

INSTITUTE OF HEALTHCARE MANAGEMENT

(REGISTRATION, ETC.) BILL, 2017

ARRANGEMENT OF SECTIONS

Section

PART I - ESTABLISHMENT, ETC, OF INSTITUTE OF HEALTHCARE

MANAGEMENT OF NIGERIA

1. Establishment of Institute of Healthcare Management of Nigeria
2. Categories of Membership of the Institute
3. Election of President and Vice President of the Institute.
4. Membership of the Council
5. Power of the Council

PART II - FINANCIAL PROVISIONS

6. Fund of the Institute
7. Annual estimates accounts and audit.

PART III - REGISTRATION AND RELATED MATTERS

8. Director-General and other employees of the Institute
9. Preparation and maintenance of register
10. Publication of register and lists of corrections.
11. Registration as Healthcare Manager.
12. Temporary registration.
13. Certification
14. Appointments
15. Prohibition of falsely professing to be a registered person.
16. Recovery of fees.
17. Seeming registration through fraudulence means
18. Burden of proof of registration

PART III - TRAINING

19. Approval of courses.
20. Supervision of instruction and examinations leading to approved qualification.

21. Power of the Institute to consider matters relating to training.
22. Certificate of experience.

PART IV - PROFESSIONAL DISCIPLINE

23. Transitional powers as to properties etc.
24. Establishment of the Disciplinary Committee and investigating Panel
25. Proceedings of the Disciplinary Committee
26. Penalties for unprofessional conduct
27. Restoration of registration.
28. Striking off entries from the register on grounds of fraud or error
29. Appeal to the Federal High Court.

PART V - MISCELLANEOUS

30. Regulations.
31. Interpretation.
32. Short title.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions relating to the Council

SECOND SCHEDULE

Supplementary provisions relating to the Disciplinary Committee and the Investigating Panel

THIRD SCHEDULE

Accepted minimum qualification for the purpose of registration on the register established under this Act

A BILL

FOR

AN ACT TO ESTABLISH THE INSTITUTE OF HEALTHCARE MANAGEMENT
PRACTITIONERS AND TO MAKE PROVISIONS, AMONGST OTHER THINGS, FOR
MEMBERSHIP AND THE CONTROL OF THE PROFESSION OF HEALTHCARE
MANAGEMENT, AND FOR RELATED MATTERS

Sponsored by Hon. Samuel Ikon

[] Commencement

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

PART I - ESTABLISHMENT, ETC., OF INSTITUTE OF HEALTH CARE

MANAGEMENT OF NIGERIA ETC.

1.-(1) There is hereby established for healthcare management a body to be known as the Institute of Health care Management of Nigeria (in this Act referred to as “the Institute”), which shall be a body corporate under that name and be charged with the general duty of:

Establishment
of Institute of
Healthcare
Management of
Nigeria etc.

(a) determining what standards of knowledge and skill shall be attained by a person seeking to become a member of the profession of healthcare management and reviewing those standards from time to time as circumstances may permit;

(b) securing in accordance with the provisions of this Act, the establishment and maintenance of a register of persons (fellows, senior members, members and associate) and corporate bodies registered under this Act as members of the profession and the publication from time to time of lists of those persons;

(c) conducting examinations in healthcare management and awarding certificates or diplomas to successful candidates as appropriate, and for such purpose the Institute shall prescribe fees to be paid in respect thereof; and

1 (d) performing such other functions conferred on the Institute by this
2 Act.

3 (2) The Institute shall have perpetual succession and a common seal
4 which shall be kept in such custody as the Council may from time to time
5 authorized.

6 (3) The Institute may sue and be sued in its corporate name and may,
7 subject to the Land Use Act, holds acquire and disposed of any property,
8 moveable or immovable.

9 [Cap 1.5]

Categories of
membership of
the Institute

10 2. (1) Subject to the provisions of this Act, members admitted to
11 membership of the Institute Shall:

12 (a) be enrolled as healthcare managers in the categories of:

13 (i) fellows;

14 (ii) senior members;

15 (iii) members;

16 (iv) associates.

17 (b) be registered as healthcare managers, and shall have status as
18 registered in the Institute accordingly.

19 (2) Persons registered under this Act as healthcare managers shall use
20 the prefix (Hm.) before their names and be entitled to be enrolled:

21 (a) as fellow if they satisfy the Council that for the period of not less
22 than fifteen years immediately preceding the date of application in that behalf,
23 they have been fit persons and have in addition to being holders of approved
24 academic qualifications, been in continuous active practice on their own
25 account as healthcare management employees and or in partnership with other
26 healthcare management;

27 (b) as senior members if not less than a period of twelve years relevant
28 practice experience, in addition to being holders of approved academic
29 qualifications acceptable to the Council;

30 (c) as a member if not less than nine years period of relevant practice

1 experience in addition to being holders of approved academic qualifications
2 acceptable to the Council;

3 (d) as an associate if they satisfy the Council that they have passed
4 the prescribed examination and have been in relevant practice for a period
5 not less than five years.

6 (3) Persons enrolled in the Institute shall be holders of
7 qualifications acceptable to the Institute, and shall be entitled for upgrade at
8 the discretion of the Council.

