

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL EAR CARE CENTRE, KADUNA FOR THE PREVENTION, DIAGNOSIS AND TREATMENT OF EAR, NOSE AND THROAT (ENT) DISEASES, CO-ORDINATION OF RESEARCH IN EAR, NOSE AND THROAT CHALLENGES, TRAINING OF SPECIALIST IN EAR, NOSE AND THROAT, AND OTHER SUPPORTING FIELDS; AND FOR RELATED MATTERS

Sponsored by Hon. M.T. Monguno

[] Commencement

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

Establishment, etc of the National Ear Care Centre

- 1 1.-(1) There is established a Centre to be known as the National Ear Establishment
- 2 care Centre (in this Bill referred to as "the Centre") of the National
- 3 (2) The Centre: Ear Care Centre
- 4 (a) shall be a body corporate with perpetual succession and a
- 5 common seal;
- 6 (b) may sue and be sued in its corporate name; and
- 7 (c) may acquire, hold and dispose of property movable or
- 8 immovable.
- 9 (3) The Headquarters of the Centre shall be in Kaduna and may
- 10 have six zonal Centres established in each of the six geo-political zones of
- 11 Nigeria.
- 12 (4) The Centre shall be a hospital, specializing in Otolaryngologist
- 13 at all levels.
- 14 2.-(1) The Functions of the Centre shall be to provide hospital and Functions and
- 15 specialist services in connection with the diagnosis and treatment of Powers of the
- 16 diseases or defect of the Ear, Nose and Throat (ENT), supply of appliances Centre
- 17 and other supplementary Otolaryngology services.

- 1 (2) The Centre shall have power to:
- 2 (a) provide diagnostic, curative, preventive and rehabilitative
- 3 Otolaryngology service;
- 4 (b) provide ambulatory outreach and domiciliary ENT treatment,
- 5 employing the services of Otolaryngologist and other medical Practitioners;
- 6 (c) provide and facilitate the training of Otolaryngologist and
- 7 topologist;
- 8 (d) provide and facilitate the training of ENT personnel and
- 9 dispensing Nurses, and technicians;
- 10 (e) provide and facilitate the training of ENT related courses at
- 11 certificate and diploma levels;
- 12 (f) provide and facilitate other trainings including residency, post
- 13 basic training, etc;
- 14 (g) provide and facilitate research in all aspect of Otolaryngology,
- 15 including ENT, clinical and experimental;
- 16 (h) facilitate the training of specialist in ENT and other supporting
- 17 fields; and
- 18 (i) develop new diagnostic and therapeutic ENT instruments and
- 19 appliances better situated for the practice of Otolaryngology in Nigeria, (3) For
- 20 the purposes of the discharge of its functions under this Bill, the Centre may:
- 21 (a) arrange periodic conferences, seminars, study groups and like
- 22 activities in Otolaryngology;
- 23 (b) advise the government of the Federation or of a state on all matters
- 24 relating to defects and diseases of ENT and the prevention of deafness;
- 25 (c) offer such assistance to ENT hospitals or units in various part of
- 26 the Federation, as the Board may deem necessary; and
- 27 (d) do anything in connection with or incidental to the functions
- 28 conferred on it in this Bill.
- 29 3. The Centre shall be constituted as follows:
- 30 (a) a Management Board;

- 1 (b) an Education Committee;
- 2 (c) the Clinical and other departments of the Centre;
- 3 (d) all members of the administrative, clinical and technical staff;
- 4 and
- 5 (e) all students of the Centre.

6 4.-(1) There is established for the centre, a body to be known as the
7 National Ear Care Centre Management Board (in this Bill refers to as "the
8 Board"), which shall have general responsibility for the government of the
9 Centre.

