



## Nepal Health Sector Support Programme III (NHSSP – III)

**Support to development of regulations for health institutions  
licencing and upgrading; and development of regulatory mechanism  
as per the Public Health Service Act'**



## **A brief note on the development process and NHSSP support for:**

### **Development of the Public Health Service Regulations and draft of sample act for the regulation of health institutions at the local level**

The Legal Section and Policy, Planning and Monitoring Division (PPMD) of the Ministry of Health and Population (MoHP) were coordinating the drafting of the Public Health Service Regulations and the sample act for the regulation of health institutions at the local level. The Regulations of the Public Health Service Act have recently been approved by the cabinet, while the sample act for the regulation of health institutions at the local level has been drafted and is in the approval process. This note provides a brief overview of the development process and NHSSP support.

The Constitution of Nepal, 2015 enshrined the right of every citizen to free basic health services. A comprehensive list of basic health care packages was first produced the same year as an annex of the Nepal Health Sector Strategy, which provided an indicative framework for the planning of services at peripheral health facilities. In 2018, broader areas of basic health services were defined in the Public Health Service Act (PHSA). In accordance with provisions made in the PHSA, the existing draft of basic health services was further revisited and consultations were made with stakeholders. Together with other development partners, the Nepal Health Sector Support Programme (NHSSP) provided support to the Curative Service Division in preparing the draft of basic health services as per the provisions made in the PHSA.

During the process, a consensus was reached among key stakeholders to include the package of basic health services as an annex of the Public Health Services Regulations. NHSSP gave support in preparing, reviewing and consulting on the draft of the Public Health Services Regulations, including the package of basic health services. After the finalisation of the draft regulations, they were shared with the Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) and the Ministry of Finance (MoF) for review and feedback. After incorporating inputs from the MoLJPA and MoF, a final draft was tabled for endorsement from the Cabinet. The final draft was further reviewed and updated to include various annexes, such as a list of emergency and specialised services, the structure of health institutions across three levels and the licensing of health institutions. In the context of the Coronavirus Disease 2019 (COVID-19) pandemic, detailed provisions in relation to the management of health emergencies and infectious diseases were also incorporated in the final version of the regulations, which was published in the Nepal Gazette on 21st September 2020 following Cabinet approval. NHSSP has translated the approved version of the regulations into English.

Given the role of local levels in the regulation of health institutions as defined in the Local Government Operation Act, 2074, the Ministry of Federal Affairs and General Administration (MoFAGA) took the initiative to develop sample legislation to facilitate the law-making process at the local level. Upon the request of the MoHP, NHSSP supported the drafting process of sample legislation focusing on the role of the local levels. A short-term technical expert was hired for the legal shaping of the document. Consultation within the MoHP, particularly with the Legal Section, took place in the process of drafting the sample

legislation. The MoHP has shared the draft document with the MoFAGA for its review. This legislation is expected to be approved after final review by the MoFAGA and the MoHP. The latest draft of the sample legislation – submitted to the MoHP – has been translated into English.