9 *[Forth Schedule]*

10 (4) Where a person is enrolled or registered as the case may be, in
11 the Institute he/she shall be entitled to the use of such letters after his/her
12 name as may be authorized by the Council and shall receive certificate in
13 such for as the Council may approve for that purpose.

14 (5) The Institute may enroll:

15 (a) graduates;

16 (b) affiliates;

17 (c) Students for the purpose of being registered as healthcare
18 managers in accordance with the act.

19 (6) A person shall cease to be a member of the Institute if:

20 (a) he/she is convicted on criminal ground by any competent court;

21 (b) he/she is declared to be of unsound mind by competent
22 authorities;

23 (c) he/she is de-listed by the Council;

24 (d) he/she ceased to live;

25 3.-(1) There shall be President and a Vice President of the Institute
26 who, subject to the provisions of section 21 Of this Act and the Third
27 Schedules hereto, shall be elected by the Council under this Act.

Elections of
President and
Vice President
of the Institute

28 *[Third Schedule]*

29 (2) The President and the Vice President shall each hold office for a
30 term of three year from the date of election, and the President shall be the

1 chairman of meetings of the Institute, in the event of death, incapability or
2 inability of any reason of the President, the Vice President shall act as the
3 President for a period maximum of six months and as chairman, as the case
4 may be, and references in this Act to the President shall be construed
5 accordingly.

6 (3) The President and the Vice President shall respectively be
7 chairman and vice chairman of the Council of the Institute under this Act.

8 (4) If the President or the Vice President ceases to be a member of the
9 Institute, he/she shall cease to hold any of the offices designated in this section.

Membership
of the Council

10 4. -(1) The Council shall comprise of the following members, that is:

11 (a) a President/chairman of Council;

12 (b) a Vice President;

13 (c) One duly enrolled healthcare manager from Committee of
14 CMD/MDs of federal tertiary health institutions in Nigeria;

15 (d) 6 duly enrolled professional healthcare managers to represent the
16 6 geo-political zones;

17 (e) One duly enrolled healthcare manager to represent institutions
18 involved in training of healthcare management;

19 (f) One duly enrolled healthcare manager from Committee of Health
20 Registrars;

21 (g) One person to represent the Federal Ministry of Health;

22 (h) One duly enrolled healthcare managers to represent Health
23 Management Organizations;

24 (i) One person to represent public interest;

25 (j) One duly enrolled healthcare manager to represent NHIS;

26 (k) the Director-General shall represent the management: and serve as
27 secretary to Council.

28 (2) The Council shall serve as the governing body of the Institute.

29 (3) All members of Council shall be elected in the annual conference
30 on recommendation by their various constituencies. Only members (g) and (i)

1 are to be appointed by the Hon. Minister responsible.

2 (4) The provisions of the First Schedule to this Act shall have effect
3 with respect to the matters therein mentioned.

4 *[First Schedule]*

5 5. The Council shall have power to do anything which in its
6 opinion is calculated to facilitate the carrying on of the activities of the
7 Institute under this Act. Power of the
Council

8 PART II - FINANCIAL PROVISIONS

9 6.-(1) The Institute shall establish and maintain a fund into which
10 shall be managed by the Council: Fund of the
Institute -

11 (a) all fees and other monies payable to the Institute in pursuance of
12 this Act;

13 (b) such monies as may be payable to the Institute whether in the
14 course of the discharge of its functions or otherwise; and

15 (c) the source of fund for the institute shall be:

16 (i) Subscription from members;

17 (ii) Registration fees;

18 (iii) Consulting fees;

19 (iv) Training and capacity development programmes;

20 (v) Grant from donor agencies;

21 (vi) Donation from members and corporate institutions.

22 (2) Monies received by the Institute by way of subscriptions, fees,
23 grants-in-aid, gift or any other money received by the Institute shall be paid
24 into the fund established by sub-section (1) of this section.

25 (3) There shall be paid out of the fund of the Institute:

26 (a) all expenditure incurred by the institute in the discharge of its
27 functions under this Act;

28 (b) the remuneration and allowances of the Director-General, and
29 other staff of the Institute; and

30 (c) such reasonable travelling and subsistence allowances of

1 Council members of the Institute in respect of the time spent on the business of
2 the Institute as the Council may determine.

3 (4) The Council may invest monies in the fund in any security created
4 or issued by or on behalf of the institute or in any other securities in Nigeria
5 approved by the Council.

Accounts, etc.

6 7.-(1) The Institute shall keep proper accounts in respect of each year
7 and proper records in relation to those accounts and the Council shall cause its
8 accounts to be audited annually and presented for approval by them at the
9 annual conference of the Institute.

10 (2) An Auditor appointed for the purpose of this section shall be from
11 the list approved and in accordance with the guideline supplied by the Auditor-
12 General of the Federation.

Director-General
and other employees
of the Institute

13 8.-(1) The Director-General for the purposes of this Act.

14 (2) The Institute shall appoint under this Act, fit and proper persons
15 who are duly registered practitioners to be the Executive Directors responsible
16 for:

17 (i) professional development; and

18 (ii) administration and finance.

19 (3) The Director-General shall be the Chief Executive Officer and
20 shall on the instructions of the Chairman of the Council convene meetings of
21 the Council and shall keep minutes of the proceedings of all such meetings.