Establishment
of the Management
Board

- 10 (2) The Board shall consist of:
- 11 (a) the Chairman;
- 12 (b) the Medical Director;
- 13 (c) four persons to represent a broad variety of interest in Nigeria;
- 14 (d) two persons appointed by the consultant staff of the hospital
15 from among their number;
- 16 (e) the Permanent Secretary, Federal Ministry of Health, or his
17 representatives;
- 18 (f) the Permanent Secretary, Federal Ministry of Education, or his
19 representatives;

20 (3) The President shall on the recommendation of the Minister of
21 Health appoint, apart from the ex-officio members, the Chairman and other
22 members of the Board;

23 (4) The Chairman shall be a person of proven integrity, possess
24 cognate experience and outstanding ability in administration and
25 professional or technical education.

26 (5) The members specified in subsection (2)(b),(d),(e) and(f) of
27 section 4, are hereinafter referred to as "ex-officio members".

28 (6) The supplementary provision as set out in the Schedule to this
29 Bill shall have effect with respect to the proceedings of the Board and the
30 education committee and the other matters mentioned therein.

Schedule

Tenure of the
office of members
of the Board

1 5.-(1) The Chairman and any other member of the Board (not being an
2 ex-officio member); shall hold office for a period of four years and shall be
3 eligible for re-appointment for a further period of four years and no more:

4 Provided that members of the Board under paragraph (d) of subsection(2) of
5 section 4 of this Bill, shall hold office for two years and shall not be eligible for
6 re-appointment.

7 (2) A member of the Board, other than an ex-officio member, shall be
8 paid out such remunerations and allowances in accordance with such terms and
9 conditions as may be stipulated in their letters of appointment.

10 (3) In the event of the death or incapacity of the Chairman of the
11 Board, or if for any reason other than lapse of time, the office of the chairman
12 becomes vacant, the President shall, on recommendation of the Minister,
13 appoint another person as Chairman for the residue of the term of the Chairman
14 of the Board.

15 (4) The office of a member of the Board shall become vacant if:

16 (a) he resigns his office by notice in writing under his hand, addressed
17 to the Minister;

18 (b) the period of his appointment has expired; or

19 (c) by resolution of the Board:

20 (i) that he has become unfit to continue as a member of the Board by
21 reason that the member has become incapable by reason of mental or bodily
22 infirmity of discharging his duties; or

23 (ii) that he has been absent from three consecutive meetings of the
24 Board without leave of the Board; or

25 (iii) he has been convicted of an offence involving dishonesty, fraud
26 or moral turpitude.

27 (5) Where the office of a member becomes vacant, another person
28 representing the same interest, shall be appointed for the remainder of the term
29 for which the vacating member was appointed.

30 (6) Any member of the Board other than an ex-officio member may,

1 by notice to the Board, resign his appointment.

2 6.-(1) The Board shall be the governing body of the Centre and Duties of the
3 shall be charged with the general control and superintendence of the policy, Board
4 finances and property of the Centre, including its public relations.

5 (2) Without prejudice to the generality of the foregoing, it shall be
6 the duty of the Board to construct, equipment and operate:

7 (a) the hospital, including the zonal Centres, which is to provide
8 comprehensive services, teaching and clinical research in Otolaryngology;

9 (b) such training schools and similar Institutions as the Board
10 considers necessary for providing the Centre at all times with adequate and
11 sufficient qualified staff, including Otolaryngology, ENT technicians,
12 nurses and members of other allied professions and calling, relevant to the
13 practice of Otolaryngologist.

14 (c) such clinics, units, out-patient departments, laboratories,
15 research or experimental stations and other like institutions, as the Board
16 may consider necessary for the efficient functioning of the Centre.

17 (3) The duty of running the Centre conferred by the foregoing
18 subsection shall include, the duty of providing proper courses of instruction
19 for students; but the Board shall not have power to award degrees, but the
20 Board shall not be prevented from arranging for students to attend courses at
21 or take higher qualifications awarded by other institutions not controlled by
22 the Board.

23 (4) The Board shall ensure that the standards of treatment and care
24 for patients provided at all establishments controlled by the Board are
25 maintained and the standards of training at those establishment, do not fall
26 below those usually provided by similar establishment of Internationally
27 high repute.

