

OFFICE OF SURGEON-GENERAL BILL, 2016

ARRANGEMENT OF CLAUSES

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OF THE FEDERAL REPUBLIC OF NIGERIA

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A BILL

FOR

AN ACT TO ESTABLISH THE OFFICE OF SURGEON-GENERAL OF THE FEDERATION OF NIGERIA (SGFGN) FOR THE PURPOSES OF PROVIDING PROFESSIONAL ADVICE ON ISSUES OF PUBLIC HEALTH, MEDICAL AND HEALTH SYSTEM ISSUES TO THE PRESIDENT, THE MINISTER OF HEALTH, THE NATIONAL ASSEMBLY AND OTHER OFFICIALS OF THE FEDERAL REPUBLIC OF NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Abiodun Dada Awoleye

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE OFFICE OF THE SURGEON-GENERAL
2 OF THE FEDERAL REPUBLIC OF NIGERIA

3 1. There is established the office of Surgeon-General of the Establishment
4 Federal Establishment Republic of Nigeria to be headed by the Surgeon-
5 General of the Federation.

6 2. The Surgeon-General shall be appointed by the President of the Procedure of
7 Federal Republic of Nigeria upon recommendation of the Medical and appointment
8 Dental Council of Nigeria (MDCN). The appointment shall be subject to
9 confirmation of two-third majority of the Senate of the National Assembly
10 of Nigeria.

11 3. The Surgeon-General shall upon appointment hold office for a Tenure of office
12 single Tenure of office term of six (6) years and no more.

13 4. The Surgeon-General shall be a medical practitioner in Qualifications
14 possession of postgraduate qualification of at least than ten (10) years
15 registrable with the Medical and Dental Council of Nigeria (MDCN). The
16 Surgeon- Qualifications General shall possess a license to practice medicine
17 within one of the thirty-six (36) states of Nigeria and the Federal Capital

1 Territory and shall be not less than thirty-five (35) years.

2 PART II - DUTIES AND FUNCTIONS OF SURGEON-GENERAL

Functions

3 5.-(1) The Surgeon-General shall serve as the Chief Medical Officer
4 of Health of Nigeria without prejudice to the powers of the Minister of Health
5 and Minister of State for Health of the Federal Republic of Nigeria,
6 respectively;

7 (2) The Surgeon-General shall be the Chief Adviser of the Federal
8 Government of Nigeria and its agencies on all public health matters;

9 (3) The Surgeon-General shall articulate scientifically based health
10 policy analysis, and advise the President, the National Assembly, the Minister
11 of Health on the full range of critical public health, medical and health system
12 issues facing the Federal Republic of Nigeria;

13 (4) The Surgeon-General shall elevate the quality of health practice
14 within the professional disciplines by annual publication of appropriate
15 standards and research priorities;

16 (5) The Surgeon-General shall provide leadership and management
17 oversight during periods of National Emergencies and out-break of Epidemics
18 by coordinate the federal and national medical agencies and service providers;
19 and

20 (6) The Surgeon-General shall promote health and healthy lifestyle
21 by publication of guidelines on health matters that affect or are likely to affect
22 citizens.

23 (7) The Surgeon-General of the Federation shall provide leadership in
24 overseeing the implementation of quality improvement methods designed to
25 improve the clinical performance of health facilities at all levels of health care.

26 (8) The Surgeon-General shall be charged with protecting, promoting
27 and improving the health of the public and country through effective public
28 health enlightenment, health information dissemination and advocacy.

29 (9) Surgeon-General shall offer evidence-based advice to the
30 Minister of Health, the National Assembly and the President and Commander-

1 in-Chief of the Armed Forces of the Federal Republic of Nigeria on all
2 critical national health issues and health challenges facing the Nation.

3 (10) Shall collaborate with the Federal Ministry of Health on
4 policy matters relating to health in general.

5 (11) The Surgeon-General of the Federation shall establish a
6 medical panel of experts to ascertain the health status/medical fitness of
7 prospective political and public office holders before their assumption of
8 duty. A political or public office holder certified medically fit shall be issued
9 a Medical Certificate of Fitness by the Office of the Surgeon-General of the
10 Federation.

11 (12) Shall maintain and lead a commissioned Medical Emergency
12 Corps of committed health experts and professionals who shall respond to
13 health emergencies and humanitarian crises of public health importance.
14 The Surgeon-General of the Federation shall be a statutory member of the
15 Board of Management of the National Emergency Management Agency
16 (NEMA) and shall superintend the co-ordination and management of
17 NEMA's Medical emergency preparedness and response activities.

18 (13) Shall be a statutory member of the Federal Committee on
19 Prerogative of Mercy for prisoners.

20 (14) Shall be the Chief health adviser to the President and
21 Commander-in-Chief of the Armed Forces of the Federal Republic of
22 Nigeria, and to the nation. He shall be the health ombudsman of the nation.

23 (15) Shall be a strong advocate for quality and standards of
24 healthcare and safety for patients and Nigerians.

25 (16) Shall articulate and develop up-to-date evidence-based
26 guidelines and protocols on the management of medical conditions and
27 ensure the dissemination to health facilities throughout the country.

28 (17) Shall develop standardized medical procedures within the
29 available resources, that will be applicable anywhere in the country. This is
30 to enhance the quality of health care in Nigeria.

1 (18) Shall institute a clinical governance and audit system or
2 mechanism to promote improvement of healthcare and ensure compliance
3 with the set clinical guidelines/protocols.

4 (19) Shall ensure coordinated and sustained healthcare practice,
5 especially as it concerns patients care, welfare of healthcare workers, defining
6 the requirements for specific jobs within the health sector and ensuring
7 availability and adequacy of training to meet the needs of the health system.

