

AN  
ACT

*to amend the Khyber Pakhtunkhwa Health Foundation Act, 2016.*

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WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Health Foundation Act, 2016 (Khyber Pakhtunkhwa Act No. VII of 2016), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Health Foundation (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. VII of 2016.**—In the Khyber Pakhtunkhwa Health Foundation Act, 2016 (Khyber Pakhtunkhwa Act No. VII of 2016), hereinafter referred to as the said Act, in section 2,-

(i) for clause (f), the following shall be substituted, namely:

“(f) “Health Agency” means the Health Department or any of its Attached Department, sub-ordinate offices, autonomous bodies under its administrative control or any other organization or institution owned and controlled by Health Department;”;

(ii) after clause (f), as so substituted, the following new clauses shall be inserted, namely:

“(f-a) “Healthcare delivery services” means health services and allied services and includes infrastructure, diagnostics, equipments and other support services necessary for improvement of healthcare delivery

“(f-b) “Health Project” means a program, activity or a scheme meant to ensure, improve or consolidates healthcare delivery services, whether or not reflected in the annual development program of the Province and includes the design, construction, developmental and operation of new infrastructure facilities or the rehabilitation, modernization, expansion, maintenance or operation of existing infrastructure facilities;”;

(iii) for clause (j), the following shall be substituted, namely:

“(j) “public private partnership” means the mutually binding public private partnership agreement between the Health Agency and a private party for the healthcare delivery

5. **Amendment of section 7 of the Khyber Pakhtunkhwa Act No. VII of 2016.**---In the said Act, in section 7, for sub-section (2), the following shall be substituted, namely:

“(2) Without prejudice to the generality of the forgoing sub-section (1), the Board shall-

- (a) approve the policy guidelines on public private partnership;
- (b) ensure that all the Health Projects are consistent with overall policy framework and strategies of the Government;
- (c) resolve major issues and conflicts arising in public private partnership;
- (d) approve standards, guidelines, procedures and mode for awarding public private partnership agreement and standardized bidding documents;
- (e) approve or reject a Health Project of any amount submitted by the Technical Committee or a private party for public private partnership;
- (f) create, abolish or re-designate a post; provided while creating post, the financial implications do not exceed the approved annual budget;
- (g) approve regulations and organizational structure of the Foundation;
- (h) approval of financial plans, schedule of new expenditures, annual budgets and business plans of Foundation,
- (i) enhance private sector participation and provisions of health services and operationalize public private partnership and innovative modalities in areas defined by the Government; and
- (j) undertake contract management of health projects
- (j) perform such other functions as may be assigned to it by the Government.”.

6. **Insertion of section 8A and 8B to the Khyber Pakhtunkhwa Act No. VII of 2016.**---In the said Act, after section 8, the following new sections shall be inserted, namely:

“8A. **Technical Committee.**---(1) There shall be established a Steering Committee under the Chairmanship of Managing Director with following composition:

- (i) Director General Health, members not below the rank of Additional Secretary from Health, Planning and Development Department and Finance Departments as official members

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(3B) The Managing Director may delegate any of its functions to any employee of the Foundation with the approval of Board of Governors.”

8. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. VII of 2016.---In the said Act, in section 14,-

- (i) in sub-section (4), the word “Deputy” shall be deleted; and
- (ii) in sub-section (5), after the word “maintained”, the words “and audited” shall be inserted.

**BY ORDER OF MR. SPEAKER  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA**

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**(AMANULLAH)**  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa