

MINUTES OF THE FIRST MEETING OF THE MEDICAL AND DENTAL COUNCIL CONSTITUTED UNDER PAKISTAN MEDICAL COMMISSION ORDINANCE 2019

The 1st Meeting of the Medical and Dental Council Constituted under Pakistan Medical Commission Ordinance 2019 was held on 28th October, 2019 (Monday) at 3:30 pm at Serena Hotel, Islamabad.

The meeting was called pursuant to Section 4(2) of the Pakistan Medical Commission Ordinance, 2019 by the Ministry of NHR&C.

The following honourable Members of the newly constituted Council attended the meeting;

1. Ms. Roshaneh Zafar (On Skype)
2. Mr. Muhammad Ali Raza
3. Mr. Tariq Ahmad Khan
4. Dr. Rumina Hasan
5. Dr. Asif Loya
6. Dr. Arshad Taqi
7. Dr. Anees ur Rehman
8. Lt. General Dr. Khawar Rehman, Surgeon General of Pakistan
9. Prof. Dr. Zafarullah Chaudhry, President CPSP.

The following persons attended by Special Invitation;

1. Dr. Zafar Mirza, MOs/SAPM, M/o NHR&C
2. Dr. Allah Baksh Malik, Secretary, M/o NHR&C
3. Dr. Nasser Mohuddin, DG Tec, M/o NHR&C
4. Mr. Saeed Khan Nazi, JS (Admin), M/o NHR&C
5. Dr. Sabeen Afzal, Director Regulation, M/o NHR&C
6. Dr. Farah Mazhar, Deputy Director(PMDC), M/o NHR&C

Proceedings

The meeting started with the recitation from Holy Qur'an.

The first session was chaired by the State Minister for Health who welcomed all the members and informed that the Government is concerned about the betterment and progress of the Medical and Dental professions and education in the country. The history of efforts made in this regard date back to 1962 and after reviewing the progress and processes historically it was decided to undertake essential and necessary reforms for which purpose the Pakistan Medical Commission has been setup. The Prime Minister of Pakistan has been fully apprised and has fully endorsed the Commission and the reforms. He further, reiterated that the presence of Ministry in the meeting is upto the conduct of Elections for President and Vice President of the Council under

the Ordinance. The rest of the Council meeting will be presided by the President of the Council once elected.

Agenda 1: Presentation on the new Medical Commission Ordinance, 2019.

The meeting was briefed about the new Medical Commission Ordinance 2019 by Mr. Ali Raza. The meeting was informed that the Medical Commission comprised of three arms vested with the responsibilities pertaining to their purview. These include the Medical and Dental Council, the National Medical and Dental Academic Board and the National Medical Authority. The arms are entrusted with the responsibilities and roles as defined in the Pakistan Medical Commission Ordinance 2019. The Medical and Dental Council will deal with the policy making, financial and budgetary issues, Human resource management, recognition of Medical and Dental Institutions, Post graduate qualifications, curriculum development, setting standards for examination and related matters. The National Medical and Dental Academic Board will consist of members from the Public and Private sectors, each of the Provinces and medical and dental professionals nominated by the Prime Minister. The Board will formulate accreditation standards, curriculum (for under-graduates), examination structure and standards for the MDCAT, NLE & NEB and also license revalidation standards (LRS). The National Medical Authority will act as the administrative regulatory body and manage and maintain the accounts of the Commission, assets, liabilities, receipts, expenditures, funds, conduct of examinations, implementation of the Council's decision and other powers entrusted under the Ordinance. There is also a saving clause which protect pervious decision taken by the erstwhile PMDC including registration of the doctors in the past hence no adverse impact shall occur on any professional or institution by the promulgation of the new law. The exercise of arbitrary discretion as was permissible under the past laws has been curtailed and each of the Commission's arms have been entrusted with powers to be exercised in a systematic and transparent manner on an institutional basis and to avoid decision make based on individuals.

On a query the forum was informed that Government is simultaneously moving a Bill for tabling in Parliament for its consideration and approval by Parliament and the enactment of the Act whereas the Ordinance was necessitated in view of the urgency of ongoing medical admissions for the upcoming session and graduation of students completing their program so as to ensure proper implementation of the new reformed structures as otherwise it would create grave uncertainty between now and the end of 2020.

President CPSP raised a query regarding the current capacity of the Higher Education Commission (HEC) to regulate medical education. It was explained that HEC will only be enforcing and implementing criteria and standard for medical and dental colleges and the curriculum as established by the Academic Board and notified by the Commission. In addition the Commission would be working closely with HEC to transfer knowledge and develop their capacity as well as developing a structure to assist in the initial period to regulate and enforce the standards.

Agenda 2: Election of the President & Vice President of the Council.

The process of electing the President and Vice President was preceded. The Members unanimously elected Dr. Arshad Taqi as President and Mr. Ali Raza as Vice President of the Council unopposed.

The State Minister congratulated the President and the Vice President and extended his well wishes to them and the Council with the hope that the Council will serve for the establishment of standards for basic and higher medical education leading to the prosperity of the medicine and dentistry education.

Decision:

Dr. Arshad Taqi and Mr. Ali Raza were elected as President & Vice President of the Council respectively unopposed.

The President Dr. Arshad Taqi took over the Chair of the Meeting

Agenda 3: Appointment of Temporary Secretary to the Council during transition period.

Regarding the temporary appointment of the Secretary to the Commission the meeting was apprised that critically large numbers of cases regarding renewal of certificates, Good standing Certificates, applications for NEB exams and other related documents are pending and need to be processed on an urgent basis. To address this issue and for facilitating the administrative management of the Commission a secretary may be appointed on temporary basis to carry out the day to day work. The Council unanimously agreed that an officer may be lent from Ministry of NHSR&C pursuant Section 51(1) of the Ordinance. The Ministry offered to lend the services of Dr. Nasser Mohiuddin, Director General (Tech.), NHSR&C on deputation on a temporary basis as Secretary for a maximum period of ninety days until the permanent secretary is appointed basis.

The advertisement will be published at the earliest in leading newspapers for the appointment of Secretary as permissible under Ordinance. The Council extended its support to the Secretary for the tasks entrusted to him.

Decision: Dr. Nasser Mohiuddin, Director General (Tech.), NHSR&C was appointed on temporary basis as Secretary for ninety days under Section 51(1) of the PMC Ordinance, 2019

Advertisement for appointment of secretary to the Council on merit be published and interviews and assessments be carried out as per the system recommended by the HR Committee.

Agenda 4: Appointment of Temporary Staff of the Medical Authority during transition Period.

The matter of hiring temporary staff was discussed in detailed under section 51(2). The forum was apprised that there is need of certain staff to run day to day affairs of the Commission

especially relating to registration of the doctors and issuance of necessary certificates till appointment of the permanent staff of the PMC under section 15 of the Ordinance. Lt. General Dr. Khawar Rehman Surgeon General noted that there should be clear criteria for hiring staff to be approved by the Council. Dr. Rumina Hassan observed that detailed CV's should be available and transparent structure be designed to ensure the decisions can be easily taken. It was confirmed that the process for hiring of permanent staff the detailed and transparent process will be undertaken as recommended by the HR Committee however, the temporary staff was shortlisted based on past experience and immediate needs of the Commission and such appointments would be on a fixed time basis of not more than 90 days with no extensions permitted.

Decision: The following persons were approved for appointment on fixed 90 day maximum contracts for managerial positions;

Mr. Raza Shah, Director MIS / IT
Mr. Wajid Ali Shah, Director Finance.
Dr. Shaista Zeeshan, Assistant Manager.
Dr. Asiya Khan, Assistant Manager.
Dr. Sarah Ali, Assistant Manager.
Dr. Maria Sameer, Assistant Manager

The remuneration of each would be determined by the HR Committee and approved by the President and contracts be issued to each accordingly for a maximum period of 90 days.

