

# A BILL

## FOR

AN ACT TO ESTABLISH THE ALEX EKWUEME FEDERAL TEACHING HOSPITAL, ABAKALIKI; AND FOR RELATED MATTERS

*Sponsored by Hon. Chinedu Ogburn*

[ ] Commencement

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

1           1.-(1) There is hereby established the Alex Ekwueme Federal  
2 Teaching Hospital, Abakaliki ("in this Bill referred to as "the Federal  
3 Teaching Hospital") and the Federal Teaching Hospital shall serve as the  
4 Federal Teaching Hospital subject to the provision of this Bill.

Establishment of Alex Ekwueme Federal Teaching Hospital, Abakaliki

5           (2) The hospital:

6           (a) shall be a body corporate;

7           (b) May sue and be sued in its corporate name;

8           (c) Shall have perpetual succession and a common seal.

9           2. There is hereby established for the management of the Federal  
10 Teaching Hospital a Board of Management (in this Bill referred to as  
11 "Board") which shall be constituted and have the functions and powers set  
12 out in this Bill.

Establishment of the Board of Management of the Federal Teaching Hospital

13           3.-(1) The Board shall consist of:

Membership of the Board

14           (a) a chairman;

15           (b) the Chief Medical Director of the Federal Teaching Hospital;

16           (c) the Director of Clinical Services;

17           (d) the Director of Administration;

18           (e) the Director of Finance;

19           (f) the Director of Maintenance;

20           (g) a representative of the president;

21           (h) the Federal Ministry of Health;

- 1 (j) the National Planning Commission;
- 2 (j) the Society of Gynaecology and Obstetrics of Nigeria;
- 3 (k) the Pharmaceutical Society of Nigeria;
- 4 (l) the Paediatric Association of Nigeria;
- 5 (m) the National Association of Nigerian Nurses and Midwives; and
- 6 (n) one person to represent public interest.

7 (2) The chairman and members of the Board, other than ex-officio

8 members, shall be:

- 9 (a) appointed by the President; and
- 10 (b) persons of proven integrity and ability.

Schedule

11 (3) The supplementary provisions set out in the Schedule to this Bill

12 shall have effect with respect to the proceedings of the Board and the other

13 matters contained therein.

Tenure of office

14 4. Subject to the provisions of section 5 of this Bill, a member of the

15 Board, other than ex-officio members, shall each hold office;

16 (a) for a term of three years in the first instance and may be re-

17 appointed for a further term of three years and no more; and

18 (b) on such terms and conditions as may be specified in his letter of

19 appointment.

Cessation of  
membership

20 5.-(1) Notwithstanding the provisions of section 4 of this Bill a person

21 shall cease to hold office as a member of the Board if:

22 (a) he becomes bankrupt, suspends payment principal loan with his

23 creditors; or

24 (b) he is convicted of a felony or any offence involving dishonesty or

25 fraud; or

26 (c) he becomes of unsound mind or is incapable of carrying out his

27 duties; or

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

29 (e) in the case of a person possessed of professional qualifications, he

30 is disqualified or suspended, other than at his own request, from practising his

1 profession in any part of the world by an order of a competent authority  
2 made in respect of that member; or

3 (f) he resigns his appointment by a letter addressed to the President.

4 (2) If a member of the Board ceases to hold office for any reason  
5 whatsoever, before the expiration of the term for which he is appointed,  
6 another person representing the same interest as that member shall be  
7 appointed to the Board for the unexpired term.

8 (3) A member of the Board may be removed by the President if he is  
9 satisfied that it is not in the interest of the Federal Teaching Hospital or the  
10 interest of the public that the member continues in office.

11 6. There shall be paid to every member of the Board such  
12 allowances and expenses as the Revenue Mobilization Allocation and Fiscal  
13 Commission may, from time to time, direct.

Allowances of  
members

14 PART II - FUNCTIONS AND POWERS OF THE BOARD, ETC.

15 7.-(1) The Board shall:

Functions of the  
Board

16 (a) equip, maintain and operate the Federal Teaching Hospital so as  
17 to provide facilities for diagnosis, curative, promotive and rehabilitative  
18 services in medical treatment;

19 (b) construct, equip, maintain and operate such training schools  
20 and similar institutions as the Board considers necessary for providing the  
21 Federal Teaching Hospital at all times with a proper staff of the Federal  
22 Teaching Hospital technicians and nurses;

23 (c) construct, equip, maintain and operate such clinics, out-patient  
24 departments, laboratories, research or experimental stations and other like  
25 institutions as the Board considers necessary for the efficient functioning of  
26 the Federal Teaching Hospital.