28 (5) Subject to this Bill, the Board shall have power to do anything,
29 which in its opinion is calculated to facilitate the carrying out of its functions
30 under this Bill.

Powers of the Board in relation to management, etc of the Centre Staff

1 7. The Board shall be responsible for laying down general policies
2 and guidelines relating to the management of the affairs of the Centre,
3 including the management of the hospital and the provision of facilities
4 relating to the training of all categories of ENT personnel and it shall be the
5 duty of the Medical Director to execute such policies and to keep within such
6 guidelines.

The Medical Director

7 8.-(1) Subject to the provisions of this Bill, the Medical Director shall
8 be appointed or removed from his office by the President.

9 (2) The Medical Director shall hold office for four year period in the
10 first instance and shall be eligible for reappointment for terms not exceeding
11 three years on each occasion.

12 (3) Subject to this section, the Medical Director shall hold office on
13 such terms as to emoluments or otherwise as may be specified in his letter of
14 appointment.

15 (4) The Medical Director shall, in relation to the Board, take
16 precedence over all other members of the Centre, except the Chairman of the
17 Board and any person for the time being acting as Chairman of the Board.

18 (5) The Medical Director shall be the Chief executive officer of the
19 Centre and in addition to any other function conferred on him by this Bill, have
20 the general function of directing the day-to-day activities of the Centre.

Appointment, etc., of other staff

21 9.-(1) The senior members of the clinical, administrative and
22 technical staff of the Centre shall be appointed by the Board on the
23 recommendation of a Committee, to be known as the Appointments and
24 Promotions Committee, set up under the provisions of paragraph 4 (3) of the
25 Schedule to this Bill.

26 [Schedule]

27 (2) The Board shall from among the officers appointed pursuant to
28 subsection (1) of this section select, on the recommendation of the Medical
29 Director, a person to act both as the Secretary to the Board and to the education
30 Committee.

1 (3) The power to appoint all other categories of staff to hold or act
 2 in offices in the Centre (including power to make appointments on
 3 promotion and transfer and to confirm, dismiss or exercise other
 4 disciplinary control over persons holding or acting in such offices), shall be
 5 exercised by the Medical Director acting on the recommendation of the
 6 Junior Staff Appointments and Promotions Committee, constituted under
 7 paragraph 4 (b) of the Schedule to this Act.

8 10. The Education Committee shall consist of:

9 (a) the Medical Director, who shall be the Chairman;

10 (b) the heads of the departments of the Centre, responsible for
 11 training; and

12 (c) the persons for the time being holding such offices in the
 13 Centre, as the Medical Director may specify.

14 11. The Education Committee shall have responsibility for the
 15 running of the academic affairs of the Centre including:

16 (a) the organisation and control of courses of study at the Centre
 17 and of the examinations held in connection with those courses;

18 (b) determining the requisite qualifications for admission into any
 19 of the courses offered by the Centre;

20 (c) determining the duration of the training period; and

21 (d) effecting the affiliation of the Centre with Universities and
 22 Institutions, for the award of Degrees, Diplomas or fellowship to students,
 23 on the successful completion of the relevant courses.

24 12. Where a candidate offers himself for admission as a
 25 postgraduate medical student under this Bill, he shall satisfy the Board that
 26 he is a registered Medical Practitioner or that he is on the temporary or
 27 provisional register of Medical Practitioners of the Nigeria Medical
 28 Council.

29 13. The Minister may give to the Board directions of a general
 30 character or relating generally to particular matters (but not to any individual

Composition of
the Education
Committee

Functions of the
Education
Committee

Candidacy for
admission

Power of the
Minister to give
directions

1 person or case), with regard to the exercise by the Board of its functions under
2 this Bill, and it shall be the duty of the Board to comply with the directions, but
3 no direction shall be given which is inconsistent with the duties of the Board
4 under this Bill.

5 *Financial provision*

Fund of the
Centre

6 **14.-(1)** The Board shall establish and maintain a fund into which it
7 shall pay:

8 (a) such sums as may be provided, from time to time, by the
9 Government of the Federation or of a State for the Centre; and

10 (b) all sums accruing to the Centre by way of fees, gifts, testamentary
11 disposition, contributions from philanthropic persons or organisations or other
12 entities.

Power to borrow

13 **15.** Except with the approval of the Minister, the Centre shall not
14 have power to borrow money.

Annual estimates
and expenditure

15 **16.** The Board shall prepare and submit to the Minister, not later than
16 31 September in each financial year, an estimate of the income and expenditure
17 of the Centre during the next succeeding financial year.

Accounts and
Audit

18 **17.** The Centre shall keep proper Accounts and audit in respect of
19 each financial year and proper records in relation to those accounts and shall
20 cause its accounts to be audited as soon as may be, after the end of the financial
21 year to which the accounts relate by a firm of auditors appointed, as respects
22 that year, by the Board from the list and in accordance with the guidelines
23 supplied by the Auditor-General of the Federation.

Fees for services

24 **18.** The Board may, with the approval of the Minister, prescribe the
25 scale of fees chargeable for hospital services provided by the Centre.

Power to accept
gifts

26 **19.-(1)** The Centre may accept gifts of land, money or other property
27 upon such terms and conditions, if any, as may be specified by the person or
28 organisation making the gift.

29 (2) The Board shall not accept any gift if the conditions attached by
30 the person making the gift are inconsistent with the functions of the Board

1 under this Act.

2 20.-(1) Subject to the provisions of this section, where it appears to Discipline of
3 the Medical Director that any student of the Centre has been guilty of students
4 misconduct, the Medical Director may, without prejudice to any other
5 disciplinary powers conferred on him by regulations, direct that:

6 (a) the student shall not, during such period as may be specified in
7 the direction, participate in such activities of the Centre or make use of such
8 facilities of the Centre as may be so specified;

9 (b) the activities of the student shall, during such period as may be
10 specified in the direction, be restricted in such manner as may be so
11 specified;

12 (c) the student be rusticated for such period as may be specified in
13 the direction; or

14 (d) the student be expelled from the Centre.

15 (2) Where a direction is given under subsection (1) (c) or (d) of this
16 section in respect of any student, the student may, within the prescribed
17 period and in the prescribed manner, appeal from the direction to the Board;
18 and where such an appeal is brought, the Board shall, after causing inquiry to
19 be made in the matter as the Board considers appropriate, either confirm or
20 set aside the direction or modify it in such manner as the Board thinks fit.

21 (3) The fact that an appeal from a direction is brought in pursuance
22 of the foregoing subsection, shall not affect the operation of the direction
23 while the appeal is pending.

24 (4) The Medical Director may delegate his powers under this
25 section to a disciplinary committee consisting of such members of the
26 Centre as he may nominate.

27 (5) Nothing in this section shall be construed as preventing the
28 restriction or termination of a student's activities at the Centre otherwise
29 than on the ground of misconduct.

30 (6) The power of the Medical Director to give direction under

1 subsection (1) (a) of this section may be combined with a direction under
2 subsection (1) (b) of this section.

3 (7) Nothing in this section shall affect the provisions of any enactment
4 relating to the discipline of medical practitioners, pharmacists, nurses or
5 members of any other profession or calling.

Removal and
discipline of
clinical,
administrative
and technical
staff

6 21.-(1) If it appears to the Board that there are reasons for believing
7 that any person employed as a member of the clinical, administrative or
8 technical staff of the Centre, other than the Medical Director, should be
9 removed from his office or employment, the Board shall require the Medical
10 Director to:

11 (a) give notice of those reasons to the person in question;

12 (b) afford him an opportunity of making representations in person on
13 the matter to the Board; and

14 (c) if the person in question so requests within the period of one month
15 beginning with the date of the notice, make arrangements:

16 (i) for a Committee to investigate the matter and to report on it to the
17 Board; and

18 (ii) for the person in question to be afforded an opportunity of
19 appearing before and being heard by the investigating committee with respect
20 to the matter, and if the Board, after considering the report of the investigating
21 committee, is satisfied that the person in question should be removed, the
22 Board may so remove him by a letter signed on the direction of the Board.

23 (2) The Medical Director may, in a case of misconduct by a member of
24 staff, which in the opinion of the Medical Director is prejudicial to the interest
25 of the Centre, suspend any such member and any such suspension shall
26 forthwith be reported to the Board.

27 (3) For good cause, any member of the staff may be suspended from
28 his duties or his appointment may be terminated by the Board; and for the
29 purposes of this section;

30 "Good cause" means-

1 (a) a conviction for any offence which the Board considers to be
2 such as to render the person concerned unfit for the discharge of the
3 functions of his office;

4 (b) any physical or mental incapacity which the Board, after
5 obtaining medical advice, considers to be such as to render the person
6 concerned unfit to continue to hold his office;

7 (c) conduct of a scandalous or other disgraceful nature which the
8 Board considers to be such as to render the person concerned unfit to
9 continue to hold his office; or

10 (d) conduct which the Board considers to be such as to constitute
11 failure or inability of the person concerned to discharge the functions of his
12 office or to comply with the terms and conditions of his service.

13 (4) Any person suspended shall, subject to subsections (2) and (3)
14 of this section, be on half pay and the Board shall before the expiration of a
15 period of three months after the date of such suspension, consider the case
16 against that person and come to a decision as to-

17 (a) whether to continue such person's suspension and if so, on what
18 terms (including the proportion of his emoluments to be paid to him);

19 (b) whether to reinstate such person, in which case the Board shall
20 restore his full emoluments to him with effect from the date of suspension;

21 (c) whether to terminate the appointment of the person concerned,
22 in which case such person will not be entitled to the proportion of his
23 emoluments withheld during the period of suspension; or

24 (d) whether to take such lesser disciplinary action against such
25 person (including the restoration of his emoluments that might have been
26 withheld), as the Board may determine, and in any case where the Board,
27 pursuant to this section, decides to continue a person's suspension or decides
28 to take further disciplinary action against a person, the Board shall, before
29 the expiration of a period of three months from such decision, come to a final
30 determination in respect of the case concerning any such person.

1 (5) It shall be the duty of the person by whom a letter of removal is
2 signed in pursuance of subsection (1) of this section, to use his best endeavours
3 to cause a copy of the letter to be served as soon as reasonably practicable on
4 the person to whom it relates.

5 (6) Nothing in the foregoing provisions of this section shall prevent
6 the Board from making regulations for the discipline of students and all other
7 categories of employees of the Centre, as the Board may prescribe.

8 (7) Regulations made under subsection (6) of this section, need not be
9 published in the Federal Gazette, but the Board shall bring them to the notice of
10 all affected persons in such manner as it may, from time to time, determine.

Discipline of
junior staff

11 22.-(1) If any junior staff is accused of misconduct or inefficiency, the
12 Medical Director may suspend him for not more than three months and
13 forthwith shall direct the Junior Staff Appointments and Promotion Committee
14 appointed under the provisions of paragraph 3 (b) of the Schedule to this Act-

15 *[Schedule]*

16 (a) to consider the case; and

17 (b) to make recommendations as to the appropriate action to be taken
18 by the Medical Director.

19 (2) In all cases under this section the officer shall be informed of the
20 charge against him and shall be given reasonable opportunity to defend
21 himself.

22 (3) The Medical Director may, after considering the recommendation
23 made pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or
24 down-grade the officer concerned.

25 (4) Any person aggrieved by the Medical Director's decision under
26 subsection (3) of this section may, within a period of 21 days from the date of
27 the letter communicating the decision to him, address a petition to the Board to
28 reconsider his case, and the Board's decision thereon shall be final.

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Miscellaneous

23. No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, place of birth or of family origin, or religious or political persuasion, as a condition to becoming or continuing to be a student at the Centre, the holder of any appointment or employment at the Centre or a member of anybody established by virtue of this Act; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the Centre, by reference to any of those matters:

Exclusion of discrimination on account of religion, race, etc.