It was further decided that the Secretary shall, from amongst the initial short list of persons or other persons assessed by him, recommend for temporary support staff positions persons for appointment on temporary contract for 90 days to be approved by the President on remunerations to be determined by the HR Committee.

Agenda 5: Delegation of powers to the President & Vice President of the Council

It was noted that financial matters being a sensitive issue, a transparent policy including the PPRA Rules be followed for procurements. Also, monetary sanction powers be defined for the President / Vice President through regulations or financial policies to be recommended by the Finance Committee. Regarding appointment of officers and employees it was suggested that policy should be in accordance with regulations framed by the Council as required under section 9(2)(a) of the Ordinance. It was agreed that while the HR Committee will finalize the positions and criteria for hiring, the Legal & Regulatory Committee will frame draft Service Regulations to be placed before the Council at the next meeting.

The Council unanimously agreed to delegation of powers to president and vice president as proposed for ensuring the work of the Commission can be undertaken on an immediate basis.

Decision: The following powers were delegated to the President and the Vice President subject to information to the Council of each such power being exercised subsequently and such delegated powers shall be in the future subject to regulations relating to relevant subjects as framed;

1. Approval for payments subject to recommendation by the Finance Committee.
2. Approval for procurement of consumables.
3. Approval for administrative actions for the operations of the PMC.
4. Approval for appointment of officers and employees pursuant to prescribed approvals of the Council.
5. Communications with other entities on behalf of PMC.
6. Communication with Government of Pakistan.
7. Communication with International Authorities.
8. Schedule meeting of the Academic Board on its formation & Conduct of first Meeting.

Agenda 6: Formation of working committees of the Council and delegation of powers.

The Council agreed that on an urgent basis the core committees of the Council should be put in place to start the required operations and oversee and assist in the urgent requirements.

Decision: The following working committees were formed:

- i. **Legal & Regulatory Committee:** Mr. Ali Raza (Chair), Dr. Anees Rehman
- ii. **Finance Committee:** Mr. Tariq Ahmad Khan (Chair)
- iii. **HR Committee:** Dr. Arshad Taqi (Chair), Ms. Roshaneh Zafar, Dr. Asif Loya

The Council decided that the chairman of the working committees will formulate the TORs of the committee and the committees can coopt further members for the smooth functioning of the working committees. The assigned tasks to the working committees shall be reported to Council on a regular basis.

Agenda 7: Approval for resolutions by circulation and meetings on conference facility.

Decision: The Council unanimously agreed and resolved that the Council may pass resolutions and take decisions by circulation to all members by email at their designated emails and all such resolutions and decisions shall be deemed to be resolutions or decisions passed at a meeting of the Council.

All resolutions and decisions shall be passed by a simple majority.

A resolution by circulation shall provide each member 72 hours to respond. The absence of a response from a member shall be deemed to be a consent to the proposed resolution.

A dissent shall be recorded by the Secretary in the minutes of each resolution or decision passed by circulation.

The Secretary shall issue under his signatures each Resolution or Decision passed by circulation and maintain a record of the same.

Agenda 8: Methodology for recording and approval of minutes of meetings, decisions and notifications.

Decision: The Council unanimously resolved that the Council meeting may be attended by any member through video or audio conference subject to minutes of such meeting being recorded and representing members attending by video or audio conference.

A member attending by video or audio conference shall be counted towards the quorum of the meeting.

All meetings of the Council shall be audio and video recorded.

The Secretary shall finalize the minutes within 24 hours and circulate to members for any comments to be sent back within 48 hours. However, decisions taken in the meeting shall be recorded by the Secretary and shall be announced as decisions publicly subsequent to the meeting.

Agenda 9: Approval for advertising for posts of Members of the Medical Authority, appointment of interviewing committee and appointment process

The draft terms for appointment of the Members of the Medical Authority were shared with the Council. These require review and finalization by the HR Committee of the Council. Once reviewed and finalized they shall be circulated to all Council member for approval prior to immediate advertisement of the same.

Decision: The Council decided that the HR Committee shall within the current week review and finalize the criteria and TOR's for appointment of Members of the Medical Authority as mandated by the Ordinance and circulate the recommendations to all members.

Upon approval the advertisement shall be published at the earliest to seek applications for the positions and initiate the process of hiring on merit through a defined transparent process.

Agenda 10: Approval for advertising for posts of initial Managerial positions.

Initial Managerial positions proposed were considered by the Council. It was noted that the HR committee should review the same and determine in conjunction with the Finance Committee their pay scale and allowance structure and recommend to the Council by circulation for approval to enable immediate initiation of the hiring process.

Decision: The Council decided that the HR Committee shall within the current week review and finalize the criteria and TOR's for appointment of management employees in the 1st Phase to provide for the essential requirements and circulate the recommendations to all members.

Upon approval the advertisement shall be published at the earliest to seek applications for the positions and initiate the process of hiring on merit through a defined transparent process.

Agenda 11: Approval for advertising for posts of Phase 1 support staff

The council was informed that there are about 100 ex employees of PMDC who fall in pay grade 1-4. As per the Section 49(3) of the Ordinance they are given first preference and priority when positions for similar nature are advertised. Lt. General Dr. Khawar Rehman raised the issue that such ex employees of PMDC will in all probability demand their previous pay package which may not be what the Commission decides to be the scale for the new support staff positions. It was explained that while the basic pay of the ex employees in the support staff category was reasonable it was through allowances cumulatively being over 200% of basic pay which had increased the gross pay to exorbitant levels. Ms. Roshaneh Zafar pointed out that it was necessary to assess the requirements and define the scope of work of such positions rather than holding onto out of date categorization of positions. It was agreed that as the new positions will be defined in terms of the work assigned to such persons they will carry pay packages rationalized on the basis of existing market packages which are more or less similar to the previous pay packages along with reasonable allowances. Dr. Arshad Taqi noted that with modern technology and automation these positions should be also reviewed and rationalized.

Decision: The Council agreed that the HR Committee will review the posts and finalize the specific positions to be opened for hiring in the 1st Phase. Any ex-employees of grade 1-4 of PMDC applying for such positions will be given priority as per the law subject to them agreeing to the terms and conditions of such new positions.

Agenda 12: Approval of Terms of Transfer of ex-employee records to Auditor General of Pakistan and calculation of liability of ex-employees

Decision: The Council unanimously agreed and directed the Director Finance to ensure this under supervision of the Finance Committee to ensure there was no delay in processing the matter for the benefit of the ex-employees of PMDC.

Agenda 13: Approval of Terms of Transfer of Records of colleges to HEC and formation of Transfer Committee

The matter was deliberated in detail. President CPSP raised the existing capacity issue of the HEC. It was pointed out that the HEC was operating on similar footing with other specialized fields such as its working with the Engineering Council etc. It was agreed that the Council will

provide in depth assistance to the HEC as required to not only transfer knowledge but also assist them in initial phase of implementing the role of educational regulator of colleges.

The Surgeon General pointed out that the Ordinance did not authorize transfer of records to HEC either explicitly or indirectly. Section 50(4) of the Ordinance states that *all assets, rights, movable and immovable properties, records, cash, bank accounts, deposits etc., of the dissolved Pakistan Medical and Dental Council under the repealed Ordinance shall stand transferred to the Commission and shall be deemed to be the assets, rights, properties, records, cash, bank accounts, deposits etc., of the Commission.* Therefore, all records, including records of medical and dental colleges registered with dissolved PM&DC, remain the property of the duly constituted Pakistan Medical Commission. However, the Council may provide necessary assistance to the HEC because it did not have any existing experience / capacity of dealing with medical education as pointed out by President CPSP. Therefore, to discuss and develop methodology of such assistance, the President and Vice President may meet with the Chairman HEC and present the same to the Council in its next meeting.