27 (2) The Board shall ensure that the standards of teaching provided  
28 at all establishments under its control and the standards of treatment and care  
29 provided for patients at those establishments do not fall below those usually  
30 provided by similar establishments of international repute.

1 (3) Subject to this Bill, the Board shall perform such other functions  
2 which in its opinion are calculated to facilitate the carrying out of its functions  
3 under this Bill.

Powers of the  
Board

4 8. The Board shall have power to:

5 (a) Provide the general policies and guidelines relating to major  
6 expansion programmes of the Federal Teaching Hospital;

7 (b) provide facilities for the training of medical students of associate  
8 universities;

9 (c) manage and superintend the affairs of the Federal Teaching  
10 Hospital;

11 (d) subject to the provisions of this Bill, make, alter and revoke rules  
12 and regulations for carrying on the functions of the Federal Teaching Hospital;

13 (e) fix terms and conditions of service, including remuneration of the  
14 employees of the Federal Teaching Hospital subject to the approval of National  
15 Salaries Income and Wages Commission;

16 (f) do such other things which in the opinion of the Board are  
17 necessary to ensure the efficient performance of the functions of the Federal  
18 Teaching Hospital.

19 PART III - STAFF OF THE FEDERAL TEACHING HOSPITAL

Medical Director  
of the Federal  
Teaching Hospital

20 9.-(1) There shall be for the Federal Teaching Hospital a Chief  
21 Medical Director who shall be appointed by the President on the  
22 recommendation of the Board and on such terms and conditions as may be  
23 specified in his letter of appointment or as may be determined, from time to  
24 time, by the National Salaries Income and Wages Commission.

25 (2) The Chief Medical Director shall:

26 (a) be the chief executive and accounting officer of the Federal  
27 Teaching Hospital;

28 (b) be responsible to the Board for the day-to-day administration of  
29 the Federal Teaching Hospital;

30 (c) be appointed for a term of four years in the first instance and may

1 be reappointed for a further term of four years subject to satisfactory  
2 performance;

3 (d) be a person who is a medical practitioner and shall have been so  
4 qualified for a period of not less than 15 years;

5 (e) have considerable administrative experience in matters of  
6 health;

7 (f) hold a post-graduate specialist qualification obtained not less  
8 than ten years prior to the appointment as Chief Medical Director.

9 10.-(1) The Board shall appoint for the Federal Teaching Hospital:

10 (a) a Director of Administration, who shall:

11 (i) be responsible to the Chief Medical Director for the effective  
12 functioning of all the administrative divisions of the Federal Teaching  
13 Hospital;

14 (ii) conduct the correspondence of the Board and keep the records  
15 of the Federal Teaching Hospital; and

16 (iii) perform such other functions as the Board or the Chief Medical  
17 Director, as the case may be, may, from time to time, assign to him;

18 (b) a Director of Clinical Services;

19 (c) a Director of Finance;

20 (d) a Director of Maintenance.

21 (2) The Directors appointed under paragraphs (b), (c) and (d) of  
22 subsection (1) of this section shall each be responsible to the Chief Medical  
23 Director for the effective running of the clinical services, the finance and  
24 accounts and the co-ordination of the maintenance of the Federal Teaching  
25 Hospital, as the case may be.

26 (3) The Board shall appoint for the Federal Teaching Hospital such  
27 number of employees as may in the opinion of the Board be expedient and  
28 necessary for the proper and efficient performance of the functions of the  
29 Federal Teaching Hospital.

30 (4) Notwithstanding the provisions of subsections (1) and (2) of

Appointment of  
Directors and other  
staff of the Federal  
Teaching Hospital

1 this section the Board shall have power to appoint for the Federal Teaching  
2 Hospital either directly or on secondment from any public service in the  
3 Federation, such number of employees as may, in the opinion of the Board, be  
4 required to assist the Federal Teaching Hospital in the discharge of any of its  
5 functions under this Bill.

6 (5) Nothing in subsection (4) of this section shall preclude the Board  
7 from appointing persons from outside the public service of the Federation or of  
8 the State whenever it deems it necessary so to do.

9 (6) The terms and conditions of service (including remuneration,  
10 allowances, benefits and pensions) of the employees of the Federal Teaching  
11 Hospital shall be as determined by the National Salaries Income and Wages  
12 Commission.

Service in the  
Federal Teaching  
Hospital to be  
pensionable

13 11.-(1) Service in the Federal Teaching Hospital shall be approved  
14 service for the purposes of the Pensions Reforms Bill.

15 (2) The officers and other persons employed in the Federal Teaching  
16 Hospital shall be entitled to pensions, gratuities and other retirement benefits  
17 as are enjoyed by persons holding equivalent grades in the civil service of the  
18 Federation.

19 (3) Nothing in subsections (1) and (2) of this section shall prevent the  
20 appointment of a person to any office on terms which preclude the grant of  
21 pension and gratuity in respect of that office.

Establishment  
of the Medical  
advisory  
Committee, etc.

22 12.-(1) There shall be for the Federal Teaching Hospital a Medical  
23 Advisory Committee which shall:

24 (a) consist of a chairman who shall be the Director, Clinical Services  
25 and such number of other members as may be determined from time to time;

26 (b) be responsible to the Chief Medical Director for all the clinical and  
27 training activities of the Federal Teaching Hospital; and

28 (c) be appointed by the Board.

29 (2) Subject to this Bill, the Board shall have power to appoint either  
30 directly or on secondment and discipline consultants holding or acting in any

1 office in the hospital; and any such appointment shall be made having due  
2 regard to the approved personnel establishment of the Federal Teaching  
3 Hospital.

4 (3) Notwithstanding anything to the contrary, the Board may, from  
5 time to time, appoint consultants outside the hospital to perform such  
6 medical duties as the Board or the Chief Medical Director may assign to  
7 such consultants.

8 PART IV - FINANCIAL PROVISIONS

9 13. There shall be established and maintained for the Federal  
10 Teaching Hospital a fund into which shall be paid and credited:

Fund of the  
Federal Teaching  
Hospital

11 (a) all subventions and budgetary allocation from the Government  
12 of the Federation;

13 (b) all fees and funds accruing from the sale of drugs and other  
14 services;

15 (c) all sums accruing to the Federal Teaching Hospital by way of  
16 gifts, endowments, bequests, grants or other contributions by persons and  
17 organisations;

18 (d) foreign aid and assistance from bilateral agencies; and

19 (e) all other sums which may, from time to time, accrue to the  
20 Federal Teaching Hospital.

21 14. The hospital shall, from time to time, apply the funds at its  
22 disposal for:

Expenditure of  
the Federal  
Teaching Hospital

23 (a) the cost of administration and maintenance of the Federal  
24 Teaching Hospital;

25 (b) publicize and promote the activities of the Federal Teaching  
26 Hospital;

27 (c) pay allowances, expenses and other benefits of members of the  
28 Board and committees of the Board;

29 (d) pay the salaries, allowances and benefits of employees of the  
30 Federal Teaching Hospital;

1 (e) pay other overhead allowances, benefits and other administrative  
2 costs of the Federal Teaching Hospital; and

3 (f) undertake such other activities as are connected with all or any of  
4 the functions of the Federal Teaching Hospital under this Bill.

Power to accept  
gifts

5 15.-(1) The Federal Teaching Hospital may accept gifts of land,  
6 money or other property on such terms and conditions, if any, as may be  
7 specified by the person or organisation making the gift.

8 (2) The Federal Teaching Hospital shall not accept any gift if the  
9 conditions attached by the person or organisation making the gift are  
10 inconsistent with the functions of the Federal Teaching Hospital under this Bill.

Annual estimates  
and expenditure

11 16.-(1) The Board shall, not later than 30 September in each year,  
12 submit to the President through the Secretary to the Government of the  
13 Federation an estimate of the expenditure and income of the Federal Teaching  
14 Hospital during the next succeeding year.

15 (2) The Board shall cause to be kept proper accounts of the Federal  
16 Teaching Hospital in respect of each year and proper records in relation thereto  
17 and shall cause the accounts to be audited not later than six months after the end  
18 of each year by auditors appointed from the list and in accordance with the  
19 guidelines supplied by the Auditor-General for the Federation.

Annual report

20 17. The Board shall prepare and submit to the President, not later than  
21 30 June in each year, a report in such form as the President may direct on the  
22 activities of the Federal Teaching Hospital during the immediately preceding  
23 year, and shall include in the report a copy of the audited accounts of the  
24 Federal Teaching Hospital for that year and the auditor's report thereon.

Power to borrow

25 18.-(1) The Federal Teaching Hospital may, from time to time,  
26 borrow by overdraft or otherwise such sums as it may require for the  
27 performance of its functions under this Bill.

28 (2) The Federal Teaching Hospital shall not, without the approval of  
29 the President, borrow money which exceeds, at any time, the limit set by the  
30 President.



1 (3) Notwithstanding subsection (1) of this section, where the sum  
2 to be borrowed is in foreign currency, the Federal Teaching Hospital shall  
3 not borrow the sum without the prior approval of the President.

4 19.-(1) The Federal Teaching Hospital shall not pay income tax on  
5 any income derived by the Federal Teaching Hospital under this Bill or  
6 accruing to it from any of its investments.

Exemption from  
tax

7 (2) Accordingly, the provisions of any enactment relating to the  
8 taxation of companies or trust funds shall not apply to the Board of the  
9 Federal Teaching Hospital.

10 20. The Federal Teaching Hospital shall not pay customs duty on  
11 or be restricted or prohibited from importing any equipment, material,  
12 supply and any other thing required by the Federal Teaching Hospital for the  
13 purposes of this Bill.

Exemption from  
customs duties, etc.

#### 14 PART V - GENERAL

15 21.-(1) Notwithstanding anything to the contrary contained in any  
16 other enactment, where it appears to the Board that any student of the  
17 Federal Teaching Hospital has been guilty of misconduct, the Board may,  
18 without prejudice to any other disciplinary powers conferred on it by  
19 regulations, direct:

Discipline of  
students

20 (a) that the student shall not, during such period as may be specified  
21 in the direction, participate in such activities of the Federal Teaching  
22 Hospital, or make use of such facilities of the Federal Teaching Hospital as  
23 may be so specified; or

24 (b) that the activities of the student shall, during such period as may  
25 be specified in the direction, be restricted in such manner as may be so  
26 specified; or

27 (c) that the student be rusticated for such period as may be specified  
28 in the direction; or

29 (d) that the student be expelled from the Federal Teaching Hospital.

30 (2) The fact that an appeal from a direction is brought in pursuance

1 of subsection (1) of this section shall not affect the operation of the direction  
2 while the appeal is pending.

3 (3) The Board may delegate its powers under this section to a  
4 disciplinary committee consisting of such members of the Federal Teaching  
5 Hospital as the Board may nominate.

6 (4) Nothing in this section shall be construed as preventing the  
7 restriction or termination of student's activities at the Federal Teaching  
8 Hospital otherwise than on the ground of misconduct.

9 (5) A direction issued under subsection (1) (a) of this section may be  
10 combined with a direction issued under subsection (1) (b) of this section.

11 (6) Nothing in this Bill shall affect the provisions of any enactment  
12 relating to the discipline of medical practitioners, pharmacists, midwives,  
13 nurses or members of any other profession or calling.

14 22.-(1) If it appears to the Board that there are reasons for believing  
15 that any person employed as a member of the clinical, administrative or  
16 technical staff of the Federal Teaching Hospital, other than the Chief Medical  
17 Director, should be removed from his office or employment, the Board shall  
18 require the Director of Administration to:

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

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

22 (c) if the person in question so requests within a period of 1 month  
23 beginning with the date of the notice, make arrangements for:

24 (i) a committee to investigate the matter and report on it to the Board;

25 and

26 (ii) the person in question to be afforded an opportunity of appearing  
27 before and being heard by an investigating committee set up with respect to the  
28 matter, and if the Board, after considering the report of the investigating  
29 committee, is satisfied that the person in question should be removed as

Removal and  
discipline of  
clinical,  
Administrative  
and technical staff

1 aforesaid, the Board may so remove him by a letter signed on the direction of  
2 the Board.

3 (2) The Chief Medical Director may, in a case of misconduct by a  
4 member of the staff which in the opinion of the Chief Medical Director is  
5 prejudicial to the interest of the Federal Teaching Hospital, suspend any  
6 such member and any such suspension shall forthwith be reported to the  
7 Board.

8 (3) For good cause, any member of staff may be suspended from  
9 his duties or his appointment may be terminated or he may be dismissed by  
10 the Board and for the purposes of this section, "good cause" means:

11 (a) a conviction for any offence which the Board considers to be  
12 such as to render the person concerned unfit for the discharge of the  
13 functions of his office; or

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

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

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

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

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

29 (b) whether to reinstate the person, in which case the Board shall

1 restore his full emoluments to him with effect from the date of suspension; or

2 (c) whether to terminate the appointment of the person concerned, in  
3 which case he shall not be entitled to the proportion of his emoluments  
4 withheld during the period of suspension; or

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

12 (5) It shall be the duty of the person by whom a letter of removal is  
13 signed in pursuance of subsection (1) of this section to use his best endeavors to  
14 cause a copy of the letter to be served as soon as reasonably practicable on the  
15 person to whom it relates.

