, is required for the patient, or in case of serious or life threatening conditions, to the place in the Province or Country, as the case may be, where such medical attendance or treatment is available. The referral has to be to Government hospital in the first instance, and if not available, then he may refer the patient to private hospital with full justification and with prior approval of Director General:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request; or

- (b) request such specialist or other medical officer, to attend upon the patient, if the patient is unable to travel due to illness.

(2) The Casualty Medical Officer shall be authorized medical attendant in serious cases, needing immediate referral, if there is no such hospital as mentioned in sub-rule (1), to such hospital in the Province as may, in the opinion of such Authorized Medical Attendant, provide the necessary medical attendance or treatment, as the case may be.

(3) In any exceptional case where the Authorized Medical Attendant is of the opinion that the necessary medical attendance or treatment, as the case may be, is available only in a hospital outside the Province, he may with the prior approval of Director General, refer the patient for such medical attendance or treatment, as the case may be, in such hospitals:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request.

5. Travelling Allowance.---(1) When a patient is referred by the Authorized Medical Attendant under rule 4, the patient shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point.

(2) If the patient is unable to travel due to illness, the Authorized Medical Attendant shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point:

Provided that a patient shall not be entitled to travelling allowance for a journey for attendance by a dentist.

6. Treatment.---(1) Subject to rule 4, the patient shall be entitled to free of charge treatment in Government hospital or private hospital, as the case may be, at or near the

place where he falls ill as in the opinion of the Authorized Medical Attendant to provide the necessary and suitable medical attendance or treatment, as the case may be.

(2) In case of emergency or for diseases mentioned in the Medical Attendance Card to be issued by the Finance Department of the Government, any medical consultant or Specialist anywhere in the Country, duly registered with Pakistan Medical and Dental Council, shall be the Authorized Medical Attendant, of private hospital.

(3) The family members shall also be entitled, free of charge, to medical attendance or treatment, as the case may be, on the scale and under the conditions allowed to the Civil Servant himself, at a Government hospital or private hospital at which the Civil Servant is entitled to receive such medical attendance or treatment, as the case may be.

(4) Civil Servants, who are sent abroad on duty, shall be allowed the following facilities for purposes of treatment during the period they are on duty abroad-

- (a) reasonable cost of treatment shall be met by Government if a Civil Servant actually falls ill while he is on duty abroad. The medical attendance or treatment, as the case may be, shall be subject to such ceiling as may be fixed by Government;
- (b) no routine checkup shall be permitted at Government expense nor would Government accept liability for treatment of any diseases from which a Civil Servant may have been suffering while in the Country and for which he may take the opportunity of his visit to a foreign country to receive medical attendance and treatment, as the case may be. Cases in which a disease from which a Civil Servant may have been suffering while in the Country, takes a turn for the worse and requires urgent medical attendance and treatment, as the case may be, may be considered on merits; and
- (c) the treatment shall be limited to the Country and the place to which the Civil Servant has been sent on duty.

7. Payment in advance.---(1) In case a disease or condition of the patient is of such a nature that requires medical attendance or treatment, as the case may be, at a private or specialized hospital or center in the Country and the cost is such that cannot be afforded by the patient within his available means, the patient shall be entitled to obtain the cost of treatment from such hospital or institute in the Country in advance, duly certified by head of that hospital or institute in the following manner,-

- (a) the Civil Servant shall submit the case to his respective authority, who after ascertaining facts, shall forward the case to Medical Section of Directorate General;
- (b) the Deputy Director (Admn) of Directorate General after due verification or authentication and obtaining approval of the Director General, shall place the proposal, for approval or otherwise, before the Standing Medical Board to be notified by the Health Department of Government. The Standing Medical Board after due verification and authentication may approve the case or otherwise; and
- (c) in case of approval, the Medical Section of Directorate General shall then forward the case through proper channel to the Finance Department of the Government for consideration of advance payment.

(2) The diseases and other conditions for the purposes of sub-rule (1) shall be notified by the Health Department of Government from time to time.

8. Claims by the Family Members of the Deceased.---In case of death of the patient, while under treatment, the medical reimbursement claims shall be paid to the family members upon production of record and after necessary verification or authentication by the Medical Section of Directorate General in accordance with the procedure mentioned in rules 3 and 4 of these rules. In case of approval, the Medical Section of Directorate General shall forward the case through proper channel to Finance Department of the Government for reimbursement. All such claims shall be submitted within two (2) years after death of the patient.

9. Empanelment of Government hospitals and private hospitals outside the Province.---(1) Government shall make arrangements for the patients with certain hospitals, outside the Province for certain diseases to be notified by the Health Department of Government, where the treatment is specialized and where the facilities are not available in Government hospitals or private hospital in the Province, through an agreement. For this purpose, Government shall constitute a committee comprising of representatives of the Finance Department and Establishment Department of Government, representatives of Khyber Pakhtunkhwa Public Procurement Regulatory Authority, concerned specialists from Government hospitals and Special Secretary Health Department of Government which shall be headed by the Director General for empanelment.

(2) The committee while considering any hospital for empanelment shall ascertain that such hospitals must have the capacity and capabilities to address the disease satisfactorily and provide the quality of medical attendance or treatment, as the case may be to the patient.

(3) If a hospital empanelled by the committee, later on proves to provide sub-standard medical attendance or treatment, as the case may be, the empanelment of such hospital shall be delisted.

10. Medical Attendance Card.---As soon as may be, after the notification of these rules, the Finance Department of Government shall issue to all Civil Servants including retired Civil Servants a computerized bar coded card, to be known as the Medical Attendance Card specifying the entitlement of the Civil Servant:

Provided that for the intervening period the diseases so to be mentioned in the Medical Attendance Card will be notified by Health Department of the Government:

Provided further that on conversion of entitlement to Health Insurance, to be so decided by Government, the Medical Attendance Card shall also stand converted.

11. Penalty.---If any Civil Servant makes any fake or false claims, or those issuing false certificates or signing false medical documents and processing false medical claims, shall be punishable with imprisonment which may extend to six (6) months or fine which may extend to one lac rupees or with both.

12. Cognizance of offence.---(1) No court inferior to that of Magistrate of first class shall take cognizance of an offence under these Rules:

Provided that the court shall take cognizance of an offence on the complaint made in writing by Director General or the controlling officer, as the case may be.

13. Repeal and savings.---(1) The West Pakistan Government Servants (Medical Attendance) Rules, 1959, notified vide notification No. 4/III-S.O(V)-57, dated: 24th July, 1959 are hereby repealed in its application to the extent of civil servants of the Province of Khyber Pakhtunkhwa.

(2) Notwithstanding the repeal of the said rules, everything done, order passed, action taken or obligation, liability, penalty or punishment incurred under any of the provisions of the said rules, shall, if not inconsistent with the provisions of these

Rules, continue in force and be deemed to have been done, passed, taken or incurred under the provisions of these Rules.

Secretary to Government of Khyber Pakhtunkhwa,
Health Department.