22 (4) The Council may appoint such other persons to be employees of
23 the Institute as the Institute may determine to assist the Director-General in the
24 exercise of his/her functions under this Act.

25 (5) The Council may whenever the Director-General is absent or for
26 any other reason unable to discharge the functions of his office to a period of
27 more than sixty days, appoint an acting Director-General to discharge those
28 functions.

29 (6) The Director-General and other employees of the Institute shall
30 hold office on such conditions as the Council may determine.

PART III - REGISTRATION AND RELATED MAILERS

9.-(1) It shall be the duty of the Director-General to prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses, approved qualifications and of such other particulars as may be specified, of all persons, who are entitled in accordance with provisions of this Act to be registered as social workers and who apply in the specified manner to be so registered.

Preparation and
maintenance of
register

(2) Subject to the following provisions of this section, the Council shall make rules with respect to the form of keeping of the register and the making of entries therein, and in particular:

(a) regulating the making of application for registration and providing for the evidence to be produced in support of such application;

(b) providing for the notification to the Director-General by the person to whom any registered particulars relate, of any change in those particulars;

(c) specifying the fees to be paid to the Institute in respect of the entry of names on the register and authorizing the Director-General to refuse to enter a name on the register until any fees specified for entry has been paid;

(d) authorizing a registered person to have any qualification which is, in relation to his profession, whether an approved qualification or an accepted qualification under section 9 (2) of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered; and

(e) specifying any other matters so required under the foregoing provisions of this section but rules made for the purposes of paragraph (c) of this subsection shall not come into force until they are confirmed by the Council.

(3) It shall be the duty of the Director-General:

(a) with the approval of the Council, correct any entry in the

1 register which the Council directs to correct as being in the opinion of the
2 institute an entry which was incorrectly made;

3 (b) with the approval of the Council remove from the register the
4 name of any registered person who has died or has become insane or who has
5 for any other reason ceased to be qualified to be a member of the profession.

6 (4) If the Director-General:

7 (a) sends by post to any registered person a registered letter addressed
8 to him at his address on the register enquiring whether the registered particulars
9 relating to him are correct and receives no reply to that letter within three
10 months from the date of posting it; and

11 (b) upon the expiration of that period sends in like manner to the
12 person in question a second letter and receives no reply to that letter within
13 three months from the date of posting it, the Executive Secretary may remove
14 the particulars relating to the person from the register; but the Council may
15 direct the Director-General to restore to the register any particulars removed
16 there from under this subsection upon the application of the affected person.

Publication of
register and lists
of corrections

17 10.-(1) It shall be the duty of the Director-General:

18 (a) to cause the register to be printed published and put on sale to
19 members of the public not later than two years from the beginning of the year in
20 which this Act comes into force;;

21 (b) in each year after that in which a register is first published under
22 paragraph (a) of this subsection. to cause to be printed, published and put on
23 sale as aforesaid either a corrected edition of the register or a list of alterations
24 made to each register since it was last printed; and

25 (c) to cause a print of each edition of the register and of each list of
26 corrections to be deposited at the principal office of the Institute; and it shall be
27 the duty of the Institute to keep each register and lists so deposited open at all
28 reasonable times for inspection by members of the public including mailing
29 copies available electronically to all members,

30 (2) A document purporting to be a print of an edition of a register

published under this section by authority of the Director-General in the current year or documents purported to be prints of an edition of a register so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together as being registered, is so registered and that any person not so specified is not so registered.

[Third Schedule)

11.-(1) Subject to section 27 of this Act and to rules made under section 7 (2) thereof, a person shall be entitled to be registered under this Act and being so registered to receive a registration certificate if:

Registration as
healthcare manager

(a) he /she has attended a course of training approved by the Institute under section of this Act;

(b) the course was conducted at an institution so approved, or partly at one of such institutions and partly at another;

(c) he/she holds at least one of the qualifications prescribed in the Third Schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 7 (2) of this Act;

(d) he/she holds a certificate of experience issued in pursuance of section 20 of this Act;

(e) he/she is of good character; and

(f) he/she thereafter pays all prescribed fee.

(2) Subject to section 27 of this Act and to rules made under section 7 (2) of this Act a person shall also be entitled to be registered under this Act and being so registered to receive a registration certificate, if he satisfies the Institute:

(a) that he holds a qualification granted outside Nigeria for the time being accepted by the Institute for the purposes of this subsection in respects of the profession;

1 (b) that in the country in which the qualification was granted, he was
2 under no legal disability in the practice of the profession;

3 (c) he holds a certificate of experience issued in pursuance of section
4 20 of this Act:

5 (d) that he is of good character; and

6 (e) he thereafter pays any prescribed fee.

7 (3) The qualifications specified in the Third Schedule to this Act are
8 those accepted for the time being by the Institute as the minimum qualifications
9 for the purpose of registration on the register maintained under section 7 of this
10 Act. And the Institute shall from time to time publish same in the Federal
11 Gazette.

12 (4) Subject as aforesaid, a person shall be entitled to be temporarily
13 registered under this Act in cases specified in section 10 of this Act.