8 (20) Shall collaborate with the NHIS Management to ensure that all
9 Nigerians are covered by one form of health insurance or the other. (21)

10 (21) Shall generate research priorities aimed at generating data for the
11 planning and implementation of interventions in public health issues.

12 (22) Shall fulfill other requests as may be referred to him/her by the
13 President and Commander-in-Chief of the Armed Forces of the Federal
14 Republic of Nigeria or as may be required by him/her by the Constitution or
15 any Act of the National Assembly

16 PART III - STAFF, FINANCIAL AND MISCELLANEOUS PROVISIONS

General
appointment
and removal

17 6.-(1) The Surgeon-General shall appoint numbers of persons to fill
18 the vacant positions of Directors, and members of staff of the various
19 Department of the Office of Surgeon-General, provided such appointments
20 shall reflect the Federal Character of Nigeria;

21 (2) Other public officers of the Federation or of states of the
22 Federation may transfer their services or be seconded to the Office of Surgeon-
23 General; and

24 (3) For the purposes of the Pensions Act, 2004, any other power is
25 vested in the Surgeon-General.

26 (4) Deputy Surgeon General who shall be appointed by the SG based
27 on the recommendation of the National Medical Advisory committee (of which
28 he is the chairman)

29 (5) The Deputy Surgeon General shall be a health professional of
30 proven integrity of the status of Professor, Deputy Director or a private health

1 practitioner in possession of Ph.D in the relevant health discipline of at least
2 10 years or if he is medical doctor shall be of the status of professor, chief
3 consultant or a private practitioner with a Fellowship of West Africa
4 Postgraduate Medical college or National Post graduate Medical College or
5 its equivalent of at least 10 years. The Deputy SG shall also possess the
6 licence to practice the discipline in all the 36 states and FCT and shall not be
7 less than 35 years in age.

8 (6) The duties of the Deputy Surgeon-General shall be as directed
9 by the SG. He shall also possess the power to act as SG in the event of
10 removal or death of a sitting SG until another SG is appointed.

11 (7) The Surgeon General shall also have the power to appoint a
12 maximum of 5 directors of proven competence, integrity and possessing
13 wide experience much like it was stated for the deputy SG to cover varied
14 areas of its operation but must as much as possible reflect spread of Health
15 professionals.

16 (8) The remuneration of the Surgeon-General of the Federation and
17 other staff of the Office of the Surgeon-General shall be prescribed by the
18 Revenue Mobilization, Allocation and Fiscal Commission.

19 (9) The Surgeon-General of the Federation shall be removed from
20 office by the President and Commander-in-Chief of the Armed Forces of the
21 Federal Republic of Nigeria, subject to confirmation by 2/3rd majority of
22 the Senate.

23 (10) In the event of removal of the Surgeon-General of the
24 Federation, an acting Surgeon-General of the Federation shall be appointed
25 by the President and Commander-in-Chief of the Armed Forces of the
26 Federal Republic of Nigeria. The acting Surgeon-General of the Federation
27 shall serve for not more than two months before a substantive Surgeon-
28 General of the Federation is appointed.

29 (11) The grounds of removal shall include:

30 (a) If he/she is declared to be of unsound mind;

	1	(b) If he/she is declared bankrupt;
	2	(c) Convicted of corruption by a competent Court of Law;
	3	(d) Other offences as contained in the code of medical ethics, if
	4	convicted by a medical tribunal or court of competent jurisdiction.
Funds of the Office of Surgeon-General	5	7.-(1) The sources of money for the discharge of the functions of the
	6	Office of the Surgeon-General shall include:
	7	(a) Subvention approved by the National Assembly of the Federal
	8	Republic of Nigeria;
	9	(b) Donations;
	10	(c) Fees and charges accruing to the Office of Surgeon-General in
	11	performance of its functions under this Act; and
	12	(d) Grants.
Procedure and form of book- keeping and accounts	13	8.-(1) The Office of Surgeon-General shall keep books of account and
	14	proper records in relation to them and the accounts and records of the Office
	15	shall be in a form as approved by the Auditor-General of the Federal Republic
	16	of Nigeria.
	17	(2) The accounts of the Office of Surgeon-General shall be audited by
	18	the Auditor-General of the Federation within three (3) months after the end of
	19	each financial year.
	20	(3) The Auditor-General of the shall not later than six (6) months after
	21	the end of each financial year, forward to the Minister of Health, a copy of the
	22	audited accounts of the Office of the Surgeon-General for the financial year
	23	immediately preceding.
Financial year of the Office of the Surgeon- General	24	9. The financial year of the Office of the Surgeon-General shall be the
	25	same as the financial year of the Government of the Federal Republic of
	26	Nigeria.
Interpretation	27	10. In this Act, except the context otherwise specifies:
	28	"Surgeon-General" means the Surgeon-General of Nigeria;
	29	"health research" includes any research which contributes to knowledge of:
	30	(a) The biological, clinical, physiological or social processes in

- 1 human beings;
- 2 (b) Improved methods for the provision of health services;
- 3 (c) Human pathology;
- 4 (d) The causes of diseases;
- 5 (e) The effects of the environment on the human body;
- 6 (f) The development of new applications of pharmaceuticals,
- 7 medicines and related substances; and
- 8 (g) The development of new applications of health technology.
- 9 **11.** This Bill may be cited as the Office of Surgeon-General Bill, Short Title
- 10 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Office of Surgeon-General of the Federal Republic of Nigeria as an independent and professional institution as distinct and insulated from the political Offices of the Minister of Health of the Federal Republic of Nigeria, the Office of Surgeon-General is to provide unbiased, scientifically based health policy analysis and advise on a full range of public health issues to the President, the Minister of Health and other agencies of the Government of the Federal Republic of Nigeria and for other ancillary matters.