16 (6) Nothing in the foregoing provisions of this section shall preclude  
17 the Board from making such regulations not inconsistent with the provisions of  
18 this Bill for the discipline of students and all other categories of employees of  
19 the hospital as the Board may prescribe.

20 (7) Regulations made under subsection (6) of this section need not be  
21 published in the Gazette but the Board shall cause them to be brought to the  
22 notice of all affected persons in such manner as it may, from time to time,  
23 determine.

24 23.-(1) If any junior staff is accused of misconduct or inefficiency, the  
25 Chief Medical Director may suspend him for not more than a period of 3  
26 months and shall direct a committee to:

27 (a) consider the case; and

28 (b) make recommendations as to the appropriate action to be taken by  
29 the Chief Medical Director.

30 (2) In all cases under this section of this Bill, the officer shall be

1 informed of the charge against him and given a reasonable opportunity to  
2 defend himself.

3 (3) The Chief Medical Director may, after considering the  
4 recommendation made pursuant to subsection (1) (b) of this section,  
5 dismiss, or take such other disciplinary action against the officer concerned.

6 (4) Any person aggrieved by a decision of the Chief Medical  
7 Director made under subsection (3) of this section may, within a period of 21  
8 days from the date of the letter communicating the decision to him, address a  
9 petition to the Board to reconsider his case.

#### 10 PART VI - MISCELLANEOUS

11 24.-(1) The Board may, with the approval of the President, make Regulations  
12 regulations:

13 (a) as to the access of members of the public either generally or of a  
14 particular class, to premises under the control of the Board and as to the  
15 orderly conduct of members of the public on those premises; and

16 (b) for safeguarding any property belonging to or controlled by the  
17 Board from damage by members of the public.

18 (2) Bye-laws under this section shall not come into force until they  
19 are confirmed (with or without modification) by the National Assembly and  
20 published in such manner as he may direct.

21 25. The President may give to the Board directions of a general Power to give  
22 character or relating generally to particular matters (but not to any individual directives  
23 person or case) with regard to the exercise by the Board of its functions  
24 under this Bill, and it shall be the duty of the Board to comply with the  
25 directions; but no direction shall be given which is inconsistent with the  
26 duties of the Board under this Bill.

27 26.-(1) On the commencement of this Bill, any person employed Transition and  
28 by or serving in, the Federal Teaching Hospital shall be deemed to have been savings provision  
29 employed or serving in the Federal Teaching Hospital established under this  
30 Bill.

1 (2) All Assets or liabilities belonging to the Federal Teaching Hospital  
2 shall be deemed to belong to the Federal Teaching Hospital established under  
3 this Bill.

Interpretation

4 27. In this Bill, unless the context otherwise requires:  
5 "associate universities" means the universities whose medical students receive  
6 aspects of their training from the Federal Teaching Hospital;  
7 "Board" means the Board of Management of the Federal Teaching Hospital;  
8 "chairman" means the chairman of the Board;  
9 "functions" include powers and duties;  
10 "Federal Teaching Hospital" means the Federal Teaching Hospital Abakaliki;  
11 "junior staff" means staff of such grade as may be determined, from time to  
12 time, by the Board;  
13 "medical student" means a student whose course of instruction is:  
14 (a) designed (either alone or in conjunction with other courses) to  
15 enable him to qualify as a medical practitioner; or  
16 (b) designed for the further training of medical practitioners;  
17 "Minister" means the Minister charged with responsibility for matters relating  
18 to health and "Ministry" shall be construed accordingly;  
19 "student" means a person enrolled at an institution controlled by the Board for  
20 the purpose of pursuing a course of instruction at the institution.

Short title

21 28. This Bill may be cited as the Federal Teaching Hospital Abakaliki  
22 (Establishment) Bill, 2021.

## SCHEDULE

[Section 3 (3).]

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

*Proceedings of the Board*

1.-(1) Subject to this Bill and section 27 of the Interpretation Clause, the Board may make standing orders regulating its proceedings or those of any of its committees.

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and 5 other members of the Board, 2 of whom shall be ex-officio members, and the quorum of any Committee of the Board shall be as determined by the Board.

2.-(1) The Board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

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

*Committees*

3.-(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board and a person shall hold office on the committee in accordance with the terms of his appointment.

