

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE HOSPITALS MANAGEMENT BOARD OF THE FEDERAL CAPITAL TERRITORY AND FOR MATTERS CONNECTED THEREWITH HB. 441

Provisions of the Bill	Committee of the Whole Recommendations
ENACTED by the National Assembly of the Federal Republic of Nigeria —	Retained
PART I- ESTABLISHMENT OF THE FEDERAL CAPITAL HOSPITALS MANAGEMENT BOARD Establishment of the Hospitals Management Board. 1. (1) There is hereby established for the Federal Capital Territory a Board to be known as Hospitals Management Board (in this Bill referred to as “the Board”). (2) The Board shall – (a) be a body corporate with perpetual succession and a common seal; (b) have powers to sue and be sued in its corporate name; and (c) be capable of holding or dispose of any property, moveable or immovable, for the purpose of the discharge of the functions conferred on it in this Bill.	Retained
Establishment of the Governing Board. 2. There is established for the Board, a Governing Board (in this Bill referred to as “the Board ”)	Retained
Membership of the Board. 3. The Board shall consist of— (a) a Chairman who shall serve on part time basis; (b) two part time members who are residents of the Federal Capital Territory to represent the public interest	Retained

on rotational basis. (c) the Director Medical and Diagnostics, Health and Human Services Secretariat. (d) the Director, Pharmaceutical Services, Health and Human Services Secretariat. (e) the Director Clinical and Diagnostics, Hospitals Management Board. (f) the Director, Nursing Services, Hospitals Management Board. (g) a representative of the Medical Profession in Federal Capital Territory on part time basis. (h) a representative of other professions in the health sector in the Federal Capital Territory on part time basis: (i) the Director General of the Board who shall also serve as the Secretary to the Board.	
Schedule of tenure. 4. The Chairman and other members of the Board shall each hold office — (a) for a term of 4 years in the first instance and may be re-appointed for one further term of 4 years and no more; and (b) on such terms and conditions as may be specified in their letters of appointment.	Retained
Cessation of membership 5. (1) Notwithstanding the provisions of section 4 of this Bill, a person ceases to hold office as a member of the Board if the person— (a) becomes bankrupt; (b) is convicted of a felony or offence involving dishonesty or fraud;	Retained

(c) becomes of unsound mind, or incapable of carrying out his duties; (d) is guilty of a serious misconduct in relation to his or her duties; (e) in the case of a person holding professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority made in respect of that member; or (f) resigns his or her appointment by a letter addressed to the Minister. (2) If a member of the Board ceases to hold office for any reason whatsoever, before the expiration of the term which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term. (3) A member of the Board may be removed by the Minister, if the Board is satisfied that it is not in the interest of the Board or the public that the member continues in office.	
Emoluments, etc. of members of the Board. 6. There shall be paid to the Members of the Board such remuneration as the Minister may from time to time determine.	Retained
PART II - POWERS AND FUNCTIONS OF THE BOARD Powers of the Board. 7. The Board shall have the powers to- (a) consider plans and budgetary proposals of the hospitals and submit recommendations thereon to the Minister. (b) provide the general policy guidelines relating to the functions of the Board; and (c) award contracts for procurement of goods and services not more than N50,000,000.00 (Fifty million	Retained

Naira) only; or such threshold as prescribed by the Public Procurement Act.	
Functions of the Board. 8. (1) The functions of the Board shall be to - (a) administer, control and manage all secondary health care facilities in the Federal Capital Territory. (b) ensure that the standards of curative and after care treatment provided for the public and patients at all Health institutions under the Board are of high standards; (c) provide information and advice to Health and Human Services Secretariat of the Federal Capital Territory in order to facilitate the formulation of realistic health policies; (d) provide proper training courses for staff including clinical institutions within or outside Nigeria to ensure competence in operations and adequate opportunities for advancement; (e) implement the policies of Health and Human Services Secretariat; (f) carry out such health functions and general directions as may be passed on to it in writing by the Minister, Federal Capital Territory; (g) recruit Employees of the Board; (h) promote, post, transfer and discipline staff of the Board; (i) maintain comprehensive data base for all grades of its employees; and (j) handle pension matters of all employees of the Board. (2) the Board shall enter into contracts for-	

(a) procurement of equipment, drugs, surgical consumables, reagents, furniture and general goods; (b) procurement of services, including specialized services; and (c) maintenance of medical equipment, infrastructural facilities, vehicles, plant and machinery. (3) without prejudice to the provisions of subsection (1) of this section, the Board may enter into such contracts or do any such things necessary or expedient for due performance of any of its duties under this Bill.	
PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER STAFF OF THE BOARD Appointment of the Director-General. 9. There shall be for the Board a Director General- (a) who shall be appointed by the Minister after a competitive selection process; (b) who shall be the Chief Executive and Accounting Officer of the Board; and (c) who shall be responsible for the day to day management and administration of the Board.	Retained
Qualification of the Director-General. 10. The Director General shall be- (a) a qualified medical Doctor or Allied Medical Practitioner registered with relevant professional bodies for a period of not less than 18 years, with considerable administrative experience in matters of health; and holds (b) a post-graduate medical fellowship qualification obtained not less than 8 years prior to his appointment as Director-General.	Retained

Tenure. 11. The Director-General of the Board is to hold office - (a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and (b) on such terms and conditions as may be specified in his letter of appointment.	Retained
Appointment of other staff of the Board. 12. (1) The Board may appoint such other staff as it considers necessary for carrying out its functions under this Bill and may determine the wages, salaries, and conditions of service, of such staff with the approval of the Minister. (2) The staff of the Board shall be- (a) public servants as defined in the Constitution of the Federal Republic of Nigeria 1999; and (b) governed by the civil service rules and regulations of the Federal Republic of Nigeria.	Retained
Pensions. 13. Service in the Board shall be approved service for the purposes of the pensions Reform Act; and accordingly employees of the Board are entitled to pensions, and other retirement benefits as are prescribed under the Pension Reform Act.	Retained
Staff regulations. 14. (1) Subject to the provisions of this Bill, the Board shall make staff regulations relating generally to the conditions of service of the staff, and in particular, such regulations may provide for-	Retained

(a) the appointment, promotion, termination, dismissal and disciplinary control of staff or employees of the Board; and (b) appeals by staff or employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service in the public service of the Federation are to be applicable with such modifications as may be necessary, to the employees of the Board. (2) The staff regulations made under subsection (1) of this section shall not have effect until published in the Federal Government official Gazette, but the Board shall cause a notice of the staff regulations to be issued to all affected staff in such manner as the service may from time to time determine. (3) Any officer aggrieved by any decision of the Board in respect of discipline, dismissal or termination of appointment may appeal to the Minister for redress.	
Staff transfer. 15. (1) Subject to subsection (2) of this section, relevant officers of the Health and Human Services Secretariat working in the secondary Health facilities immediately before the coming into force of this Bill shall be deemed to have been transferred to the Board. (2) Notwithstanding section (1) of this section Health and Human Services Secretariat may retain any officer or servant whose services in its opinion are for the time being required by the Secretariat. (3) During the period of transition the existing schemes of service, regulations and standing orders for the various grades of serving officers in the Health and Human Services Secretariat shall remain in force until the Board makes appropriate regulations and rules.	Retained
PART IV- ESTABLISHMENT OF HOSPITAL MANAGEMENT COMMITTEES Establishment of committees.	Retained

16. The Board shall appoint a Committee for each hospital in the Federal Capital Territory to be known as Hospital Management Committee.	
Composition of the committee. 17. (1) The Committee shall consist of- (a) the Medical Director of the Hospital, who shall be the head and accounting officer of the hospital; (b) all heads of major clinical departments and units in the hospital including but not limited to the following Departments - (i) Paediatrics; (ii) Obstetrics & Gynaecology; (iii) Surgery; (iv) Medicine; (v) Nursing; (vi) Pharmacy; (vii) Medical Records; (viii) Dental; (ix) Laboratory; (x) Radiology (c) a representative of the local community to be nominated by the Councilor for Health in the Area Council; and (d) the hospital Secretary shall be the Secretary to the Committee.	Retained
Functions of the committee. 18. (1) Subject to the provisions of this Bill, the functions of the Committee are to- (a) control and manage health services provided within a Hospital; (b) identify community health care needs and provisions of services thereto;	Retained

(c) provide the Board with a full annual and performance reports as may be required by the Board; (d) receive and investigate any complaints from the public against the services provided in the Hospital. (2) The Committee is to be responsible to the Board for- (a) the hospital's day to day administration and services; (b) the hospital's revenue and expenditure through their Drugs and Services Revolving Fund (DSRF) scheme, regular running cost and Health Insurance fees; (c) limited maintenance of buildings and equipment as well as environmental sanitation in hospitals; (d) purchase of stationeries, furniture, drugs, consumables, reagents and sundry items; (e) processing of preliminary disciplinary matters that may be forward to the Board further action; and (f) supervising any health facility affiliated to the hospital.	
Complaints against the committee 19. Any person aggrieved by any act of the Committee may appeal to the Board for redress.	Retained
Delegation of powers. 20. The Minister may by notice delegate to any person or body all or any of the powers conferred upon him by this Bill.	Retained
Funds of the Board. 21. (1) The Funds and resources of the Board shall consist of all- (a) monies as may from time to time be allocated to	Retained

the Board by way of budgets by the Federal Capital Territory Administration; (b) legacies, grants, endowments, donations and other gifts received by the Board; (c) all monies earned in respect of any service or services provided by the Hospitals and institutions under this Bill; (d) any investment or other property acquired by or vested in the Board including money arising from the investment or property; (e) all monies received by the Board in respect of any loan made by the Board or interest payable in respect of the loan; (f) all other monies which may lawfully accrue to the Board from any other source. (2) The Board shall operate its own account(s) but may delegate powers to the Hospital Management Committees to collect and disburse revenue on its behalf.	
PART VI- ACCOUNTS, AUDIT AND REPORTS Annual reports. 22. The Board shall not later than 30th June in each year, submit to the appropriate authority, a report of its activities covering its performance against agreed set target during the immediate preceding year, and shall include in that report an audited account of the Board.	Retained
Estimates. 23. The Board must prepare and submit to the appropriate authority not later than the 30th day of September in each financial year an estimate of its income and expenditure for the succeeding year.	Retained
Accounts and audits.	Retained

24. The Board must keep proper accounts and records to be audited by an auditor or auditor's approved by the Federal Capital Territory Administration.	
Submission of reports. 25. A copy of the annual report, the financial statement and the audited accounts of the Board must be submitted to the Minister.	Retained
General directives. 26. The Minister may give to the Board directives of a specific or general nature with regard to the exercise of its functions under this Bill.	Retained
PART VII- MISCELLANEOUS Power to make regulations. 27. The Board shall with the approval of the Minister make regulations for- (a) prohibiting or restricting the access of members of the public to any premises vested in or under the control of the Board or to any portion of such premises; (b) ensuring the maintenance of good order and discipline amongst members of the public at all time upon any such premises; (c) prevent the unauthorized or improper use of any property under the control of the Board; and (d) prescribing the fees payable in respect of any services provided by Hospitals under the Board	Retained
Commencement date and regulations. 28. Regulations made under the provisions of this section are operational and effective only upon their gazetting.	Retained

Appointment of special committees. 29. (1) The Minister may, by notice and on the advice of the Board appoint a Committee to be known as a Special Committee with responsibilities for hospitals in the said notice. (2) The notice shall specify the constitution of the Special Committee and its functions.	Retained
Interpretation. 30. In this Bill, unless the context otherwise requires – “appointed or appropriate authority” means the Federal Government representative responsible for the administration of Federal Capital Territory; “Board” means the Federal Capital Territory Hospitals Management Board established under section 1 of this Bill; “Chairman” means and includes Hospital Management Committee established under this Bill; “Commencement date” means the effective date the Act comes into operation; “Director-General” means the Chief Executive Officer of the Board; “Employee” means any person employed in any capacity by the Board pursuant to the provisions of this Bill; “ “FCT” means the Federal Capital Territory, Abuja; “hospital” means any hospital, convalescent home, clinic or nursing home with associated institutions and specialist services maintained or controlled by the Government, used or intended to be used for the reception and treatment of persons suffering from any sickness, injury, bodily or mental infirmity and for the reception of women in childbirth immediately after childbirth for the purposes of providing such person with nursing, medical or surgical attention; “member of the Committee” means a member of the Committee appointed by the authority under this Bill and includes the	Retained