Temporary
registration

14 12.-(1) Where a person who is a non Nigeria or an expatriate satisfies
15 the Institute:

16 (a) that he/she has been selected for employment for period not less
17 than six months in a capacity in which a registered person under this Act would
18 normally be employed and that he/she is or intends to be in Nigeria temporarily
19 for the purpose of serving for that period in the employment in question;

20 (b) that he/she holds or has passed examinations necessary for
21 obtaining some qualifications granted outside Nigeria which i for the time
22 being accepted by the Institute for the purpose of this Act as respects the
23 capacity in which, if employed he /she is to serve; and

24 (c) he/she pays any fees prescribed for registration,
25 the Council may, if it thinks fit, give a direction that he, she shall be temporarily
26 registered and subject to annual renewal, maintain a license for the period of
27 the employment.

28 (2) The temporary registration of a person shall continue only while
29 he/she is in such employment as is mentioned in subsection (1) (a) of this
30 section and shall cease:

(a) on the termination of the period of employment specified to the institute under that subsection; or

(b) on the termination of the said employment before the end of that period, whichever first occurs.

(3) Nothing in subsection (2) of this section shall preclude the Council from giving a further direction under subsection (1) of this section in respect of a specific period, the commencement of which coincides with the termination of another such period.

(4) A person who is temporarily registered shall, in relation to his employment mentioned under subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered.

(5) In case of doubt as to whether a person's employment has been terminated, the decision of the Institute shall be conclusive for the purposes of subsection (2) of this section.

(6) The Director-General, as directed, from time to time, by the Council, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.

13. A certificate required by any written law from any class of persons for whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act.

Certification

14.-(1) Subject to the provisions of this Act, no person, not being registered as a healthcare manager, shall be entitled to hold any appointment or practice in the civil service of the Federation or of a State or in any public or private establishment body or institution, if the holding of such appointment involves the performance by him/her in Nigeria of any act pertaining to the profession.

Appointment
not to be held by
unregistered
person

(2) Nothing in this section or in and other provisions of this Part of this Act shall prevent a person from holding any appointment referred to in subsection (1) of this section while he is undergoing training for the purpose

1 of becoming qualified for registration under this Act and the training is done
2 under the supervision of persons who are registered in accordance with this
3 Act.

Prohibition of
falsey professing
to be a registered
person/practice

4 **15.-(1)** Any person, not being registered on any register maintained
5 under section 7 of this Act, who holds himself out to be so registered or uses any
6 name, title, description or symbol calculated to lead any person to infer that he
7 is so registered or is a member of the profession, shall be guilty of an offence
8 and liable on conviction for a first offence to a fine of not less than N50,000 nor
9 more than N100,000 or to imprisonment for a term of six months or to both
10 such fine and imprisonment. Further conviction for a second or and subsequent
11 related offence shall be subject to imprisonment for a term of not less than one
12 year or more than three years with no option of fine.

13 (2) Any institution or body corporate involves in the performance in
14 Nigeria of any act pertaining to the profession not duly registered shall be
15 guilty of an offence and liable to conviction of a first offence to a fine of not less
16 than N100,000.000 nor more than N2,000,000 or to imprisonment for a term of
17 six months or to both such fine and imprisonment, and on conviction for a
18 second or any subsequent related offence to imprisonment for a term of not less
19 than one year nor more than three years with no option of fine.

Recovery of
fees

20 **16.-(1)** Subject to the provisions of this Act, a registered social worker
21 shall be entitled to recover his/her fees for professional services by action in
22 any court of competent jurisdiction.

23 (2) No fees shall be recoverable by legal proceedings in respect of any
24 act pertaining to the profession of a registered person when performed by a
25 person who is prohibited from performing such act.

Securing
registration
though fraudulent
means

26 **17.-(1)** If any person for the purpose of procuring the registration of
27 any name, qualification or other matter:

28 (a) makes a statement which he knows to be false in a material
29 particular; or

30 (b) recklessly makes a statement which is false in a material

1 particular, he shall be guilty of an offence.

2 (2) If the Director-General or any other person employed by the
3 Institute willfully makes any falsification in any matter relating to any
4 register maintained under this Act he shall be guilty of an offence.

5 (3) A person guilty of an offence under this section shall be liable:

6 (a) on conviction in a court of inferior jurisdiction, to a fine not
7 exceeding N100,000;

8 (b) on conviction in a High Court, to a fine not exceeding N100,000
9 or to imprisonment for a term not exceeding two years, or to both such fine
10 and imprisonment.

11 (4) Where an offence under this Part of this Act which has been
12 committed by a body corporate is proved to have been committed with the
13 connivance of or is attributable to any neglect on the part of any director,
14 manager, secretary or other similar officer of the body corporate or any
15 person purporting to act in any such capacity, he/she as well as the body
16 corporate shall be deemed to be guilty of that offence and shall be liable to
17 be proceeded against and punished accordingly, (or severally).

18 18. In any criminal proceeding against any person upon a charge
19 of having performed an act which constitute an offence if performed by an
20 unregistered person, the person charged shall be deemed to be unregistered,
21 unless he/she proves the contrary

Burden of proof
of registration

22 PART III - TRAINING

23 19.-(1) Subject to subsection (2) of this section, the Institute may
24 approve for the purpose of section 7 of this Act:

Approval of
courses

25 (a) any course of training which is intended for persons seeking to
26 become members of the profession under this Act and which the Institute
27 considers is designed to confer on persons completing the training sufficient
28 knowledge and skill for the practice of the profession;

29 (b) any institution whether in Nigeria or elsewhere which the
30 Institute considers properly organized and equipped for conducting the

1 whole or any part of the course of training approved by the Institute under this
2 section; and

3 (c) any qualification which, as a result of examinations taken in
4 conjunction with the course of training approved by the Institute under this
5 section, is granted to candidates reaching a standard at the examination
6 indicating that they have sufficient knowledge and skill to practice the
7 profession to which the qualification relates.

8 (2) The Institute shall, from time to time publish in the Federal
9 Gazette a list of qualifications relating to the profession approved by it for the
10 purposes of subsection (1) of this section

11 (3) The Institute may, if it thinks fit, withdraw any approval given
12 under this section in respect of any course, qualification or institution; but
13 before withdrawing such approval the Institute shall:

14 (a) give notice that it proposes to do so to persons in Nigeria appearing
15 to the Institute to be persons by whom the course is conducted or the
16 qualification is granted or the institution is controlled, as the case may be;

17 (b) afford each such person an opportunity of making representations
18 to the Institute with regard to the proposal; and

19 (c) take into consideration any representations made as respects the
20 proposal in pursuance of paragraph (b) of this subsection.

21 (4) Any period during which approval of the Institute under this
22 section for a course institution or qualification is withdrawn, the course or
23 qualification shall not be treated as approved under this section: but the
24 withdrawal of such an approval shall not prejudice the registration or eligibility
25 for registration of any person who by virtue of the approval was registered
26 immediately before the approval was withdrawn.

27 (5) The giving or withdrawal of an approval under this section shall
28 have effect from such date, after the execution of the instrument signifying the
29 giving or withdrawal of the approval, as the Institute may specify in that
30 instrument and the Institute shall;

1 (a) cause to be published a copy of every such instrument in the
2 Federal Gazette; and

3 (b) not later than seven days before its publication as aforesaid,
4 send a copy of the instrument to the relevant agencies.

5 20.-(1) The Institute shall supervise the quality of instruction given
6 at approved institutions to persons attending approved course of training:
7 and the examinations as a result of which approved qualifications are
8 granted.

Supervision of
instruction and
examinations
leading to approved
qualification

9 (2) For the purpose of performing the duty specified in subsection
10 (1) of this section, the Institute may appoint either from among its own
11 members or otherwise, persons to visit approved institutions or attend such
12 examinations.

13 (3) A person appointed under this section shall report to the
14 Institute on:

15 (a) the sufficiency of the instruction given to persons attending
16 approved courses of training at the institution visited by him;

17 (b) the sufficiency of examinations attended by him; and

18 (c) any other matter relating to the institution or examinations on
19 which the Institute may, either generally or in a particular case, request him
20 to report.

21 (4) On receipt of a report in pursuance of this section, the Institute
22 shall as soon as maybe send a copy of the report to the person appearing to
23 the Institute to be in charge of the institution or responsible for the
24 examinations to which the report relates requesting that person to make
25 representations to the Institute within such time as may be specified in the
26 request, not being more than one month beginning with the date of the
27 request.

28 21.-(1) It shall be the duty of the Council to give approval upon all
29 matters relating to the professional and technical training under this Act and
30 the conditions of practice after registration.

Power of the
Institute to
consider matters
relating to training

Certificate of
experience

1 22.-(1) A person who, after obtaining an approved qualification,
2 satisfies the conditions mentioned in subsection (2) of this section shall be
3 entitled to receive free of charge a certificate of experience in the prescribed
4 form from the person in charge of the institution mentioned in that subsection.

5 (2) The conditions which a person must satisfy under subsection (1)
6 of this section are:

7 (a) he shall have served his time for the prescribed period in Nigeria
8 with a view to obtaining a certificate of experience;

9 (b) he shall have acquired during his employment practical
10 experience under the personal supervision and guidance of one or more
11 registered social worker for such periods as may be prescribed; and

12 (c) the manner in which he carried out the duties of his employment
13 and his conduct during the period of his employment shall have been
14 satisfactory.

15 (3) It shall be the duty of the employer being a registered social
16 worker supervising the work of persons employed with a view to obtaining a
17 certificate of experience, to secure that the last mentioned person is afforded
18 proper opportunities of acquiring the practical experience required for the
19 purposes of paragraph (b) of subsection (2) of this section:

20 (4) Where, after having served his time as mentioned in paragraph (a)
21 of subsection (2) of this section, a person is refused a certificate of experience
22 he shall be entitled:

23 (a) to receive from his employer particulars in writing of the grounds
24 of the refusal; and

25 (b) to appeal from the refusal to a committee of the Institute in
26 accordance with rules made by the Institute in that behalf (including rules as to
27 the time within which appeals are to be brought) and on any such appeal the
28 committee shall either dismiss the appeal or itself issue the certificate of
29 experience in question or give such other directions in the matter as it considers
30 just.

(2) Regulations may provide for the issue of certificates of experience in respect of employment and institutions outside Nigeria.

23.-(1) Every agreements to which the incorporated Institute was a part immediately before the commencement of this Act, whether it be in writing or not and whether or not of such nature that the rights, liabilities and obligations there under could be assigned by the Incorporated Institute, shall, unless in terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subparagraphs have effect from the appointed day so far it relates to property transferred by this Act to the Institute as if:

Transitional
Provisions as to
Properties, etc.

(a) the Institute had been a party to the agreement;

(b) for any reference (however worded whether express or implied) to implied the incorporated Institute, there substituted as respects anything failing to be done on or transfer the commencement of this Act, a reference to Institute; and

(c) for any reference (however worded and whether express or implies) to a member or members of the council of the Incorporated Institute there were substituted, as respects anything failing to be done on or after the commencement of the Act as reference to member of members of Council under this Act.

(2) Other documents which offer, whether specially or generally to the Incorporated Institute shall be constructed in accordance with subparagraph (1) of this paragraph so far as applicable.

(3) Without prejudice to the generality to the foregoing provisions of this Schedule, where, by the operation of Section II of the Act, any right, liability or obligation vests in the Institute and all other persons shall, as from the commencement of this Act have same rights as to the taking or resisting of legal proceedings of the making or resisting of applications to any authority for ascertaining, perfecting or enforcing that right, liability or obligation of the Institute.

1 (4) Any legal proceeding or application to any authority pending on
2 the commencement of this Act by or against the Incorporated Institute may be
3 continued on or after that day or against the Institute.

4 (5) On the commencement of the Act, any person holding any paid
5 appointment in the Incorporated Institute shall hold corresponding
6 appointment in the Institute on the same terms and conditions as to tenure and
7 otherwise and shall be entitled to receive remuneration both from the Institute
8 in respect period of service.

9 (6) If the law in force at the place where any property transferred by
10 this Act is situated provides for the registration or transfer property of this kind
11 question (whether by reference to instrument of transfer or otherwise), the law
12 shall, so far as it provided for alteration of a register (but not for avoidance to
13 transfer, the payment of fees or any other matter) apply with the necessary
14 modifications to the transfer of the property aforesaid, and for that officer to
15 register the transfer accordingly.

16 (7) All regulations, rules and similar instruments made for the
17 purpose of the Incorporated Institute and in force immediately before the
18 coming into force of the Act this shall, except in so far as they are subsequently
19 revoked or amended by any authority having power in that behalf, have effect
20 with any necessary modification

21 PART IV - PROFESSIONAL DISCIPLINE

Establishment
of the Disciplinary
Committee and
Investigating
Panel

22 24.-(1) There shall be established a body to be known as Healthcare
23 Managers Disciplinary Committee (in this Act referred to as "the Disciplinary
24 Committee") which shall be charged with the duty of considering and
25 determining any case referred to it by the panel established by the following
26 provisions of this Act.

27 (2) The Disciplinary Committee shall consist of the chairman of the
28 Institute and six other members of the Institute

29 (3) There shall be a body to be known as the Healthcare Managers
30 Investigating Panel (in this Act referred to as "the Investigating Panel") which

1 shall be charged with the duty of:

2 (a) conducting preliminary investigation into any case where it is
3 alleged that a registered person has misbehaved in his capacity as such or
4 should for any other reason be the subject of proceedings before the
5 Disciplinary Committee; and

6 (b) deciding whether the case should be referred to the Disciplinary
7 Committee.

8 (4) The Investigating Panel shall be appointed by the Institute and
9 shall consist of five members of the Institute.

10 (5) The provisions of the Second Schedule to this Act shall, so far
11 as applicable to the Disciplinary Committee and the Investigating Panel
12 respectively, have effect with respect to those bodies.

13 *[Second Schedule]*

14 25.-(1) The chairman shall preside at every meeting of the
15 Disciplinary Committee.

Proceedings of
the Disciplinary
Committee

16 (2) At any meeting of the Disciplinary Committee three members
17 shall form a quorum.

18 (3) Any question proposed for decision by the Disciplinary
19 Committee shall be determined by the majority of the members present and
20 voting at a meeting of the Disciplinary Committee at which a quorum is
21 formed.

22 (4) At all meetings of the Disciplinary Committee each member
23 shall have one vote and, in the event of an equality of votes, the chairman
24 shall have, in addition to a deliberative vote, a casting vote.

25 26.-(1) Where:

26 (a) a person registered under this Act is convicted by any court or
27 tribunal in Nigeria or elsewhere having power to award punishment for an
28 offence (whether or not an offence punishable with imprisonment) which in
29 the opinion of the Disciplinary Committee is incompatible with the status of
30 such professional;

Penalties for
unprofessional
conduct

1 (b) a registered person is adjudged by the Disciplinary Committee to
2 be guilty of infamous conduct in a professional respect; or

3 (c) the Disciplinary Committee is satisfied that the name of any
4 person has been fraudulently registered, the Disciplinary Committee may give
5 a direction under subsection (2) of this section.

6 (2) Where any of the conditions stipulated in subsection (1) of this
7 section occurs, the Disciplinary Committee may give a direction under this
8 subsection:

9 (a) ordering the Director-General to strike the person's name off the
10 relevant part of the register;

11 (b) suspending that person from practice for such period as may be
12 specified in the direction;

13 (c) reprimanding the person;

14 (d) ordering the person to pay to the Board any costs of and incidental
15 to the proceedings incurred by the Institute; or

16 (e) cautioning him and binding him over for a period not exceeding
17 one year on one or more conditions as to his conduct during that period, and any
18 such direction may, where appropriate, include provision requiring the refund
19 of moneys paid or the handing over of documents or any other thing as the case
20 may require,

21 (3) In any inquiry under this section, any finding of fact which is
22 shown to have been made in:

23 (a) any criminal proceedings in a court in Nigeria;

24 (b) any civil proceedings in a court in Nigeria, shall be conclusive
25 evidence of the fact found.

26 (4) If after due inquiry the Disciplinary Committee is satisfied that
27 during the period of binding over under paragraph (e) of subsection (2) of this
28 section a person has not complied with the conditions imposed thereunder the
29 Disciplinary Committee may, if it thinks fit, impose anyone or more of the
30 penalties mentioned in paragraphs (a), (b), (c) and (d) of that subsection.

(5) A certificate under the hand of the chairman that any costs have been ordered to be paid by a person under this section shall be conclusive evidence thereof.

27.-(1) If it is proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry shall be struck off from the register.

Striking off entries from the register on the grounds of fraud or error

(2) A person may be registered in pursuance of any provisions of this Act notwithstanding that his name has been struck off in pursuance of a direction given under sub-section (1) of this section, but if his name was struck off on grounds of fraud he shall not be registered except an application in that behalf is made to the Disciplinary Committee; and on any such application the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered or shall not be registered until the expiration of such period as may be specified in the direction.

(3) Any reference in this Act to the striking off from or the restoration to a register of the name of a person shall be construed as including a reference to the striking off from or the restoration of the register of any other registerable particulars relating to that person.

28.-(1) Where the name of a person has been struck off from the register in pursuance of a direction given under section 23 of this Act, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of the person's name to the register.

Restoration of registration

(2) An application for the restoration of a name to a register under this section shall not be made to the Disciplinary Committee before the expiration of such period from the date of the striking off (and where he has duly made such application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Institute by any person on the restoration of his name to a register in pursuance of a direction given under

Appeal to the
Federal High
Court

1 this section the like fees as would be payable by that person on first becoming
2 registered in that register.

3 29.-(1) Where the Disciplinary Committee:

4 (a) makes a finding and imposes a penalty on a registered person
5 under section 23 of this Act;

6 (b) rejects an application for restoration of a name to the register
7 under section 24 of this Act; or

8 (c) directs the striking off of an entry from a register under section 25
9 (1) of this Act, the Director-General shall give the person to whom the
10 proceedings relate, notice in writing thereof and such person may, within
11 twenty-eight days from the date of service on him of the notice, appeal to the
12 Federal High Court.

13 (2) On any appeal under this section the Institute shall be the
14 respondent.

15 (3) No direction for the striking off of the name of a registered person
16 from a register under sections 23 and 25 of this Act shall take effect until the
17 expiration of the time for appealing or if an appeal is brought, until such time as
18 the appeal is disposed of, withdrawn or struck out for want of prosecution, as
19 the case may be.

20 (4) The Federal High Court may, on an appeal under this section:

21 (a) confirm, vary or set aside any finding of fact, penalty imposed or
22 direction given by the Disciplinary Committee;

23 (b) confirm the rejection of the Disciplinary Committee of the
24 application for restoration or direct the restoration of the name to the register;

25 (c) remit the matter to the Disciplinary Committee for further
26 consideration:

27 (d) make such other order as to costs or otherwise, as may, to it, seem
28 just, but no proceedings before the Disciplinary Committee shall be set aside
29 by reason only of informality in those proceedings which did not embarrass or
30 prejudice the appellant.

PART V - MISCELLANEOUS

30. Any power to make regulations, rules or orders conferred by this Act shall include:

(a) power to make provisions for such incidental and supplementary matters as the authority making the instrument considers expedient for the purposes of the instrument; and

(b) power to make different provisions for different circumstances.

31. In this Act, unless the context otherwise requires:

"incorporated institute" means Institute of Healthcare Management of Nigeria Ltd by guarantee, incorporated under Companies and Allied Matters Act;

"accepted qualification" means a degree, diploma or other certificate prescribed by this Act;

"Institute" means the Institute of Healthcare Management of Nigeria established under section 1 of this Act;

"institution" means institutions approved for the purpose of training healthcare managers;

"healthcare management" means a specialized branch of management science which embraces all technical procedures associated with management of health facilities, personnel, projects, institutions and activities;

"Minister" means the Minister of Health;

"profession" means the healthcare management profession;

"register" means a register maintained under this Act and "registered" shall be construed accordingly;

"Director-General" means the CEO appointed under section 8 of this Act;

"registration certificate" means a registration certificate issued under section 9 of this Act; and

"student" means a person indentured and receiving basic training in an

Regulations

Interpretation

Short Title

1 approved training school for the purpose of the profession covered by this Act.
2 **32.** This Bill may be cited as the Institute of Healthcare Management
3 (Registration, etc.) Bill, 2017.

SCHEDULES

FIRST SCHEDULE

[Section 1 (3)]

SUPPLEMENTARY PROVISIONS RELATING TO THE INSTITUTE

Qualification and tenure of office of members

4 **1.**-(1) A person other than a person appointed under section 2 (1) (a),
5 (d), (f), (g) and (h) of this Act shall not be a member of the Institute unless he is a
6 citizen of Nigeria and is fully registered as provided under this Act and in the
7 case of the first members (members registered by the Incorporated Institute) of
8 the Institute such a person shall be eligible for registration as a Healthcare
9 Manager.

