

1 (d) the Director, Pharmaceutical Services, Health and Human
2 Services Secretariat;

3 (e) the Director Clinical and Diagnostics, Hospitals Management
4 Board;

5 (f) the Director, Nursing Services, Hospitals Management Board;

6 (g) a representative of the Medical Profession in Federal Capital
7 Territory on part time basis;

8 (h) a representative of other professions in the health sector in the
9 Federal Capital Territory on part time basis;

10 (i) the Director General of the Board who shall also serve as the
11 Secretary to the Board.

Schedule of
tenure

12 4. The Chairman and other members of the Board shall each hold
13 office-

14 (a) for a term of 4 years in the first instance and may be re-appointed
15 for one further term of 4 years and no more; and

16 (b) on such terms and conditions as may be specified in their letters of
17 appointment.

Cessation of
membership

18 5.-(1) Notwithstanding the provisions of section 4 of this Bill, a
19 person ceases to hold office as a member of the Board if the person-

20 (a) becomes bankrupt;

21 (b) is convicted of a felony or offence involving dishonesty or fraud;

22 (c) becomes of unsound mind, or incapable of carrying out his duties;

23 (d) is guilty of a serious misconduct in relation to his or her duties;

24 (e) in the case of a person holding professional qualifications, he is
25 disqualified or suspended from practicing his profession in any part of the
26 world by an order of a competent authority made in respect of that member; or

27 (f) resigns his or her appointment by a letter addressed to the Minister.

28 (2) If a member of the Board ceases to hold office for any reason
29 whatsoever, before the expiration of the term which he is appointed, another
30 person representing the same interest as that member shall be appointed to the

1 (2) The staff regulations made under subsection (1) of this section
2 shall not have effect until published in the Federal Government official
3 Gazette, but the Board shall cause a notice of the staff regulations to be issued
4 to all affected staff in such manner as the service may from time to time
5 determine.

6 (3) Any officer aggrieved by any decision of the Board in respect of
7 discipline, dismissal or termination of appointment may appeal to the Minister
8 for redress.

Staff transfer

9 **15.-(1)** Subject to subsection (2) of this section, relevant officers of
10 the Health and Human Services Secretariat working in the secondary Health
11 facilities immediately before the coming into force of this Bill shall be deemed
12 to have been transferred to the Board.

13 (2) Notwithstanding section (1) of this section Health and Human
14 Services Secretariat may retain any officer or servant whose services in its
15 opinion are for the time being required by the Secretariat.

16 (3) During the period of transition the existing schemes of service,
17 regulations and standing orders for the various grades of serving officers in the
18 Health and Human Services Secretariat shall remain in force until the Board
19 makes appropriate regulations and rules.

20 PART IV- ESTABLISHMENT OF HOSPITAL MANAGEMENT COMMITTEES

Establishment of
Committees

21 **16.** The Board shall appoint a Committee for each hospital in the
22 Federal Capital Territory to be known as Hospital Management
23 Committee.

Composition of
the Committee

24 **17.-(1)** The Committee shall consist of-

25 (a) the Medical Director of the Hospital, who shall be the head and
26 accounting officer of the hospital;

27 (b) all heads of major clinical departments and units in the hospital
28 including but not limited to the following Departments-

29 (i) Paediatrics;

30 (ii) Obstetrics & Gynaecology;

1 (b) a post-graduate medical fellowship qualification obtained not
2 less than 8 years prior to his appointment as Director-General.

3 **11.** The Director-General of the Board is to hold office- Tenure

4 (a) for a term of 4 years in the first instance and may be re-
5 appointed for a further term of 4 years and no more; and

6 (b) on such terms and conditions as may be specified in his letter of
7 appointment.

8 **12.**-(1) The Board may appoint such other staff as it considers Appointment of
other staff of the
Board
9 necessary for carrying out its functions under this Bill and may determine
10 the wages, salaries, and conditions of service, of such staff with the approval
11 of the Minister.

12 (2) The staff of the Board shall be-

13 (a) public servants as defined in the Constitution of the Federal
14 Republic of Nigeria 1999; and

15 (b) governed by the civil service rules and regulations of the
16 Federal Republic of Nigeria.

17 **13.** Service in the Board shall be approved service for the purposes Pensions
18 of the pension Reform Act and accordingly employees of the Board are
19 entitled to pensions, and other retirement benefits as are prescribed under
20 the Pension Reform Act.

21 **14.**-(1) Subject to the provisions of this Bill, the Board shall make Staff regulations
22 staff regulations relating generally to the conditions of service of the staff,
23 and in particular, such regulations may provide for-

24 (a) the appointment, promotion, termination, dismissal and
25 disciplinary control of staff or employees of the Board; and

26 (b) appeals by staff or employees against dismissal or other
27 disciplinary measures, and until such regulations are made, any instrument
28 relating to the conditions of service in the public service of the Federation
29 are to be applicable with such modifications as may be necessary, to the
30 employees of the Board.

1 passed on to it in writing by the Minister, Federal Capital Territory;
2 (g) recruit Employees of the Board;
3 (h) promote, post, transfer and discipline staff of the Board;
4 (i) maintain comprehensive data base for all grades of its employees;
5 and
6 (j) handle pension matters of all employees of the Board.
7 (2) the Board shall enter into contracts for-
8 (a) procurement of equipment, drugs, surgical consumables,
9 reagents, furniture and general goods;
10 (b) procurement of services, including specialized services; and
11 (c) maintenance of medical equipment, infrastructural facilities,
12 vehicles, plant and machinery.
13 (3) without prejudice to the provisions of subsection (1) of this
14 section, the Board may enter into such contracts or do any such things
15 necessary or expedient for due performance of any of its duties under this
16 Bill.

17 PART III - APPOINTMENT OF DIRECTOR-GENERAL AND OTHER
18 STAFF OF THE BOARD

Appointment of
the Director-General

19 9. There shall be for the Board a Director General-
20 (a) who shall be appointed by the Minister after a competitive
21 selection process;
22 (b) who shall be the Chief Executive and Accounting Officer of the
23 Board; and
24 (c) who shall be responsible for the day to day management and
25 administration of the Board.

Qualification of
the Director-General

26 10. The Director General shall be-
27 (a) a qualified medical Doctor or Allied Medical Practitioner
28 registered with relevant professional bodies for a period of not less than 18
29 years, with considerable administrative experience in matters of health; and
30 holds.

1 Board for the unexpired term.

2 (3) A member of the Board may be removed by the Minister, if the
3 Board is satisfied that it is not in the interest of the Board or the public that
4 the member continues in office.

5 6. There shall be paid to the Members of the Board such Emoluments, etc.
6 remuneration as the Minister may from time to time determine. of members of
the Board

7 PART II - POWERS AND FUNCTIONS OF THE BOARD

8 7. The Board shall have the powers to- Powers of the
Board

9 (a) consider plans and budgetary proposals of the hospitals and
10 submit recommendations thereon to the Minister.

11 (b) provide the general policy guidelines relating to the functions
12 of the Board; and

13 (c) award contracts for procurement of goods and services not
14 more than N50,000,000.00 (Fifty million Naira) only; or such threshold as
15 prescribed by the Public Procurement Act.

16 8.-(1) The functions of the Board shall be to - Functions of the
Board

17 (a) administer, control and manage all secondary health care
18 facilities in the Federal Capital Territory.

19 (b) ensure that the standards of curative and after; care treatment
20 provided for the public and patients at all Health institutions under the Board
21 are of high standards;

22 (c) provide information and advice to Health and Human Services
23 Secretariat of the Federal Capital Territory in order to facilitate the
24 formulation of realistic health policies;

25 (d) provide proper training courses for staff including clinical
26 institutions within or outside Nigeria to ensure competence in operations
27 and adequate opportunities for advancement;

28 (e) implement the policies of Health and Human Services
29 Secretariat;

30 (f) carry out such health functions and general directions as may be

- 1 (iii) Surgery;
- 2 (iv) Medicine;
- 3 (v) Nursing;
- 4 (vi) Pharmacy;
- 5 (vii) Medical Records;
- 6 (viii) Dental;
- 7 (ix) Laboratory;
- 8 (x) Radiology.

9 (c) a representative of the local community to be nominated by the
10 Councilor for Health in the Area Council; and

11 (d) the hospital Secretary shall be the Secretary to the
12 Committee.

13 18.-(1) Subject to the provisions of this Bill, the functions of the
14 Committee are to-

Functions of the
Committee

15 (a) control and manage health services provided within a Hospital;

16 (b) identify community health care needs and provisions of
17 services thereto;

18 (c) provide the Board with a full annual and performance reports as
19 may be required by the Board;

20 (d) receive and investigate any complaints from the public against
21 the services provided in the Hospital.

22 (2) The Committee is to be responsible to the Board for-

23 (a) the hospital's day to day administration and services;

24 (b) the hospital's revenue and expenditure through their Drugs and
25 Services Revolving Fund (DSRF) scheme, regular running cost and Health
26 Insurance fees;

27 (c) limited maintenance of buildings and equipment as well as
28 environmental sanitation in hospitals;

29 (d) purchase of stationeries, furniture, drugs, consumables,
30 reagents and sundry items;

1 (e) processing of preliminary disciplinary matters that may be
2 forward to the Board further action; and

3 (f) supervising any health facility affiliated to the hospital.

Complaints against
the Committee

4 **19.** Any person aggrieved by any act of the Committee may appeal to
5 the Board for redress.

Delegation of
powers

6 **20.** The Minister may by notice delegate to any person or body all or
7 any of the powers conferred upon him by this Bill.

8 **PART V- FINANCIAL PROVISIONS**

Funds of the
Board

9 **21.**-(1) The Funds and resources of the Board shall consist of all-

10 (a) monies as may from time to time be allocated to the Board by way
11 of budgets by the Federal Capital Territory Administration;

12 (b) legacies, grants, endowments, donations and other gifts received
13 by the Board;

14 (c) all monies earned in respect of any service or services provided by
15 the Hospitals and institutions under this Bill;

16 (d) any investment or other property acquired by or vested in the
17 Board including money arising from the investment or property;

18 (e) all monies received by the Board in respect of any loan made by
19 the Board or interest payable in respect of the loan;

20 (f) all other monies which may lawfully accrue to the Board from any
21 other source.

22 (2) The Board shall operate its own account(s) but may delegate
23 powers to the Hospital Management Committees to collect and disburse
24 revenue on its behalf.

25 **PART VI - ACCOUNTS, AUDIT AND REPORTS**

Annual reports

26 **22.** The Board shall not later than 30th June in each year, submit to the
27 appropriate authority, a report of its activities covering its performance against
28 agreed set target during the immediate preceding year, and shall include in that
29 report an audited account of the Board.

1	23. The Board must prepare and submit to the appropriate authority	Estimates
2	not later than the 30th day of September in each financial year an estimate of	
3	its income and expenditure for the succeeding year.	
4	24. The Board must keep proper accounts and records to be audited	Accounts and audits
5	by an auditor or auditor's approved by the Federal Capital Territory	
6	Administration.	
7	25. A copy of the annual report, the financial statement and the	Submission of reports
8	audited accounts of the Board must be submitted to the Minister.	
9	26. The Minister may give to the Board directives of a specific or	General directives
10	general nature with regard to the exercise of its functions under this Bill.	
11	PART VII - MISCELLANEOUS	
12	27. The Board shall with the approval of the Minister make	Power to make regulations
13	regulations for-	
14	(a) prohibiting or restricting the access of members of the public to	
15	any premises vested in or under the control of the Board or to any portion of	
16	such premises;	
17	(b) ensuring the maintenance of good order and discipline amongst	
18	members of the public at all time upon any such premises;	
19	(c) prevent the unauthorized or improper use of any property under	
20	the control of the Board; and	
21	(d) prescribing the fees payable in respect of any services provided	
22	by Hospitals under the Board.	
23	28. Regulations made under the provisions of this section are	Commencement date and regulations
24	operational and effective only upon their gazetting.	
25	29. -(1) The Minister may, by notice and on the advice of the Board	Appointment of special committees
26	appoint a Committee to be known as a Special Committee with	
27	responsibilities for hospitals in the said notice.	
28	(2) The notice shall specify the constitution of the Special	
29	Committee and its functions.	
30	30. In this Bill, unless the context otherwise requires-	Interpretation

1 "appointed or appropriate authority" means the Federal Government
2 representative responsible for the administration of Federal Capital Territory;

3 "Board" means the Federal Capital Territory Hospitals Management Board
4 established under section 1 of this Bill;

5 "Chairman" means and includes Hospital Management Committee established
6 under this Bill;

7 "Commencement date" means the effective date the Act comes into operation;

8 "Director-General" means the Chief Executive Officer of the Board;

9 "Employee" means any person employed in any capacity by the Board
10 pursuant to the provisions of this Bill;

11 "FCT" means the Federal Capital Territory, Abuja;

12 "hospital" means any hospital, convalescent home, clinic or nursing home
13 with associated institutions and specialist services maintained or controlled by
14 the Government, used or intended to be used for the reception and treatment of
15 persons suffering from any sickness, injury, bodily or mental infirmity and for
16 the reception of women in childbirth immediately after childbirth for the
17 purposes of providing such person with nursing, medical or surgical attention;

18 "member of the Committee" means a member of the Committee appointed by
19 the authority under this Bill and includes the Chairman of the Committee;

20 "member of the Board" means a member of the Governing Board appointed by
21 the Minister, and includes the Chairman of the Board;

22 "Medical Director" means Medical Officer in charge of Hospital under the
23 Federal Capital Territory Administration;

24 "Minister" means Minister of the Federal Capital Territory or any person
25 appointed or elected for the time being, responsible for the administration of
26 the Federal Capital Territory;

Short Title

27 **31.** This Bill may be cited as the Federal Capital Territory Hospitals
28 Management Board (Establishment, etc.) Bill, 2016.

1 SCHEDULE

2 SUPPLEMENTARY SCHEDULE RELATING TO THE BOARD, ETC.

3 *Proceedings of the Board*

4 1. The Board shall meet no less than quarterly, and more often as
5 required, at a time and place determined by and upon reasonable notice to all
6 members from the Chairman to-

7 (a) address all matters related to implementation of its operational
8 or strategic health plans at all levels;

9 (b) coordinate and oversee all matters related to every Hospital
10 Management Committee; and

11 (c) discharge its functions in terms of this law.

12 2. Every meeting of the Board shall be presided over by the
13 Chairman and in his absence the members present at the meeting shall
14 appoint one of their members to preside at the meeting.

15 3. The quorum at a meeting of the Board shall be not less than one-
16 third of the total number of members of the Board at the date of the meeting
17 and the quorum of a Committee of the Board shall be as determined by the
18 Board.

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

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

30 6. A member of the Board who is directly or indirectly interested in

1 any matter being deliberated on by the Board, or is interested in any contract
2 made or proposed to be made by the Board shall-

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

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

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

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

11 *Voting and Casting*

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

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

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

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

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

25 *Vacancy*

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

29 *Committees*

30 9.-(1) Subject to its standing orders, the Board may appoint such

1 number of standing and ad-hoc Committees as it thinks fit to consider and
2 report on any matter with which the Board is concerned.

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

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

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

12 *Miscellaneous*

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

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

19 12. Any document purporting to be a contract, instrument or other
20 document duly signed or sealed on behalf of the Board shall be received in
21 evidence and shall, unless the contrary is proved, be presumed without
22 further proof to have been properly signed or sealed.

23 13. The validity of any proceedings of the Board or any of its
24 Committees shall not be affected by-

25 (a) any vacancy in the membership of the Board, or Committees;

26 (b) any defect in the appointment of a member of the Board or
27 Committee; or

28 (c) reason that any person not entitled to do so took part in the
29 proceedings of the Board or Committee.

30 14. A member of a Committee who has a personal interest in any

1 contract or arrangement entered into or proposed to be considered by the
2 Committee shall forthwith disclose his interest to the Committee and shall not
3 vote on any question relating to the contract or arrangement.

4 **15.** No member of the Board shall be personally liable for any act or
5 omission done or made in good faith while engaging in the business of the
6 Board.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Hospitals Management Board for the
Management of Hospitals

under the Federal Capital Territory Administration