Chairman of the Committee; “member of the Board” means a member of the Governing Board appointed by the Minister, and includes the Chairman of the Board; “Medical Director” means Medical Officer in charge of Hospital under the Federal Capital Territory Administration; “Minister” means Minister of the Federal Capital Territory or any person appointed or elected for the time being, responsible for the administration of the Federal Capital Territory;	
Short title. 31. This Bill may be cited as the Federal Capital Territory Hospitals Management Board (Establishment, etc.) Bill, 2016.	Retained
SCHEDULE SUPPLEMENTARY SCHEDULE RELATING TO THE BOARD, ETC. <i>Proceedings of the Board</i> 1. The Board shall meet no less than quarterly, and more often as required, at a time and place determined by and upon reasonable notice to all members from the Chairman to- (a) address all matters related to implementation of its operational or strategic health plans at all levels; (b) coordinate and oversee all matters related to every Hospital Management Committee; and (c) discharge its functions in terms of this law. 2. Every meeting of the Board shall be presided over by the Chairman and in his absence the members present at the meeting shall appoint one of their members to preside at the meeting. 3. The quorum at a meeting of the Board shall be not less than one-third of the total number of members of the Board at the date of the meeting and the quorum of a Committee of the Board shall be as determined by the Board.	Retained

4. The Board shall for the purposes of this Bill, meet every quarter and not less than three times in each year and subject, thereto, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so, by notice given to him by not less than 5 other members, he shall convene a meeting of the Board to be held within 14 days from the date on which the notice was given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in any contract made or proposed to be made by the Board shall —

(a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting of the Board;

(b) not, take part in any deliberation or decision of the Board;

(c) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed,

(d) not vote on any question relating to the contract or arrangement.

Voting and Casting

7. An issue to be decided by the Board, vote shall be determined by a simple majority of members present and voting and the Chairman or other person presiding over the meeting shall have a casting vote wherever necessary to avoid an equality of votes.

(1) The Director General shall provide secretarial services and shall take and retain minutes of all board meetings for proper custody.

(2) Minutes of a Board meeting shall be reviewed, revised as required and approved at the next Board meeting.

(3) The Chairman shall direct that minutes approved in terms of subsection (2) shall be timeously submitted to the Members.

(4) The minutes of the Board shall at all reasonable times be open for inspection by any person, who shall be entitled to obtain a copy or extract, upon the payment of the prescribed fee.

Vacancy

8. The proceedings of the Board shall not be invalidated by reason of a vacancy among its members or by any defect in the nomination, appointment or qualification of a member.

Committees

9. (1) Subject to its standing orders, the Board may appoint such number of standing and ad-hoc Committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) A Committee appointed under this paragraph shall be presided over by a member of the Board and consists of such number of persons, (not necessarily all members of the Board as may be determined by the Board), and a member, other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

(3) The quorum of any Committee set up by the Board shall be as may be determined by the Board.

(4) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

10. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman and the Director-General of the Board.

11. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Secretary or by any other person generally or specially authorize

by the Board to act for that purpose. 12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been properly signed or sealed. 13. The validity of any proceedings of the Board or any of its Committees shall not be affected by - (a) any vacancy in the membership of the Board, or Committees; (b) any defect in the appointment of a member of the Board or Committee; or (c) reason that any person not entitled to do so took part in the proceedings of the Board or Committee. 14. A member of a Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Committee shall forthwith disclose his interest to the Committee and shall not vote on any question relating to the contract or arrangement. 15. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaging in the business of the Board.	
EXPLANATORY MEMORANDUM This Bill seeks to establish the Hospitals Management Board for the Management of Hospitals under the Federal Capital Territory Administration	