10 (2) Where a member of the Council ceases to hold office before the
11 date when his/her term of office would have expired by the efflux ion of time,
12 the constituency by whom he/she was appointed or elected shall appoint or
13 elect, as the case may be, to fill the vacancy for the residue of the term
14 aforesaid, so however that the foregoing provisions of this sub-paragraph shall
15 not apply where a person holding office as a member of the Council ceases
16 to hold office at the time when the residue of his term does not exceed one year.

17 (3) Subject to the provisions of this paragraph, a member of the
18 Council other than a public officer, shall hold office for a period of three years
19 from the date of his election or appointment and shall be eligible for
20 reappointment for a further period of two years; thereafter he shall no longer be
21 eligible for reappointment.

22 (4) A member of the Council, other than a public officer, may resign
23 his appointment by a letter addressed to the Chairman of Council and the
24 resignation shall take effect from the date of the receipt of the letter.

25 (5) The Council may appoint any person who is registered to be a

1 temporary member of the Council during a long absence or the temporary
2 incapacity by illness of any member; and that person may, while the
3 appointment subsists, exercise the function of a member under this Act.

4 (6) The provisions of this paragraph shall have effect
5 notwithstanding the provisions of section 11 of the Interpretation Act, which
6 relates to appointment.

7 *[Cap. 123.]*

8 *Power of the Council*

9 2.-(1) The Council shall have powers to do anything which in its
10 opinion is calculated to facilitate the carrying on of its activities under this
11 Act.

12 (2) The Council shall not have power to borrow money or to
13 dispose of any property have power to pay remuneration (including
14 pensions), allowances or expenses to any employee of the Institute or any
15 other person so decided.

16 *Proceedings of the Council*

17 3.-(1) Subject to the provisions of this Act, the Council may make
18 standing orders regulating the proceedings of the Council or of any
19 committee thereof or elect a temporary vice chairman in the absence of the
20 chairman for the conduct of the affairs of the Council.

21 *[Cap. 123.]*

22 (2) The quorum of the Council shall be seven and the quorum of
23 any committee of the Institute shall be determined by the Council.

24 (3) At any time while the office of the chairman is vacant or the
25 chairman is in the opinion of the Council temporarily or permanently unable
26 to perform the functions of his office, the vice-Chairman shall perform those
27 functions and references in this Schedule to the chairman shall be construed
28 accordingly.

29 (4) Subject to the provisions of any applicable standing orders, the
30 Council shall meet whenever summoned by the chairman; and if the

1 chairman is required to do so by notice given to him by not less than six other
2 members, he shall summon a meeting of the Council to be held within twenty-
3 one days from the date on which the notice is given.

4 (5) At any meeting of the Council, the chairman or, in his absence, the
5 vice-chairman shall preside but if both are absent the members present at the
6 meeting shall appoint one of their members to preside at that meeting.

7 (6) Where the Council wishes to obtain the advice of any person on a
8 particular matter, the Council may co-opt him as a member for such period as it
9 thinks fit, but a person who is a member by virtue of this sub-paragraph shall
10 not be entitled to vote at any meeting of the Council and shall not count towards
11 a quorum.

12 *Committees*

13 4.-(1) The Council may appoint one or more committees to carry out
14 on behalf of the Council such of its functions as the Institute may determine.

15 (2) A committee appointed under this paragraph shall consist of the
16 number of persons determined by the Council and not more than one third of
17 those persons may be persons who are not members of the Council; and a
18 person other than a member of the Council shall hold office on the committee in
19 accordance with the terms of the instrument by which he is appointed.

20 (3) A decision of a committee of the Council shall be of no effect until
21 it is confirmed by the Council.

22 (4) A person other than a member of the Council shall hold office on a
23 committee in accordance with the terms of the instrument by which he is
24 appointed.

25 *Miscellaneous*

26 5.-(i) the fixing of the seal of the Institute shall be authenticated by the
27 signature of the chairman or of some other member authorized generally or
28 specially by the Council to act for that purpose;

29 (ii) Any contract or instrument which if made or executed by a person
30 not being a body corporate, would not be required to be under seal may be made

or executed by a person generally or specially authorized by the Council to act for that purpose.

SECOND SCHEDULE

[Section 21 (5)]

*Supplementary provisions relating to the Disciplinary Committee
and the Investigating Panel*

THIRD SCHEDULE

[Sections 9 (1) (c) and 9 (4).]

*Accepted minimum qualification for the purpose of registration on the
register established under this Act Profession accepted
qualification for registration*

1. Final Professional Diploma of the Institute of Healthcare Management of Nigeria.

2. Bachelor degree, HND in Healthcare Management awarded by recognized institutions.

3. Bachelor degree in management, education, health, social sciences and a Professional Post Graduate Diploma awarded by Institute Healthcare Management of Nigeria or other recognized Institutions.

4. Bachelor degree in management, education, health and social sciences and a Master degree in Healthcare Management, Health Planning and the likes awarded by recognized institutions.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Institute of Healthcare Management Practitioners and to make provisions, amongst other things, for membership and the control of the profession of healthcare management.