It was clarified that at a later stage with the approval of the Council only a copy of the record of medical and dental colleges would be provided to the HEC to enable them to undertake their mandate of regulating the educational institutions as they will not be able to do so without the historic record whereas the original record will be retained by the Commission.

Decision: It was decided that the President or Vice President meet with the HEC to discuss and develop a methodology of such assistance and transfer of knowledge and present the same to the Council in its next meeting.

Agenda 14: Approval of lead Legal Counsels in the Five High Courts and Supreme Court.

A short list of counsels who had been providing the previous PMDC with legal services was placed before the Council as there was an immediate need to authorized legal counsels to represent the Commission. Lt. General Dr. Khawar Rehman inquired whether all the previous legal counsels should be retained or not and their performance should be reviewed by the Legal Committee and recommend their long term hiring to the Council. The Council was informed that there are more than 150-200 pending cases in superior Courts and others are being filed on a constant basis which need immediate attention and defending hence as an interim measure it was being proposed to authorize only the senior counsels who had been performing well to represent the Commission until the Legal Committee reviews in detail after inviting all lawyers to submit their intent to represent the Commission and then finalize such long term selections.

Decision: It was decided by the Council that the following legal Counsels shall be authorized to represent the Commission in pending and new cases as may be instituted of any nature and before any judicial forum, whether against the previous PMDC or the Commission. Such authorization initially would be for a period of 30 days extendable further by the Council until the final recommendations of the Legal Committee are placed before the Council for long term appointments.

Mr. Qamar Afzal, Advocate Supreme Court.
(for Supreme Court and Islamabad High Court & Medical Tribunal)

Ch. Muhammad Umer, Advocate Supreme Court.
(for Supreme Court (LHR) and Lahore High Court & Medical Tribunal)

Mr. Amir Javed, Advocate Supreme Court.
(for Supreme Court (PESH) and Peshawar High Court & Medical Tribunal)

Mr. Zeeshan Abdullah, Advocate High Court.
(for Sindh High Court & Medical Tribunal)

Mr. Taimur Aslam, Advocate High Court.
(for Islamabad High Court & Lahore High Court RWP Bench & Medical Tribunal)

The legal fees to be paid to the Counsels shall in terms of previous practice be fixed as follows with 50% in advance and 50% on conclusion of the matter.

Fee for Medical Tribunal: Rs.100,000 per case

Fee for High Court: Rs.150,000 per case

Fee for Supreme Court: Rs.250,000 per case

Agenda 15: Formation of Disciplinary Committee.

Decision: The matter was deferred to next Council meeting for consideration after reviewing the quantity of pending complaints.

Agenda 16: Financial reports & handling of Audits initiated of previous PMDC for referral to Ministry.

Council was informed that that the audits initiated of PMDC were pending. The matter had to be reviewed as to how to handle such audits and would the same be then referred to the Ministry NHSRC or first completed.

Decision: The Council decided to refer the matter to the Finance Committee for review and recommendations at the next Council meeting.

Agenda 17: Financial Report of Funds, assets and liabilities etc.

The Council was informed by the Director Finance of the current funds available and the general list of assets and the existing liabilities inherited by the Commission which included certain

current liabilities which were overdue including payment of salaries to ex employees, fee to NUMS and outstanding payments for procurement of services and goods.

Decision: The Council unanimously agreed that the Finance Committee should review the current payable liabilities and recommend for approval of payment to the President on whose approval the payments may be made.

Agenda 18: Approval of signatories on bank Accounts

Decision: The Council unanimously agreed that the Secretary and Director Finance will be the signatories on bank accounts of the PMC and the President shall be the approving authority upon recommendation by the Chairman Finance Committee.