Provided that nothing in this section shall be construed as preventing the Centre from imposing any disability or restriction on any of the aforementioned persons, where such person wilfully refuses or fails, on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the Centre reasonably justifiable in the national interest.

24. The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year and shall include in such report a copy of the audited accounts of the Centre for that year and of the auditors' report thereon.

Annual report

25. In this Act:

Interpretation

"the Board" means the governing Board of the Centre, established under section 4(1) of this Act;

"the Centre" means the National Ear Care Centre, established under section 1 of this Act;

"functions" includes powers and duties;

"the Minister" means the Minister responsible for health matter;

"Student" means a person enrolled at an institution controlled by the Board, for the purpose of pursuing a course of instruction at the institution.

1 followed at that meeting.

2 *Committees of the Board and Education Committee*

3 4.-(1) The Board may appoint one or more Committees to carry out
4 on behalf of the Board such of its functions as the Board may determine, but
5 a decision of a Committee shall be of no effect until it is confirmed by the
6 Board.

7 (2) The Education Committee may appoint one or more
8 Committees to carry out on behalf of the Education Committee such of its
9 functions as the Education Committee may determine, but a decision of a
10 Committee shall be of no effect until it is confirmed by the Education
11 Committee.

12 (3) Without prejudice to the generality of sub-paragraphs (1) and
13 (2) of this Schedule, the Board shall appoint the following Committees-

14 (a) Appointments and Promotions Committee, which shall-

15 (i) consist of not less than five members, including the Medical
16 Director, who shall be the Chairman of the Committee;

17 (ii) be charged with the responsibility for making
18 recommendations to the Board on the appointment and promotion of the
19 clinical, administrative and technical staff of the Centre and have a quorum
20 of three members;

21 (b) the Junior Staff Appointments and Promotions Committee,
22 which shall have the powers set out in Section 22 of this Bill.

23 *Employees of the Centre*

24 5. Subject to this Act, the Board shall have power-

25 (a) to pay the employees of the Centre such remuneration and
26 allowances as the Board may with the approval of the Minister determine;

27 (b) to pay any person appointed to a Committee of the Board such
28 remuneration (whether by way of fees or otherwise), in respect of the
29 performance of his functions under this Bill and such travelling and

1 subsistence allowances while on the business of the Board, as the Board may
2 determine;

3 (c) to establish for the employees of the Centre such superannuation
4 scheme (whether contributory or not), as the Board may determine; and

5 (d) to give loans to its employees for purposes approved by the Board.

6 *Miscellaneous*

7 6.-(1) The fixing of the seal of the Board shall be authenticated by the
8 signature of the Chairman or of some other member, authorised generally or
9 specially by the Board for that purpose.

10 (2) Any contract or instrument which, if made or executed by a person
11 not being a body corporate would not be required to be under seal, may be made
12 or executed on behalf of the Centre by any person generally or specially
13 authorised to act for that purpose by the Board or a Committee of the Board.

14 (3) Any document purporting to be a document duly executed under
15 the seal of the Centre shall be received in evidence and shall, unless the
16 contrary is proved, be presumed to be so executed.

17 7. The validity of any proceedings of the Board or a Committee
18 thereof, shall not be affected by any vacancy in the membership of the Board or
19 Committee, or by any defect in the appointment of a member of the Board or of
20 any other person on the Committee.

21 8. Any member, and any person holding office on a Committee of the
22 Board, who has a personal interest in any contract or arrangement entered into
23 or proposed to be considered by the Board, shall forthwith disclose his interest
24 to the Board and shall not vote on any question relating to the contract or
25 arrangement.

26 *Education Committee*

27 9. The provisions of this Schedule shall apply mutatis mutandis to the
28 education Committee; but in relation to the quorum thereof, it shall be as may
29 be determined by the education committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Ear care Centre, Kaduna for the prevention, diagnosis and treatment of Ear, Nose and Throat (ENT) Disease in Nigeria.