The Director Finance was directed to inform the banks immediately.

Agenda 19: Payment of 6 months' salary as per Ordinance to ex-employees

The Council was informed that as per Section 49 of the Ordinance the ex employees of PMDC had to be paid 6 months basic pay as compensation. In addition the salaries of the ex employees for 20 days of October 2019 were also to be paid on the 1st as a current liability.

Decision: The Council unanimously decided that the Director Finance prepare the necessary approvals for payment of the 6 months basic pay and the 20 days salary for October 2019 of all ex employees of PMDC and do the needful after obtaining approval of the President to ensure these payments are made within the current week as soon as possible.

Agenda 20: Recovery of assets out of possession of Commission.

Decision: The Council unanimously decided that the Secretary will verify and recover all assets of erstwhile PM&DC.

Agenda 21: Approval of methodology for handling urgent outstanding matters.

Decision: The Council unanimously decided that the Secretary is assigned to start all the pending outstanding matters of urgent nature that includes certificates of Good standing for foreign examinations, NEB examination date and processing of applications, PG registration and licenses in consultation with and on the advice of the relevant Committees.

The Council further to facilities students extended the last date of receiving applications for the NEB Exam to 10th November, 2019 and directed that the final list be furnished to NUMS for conducting of exam which is due on 1st December, 2019.

The Council further directed that all pending applications for grant of urgent certificates, permissions etc. be processed on a fast track basis and be issued within a week to facilitate all applicants and for such purpose necessary public notices may also be issued.

Agenda 22: Change of letterhead and insignia

Decision: The Council unanimously decided that the monogram for Pakistan Medical Commission will be kept simple as “PMC” for the time being.

Other Points Discussed

- A) The concern was recorded that as per the law the NLE was to be conducted for the first time in end of 2020 or start of 2021 after the graduation of MBBS and BDS in 2020 and given the preparation and infrastructure required it may difficult to implement. It was noted that the Academic Board was entrusted with the role of setting its standards and structure and it is only then that one can evaluate the time required to implement based on the methodology adopted by the Board.
- B) A view was communicated that it was important to include representation from the public sector as it represented an equal if not greater share of the medical and dental graduates. It was noted that the Academic Board is the primary body dealing with the educational and academic aspects of medical and dental undergraduate education including the determining of the curriculum, institutional criteria and standards and structuring all the national examinations (MDCAT, NLE, NEB etc.). The Academic Board already has extensive public sector representation specifically provided for this purpose. If additional representation is required that would be a matter for the Government and Legislature to consider in due course however, the key should be having dedicated persons who bring the highest level of quality experience to the Board to enable it to perform its functions.
- C) It was suggested that it was important to engage with the professional medical bodies for purposes of consultation. It was agreed that consultation and engagement with all stakeholders should be an ongoing process to enable the Council and the Academic Board to have the advantage of a broad spectrum of views when forming policy decisions.
- D) It was also suggested that it was required to establish regular communication and media updates in order to allay any anxiety or concerns of stakeholders post the Ordinance and to counter negative propaganda which was clearly based on incorrect representation of the law and facts. It was agreed that this was an important aspect as the Commission was a public regulator and it must constantly make the public aware of its actions and decisions. Public and media relations was a professional position the HR Committee was requested to include

in the 1st Phase of human resource development. It was also suggested and agreed that it would be appropriate if the Council is publicly represented by one voice to ensure there is no confusion publicly for which the President and the Vice President should act as the public voice of the Council.

The President after discussion with the members decided the next meeting of the Council shall be held on *8th November 2019 (Friday) at the Pakistan Medical Commission Secretariat, G-10, Mauve Area.*

The meeting ended with a mutual vote of thanks.

Approved

President
Medical & Dental Council

Certified
Secretary
Medical & Dental Council