

A BILL

FOR

AN ACT TO ESTABLISH THE NATIONAL EAR CARE CENTRE, IDEATO, IMO STATE, FOR THE PREVENTION, DIAGNOSIS AND TREATMENT OF EAR, NOSE AND THROAT DISEASES, COORDINATION OF RESEARCH IN EAR, NOSE AND THROAT CHALLENGES, TRAINING OF PERSONNEL IN EAR, NOSE AND THROAT, AND OTHER ASSOCIATED AREAS, AND FOR RELATED MATTERS

Sponsored by Hon. Paschal C. Obi

Commencement

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

Republic of Nigeria as follows:

Establishment, etc of the National Ear Care Centre

1.-(1) There is established a Centre to be known as the National Ear Care Centre, Ideato (in this Bill referred to as the "Centre".

(2) The Centre:

(a) shall be a body corporate with perpetual succession and a

common seal;

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

(c) may acquire, hold and dispose of property (moveable or immovable, and

(d) the centre shall be a hospital specializing in otolaryngology at all levels.

2.-(1) (a) The functions of the Centre shall be to provide hospital and specialist services in connection with the diagnosis and treatment of

Functions and Powers of the Centre

diseases or defects of the Ear, Nose and Throat, supply of appliances and other supplementary Otolaryngological services;

(b) provide ambulatory outreach and domiciliary Ear, Nose and Throat treatment, employing the services of Otolaryngologists and other medical personnel;

and provisions of the Bill

1 (c) provide and facilitate the training of otolaryngologists and
2 topologists;

3 (d) provide and facilitate the training of Ear, Nose and Throat
4 personnel; and dispensing Nurses, and technicians;

5 (e) provide and facilitate the training of Ear, Nose and Throat, related
6 courses at certificate and diploma levels;

7 (f) provide and facilitate other trainings, including residency, post
8 basic training;

9 (g) provide and facilitate research in all aspect of Otolaryngology
10 including Ear, Nose and Throat, Clinical and experimental;

11 (h) facilitate the training of specialists in Ear, Nose and Throat and
12 other supporting areas; and

13 (i) develop new diagnostic and therapeutic Ear, Nose and Throat
14 instruments and appliances better situated for the practice of otolaryngology in
15 Nigeria.

16 (2) For the purposes of the discharge of its functions under this Bill,
17 the Centre may:

18 (a) arrange periodic conferences, seminars, study groups and like
19 activities in Otolaryngology;

20 (b) advise the government of the Federation or of a State on all matters
21 relating to defects and diseases and other ailments of Ear, Nose and Throat and
22 the prevention of deafness;

23 (c) offer such assistance to Ear, Nose and throat hospitals or units in
24 various parts of the Federation, as the Board may deem necessary; and

25 (d) do anything in connection with or incidental to the functions
26 conferred on it in this Bill.

Constituent Parts
of the Centre

27 3. The Centre shall be constituted as follows:

28 (a) a Management Board;

29 (b) an Education Committee;

30 (c) the Clinical and other departments of the Centre;

1 (d) all members of the administrative, clinical and technical staff

2 and

3 (e) all students of the Centre.

4 4.-(1) There is established for the Centre, a body to be known as the
5 National Ear Care Centre Management Board (in this Bill referred to as the

Establishment of
the Management
Board

6 "Board"), which shall have general responsibilities for the administration of
7 the Centre.

8 (2) The Board shall consist of:

9 (a) the Chairman;

10 (b) the Medical Director;

11 (c) six persons to represent the geo-political zones in Nigeria;

12 (d) two persons appointed by the consultant staff of the hospital
13 from or amongst their membership;

14 (e) the Permanent Secretary, Federal Ministry of Health, or his
15 representative; and

16 (f) the Permanent Secretary, Federal Ministry of Education, or his
17 representative.

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

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

24 (5) The Members specified in subsection (2) (b), (d), (e) and (f) of
25 Section 4, are hereinafter referred to as "ex-officio members.

26 (6) The supplementary provisions as set out in the schedule to this
27 Bill shall have effect with respect to the proceedings of the Board and the
28 Education Committee and the other matters mentioned herein.

Schedule

29 5.-(1) The Chairman and any other member of the Board (not being
30 an ex-officio member), shall hold office for a period of four years and shall

Tenure of Office
of Members of
the Board

1 shall be eligible for re-appointment for a further period of four years, and no more,
2 provided that members of the Board under paragraph (d) of the subsection (2)
3 of section 4 of this Bill, shall hold office for two years and shall not be eligible
4 for re-appointment.

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

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

13 (4) The office of a member of the Board shall become vacant if:
14 (a) he resigns his office by notice in writing under his hand, addressed
15 to the President through the Minister;
16 (b) the period of his appointment has expired; or
17 (c) by resolution of the Board;
18 (d) (i) that he has become unfit to continue as a member of the Board
19 by reason that the member has become incapable by reason of mental or bodily
20 infirmity of discharging his duties;
21 (ii) that he has been absent from three consecutive meetings of the
22 Board without leave of the Board; or
23 (iii) that he has been convicted of an offence involving dishonesty,
24 fraud or moral turpitude.

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

28 (6) Any member of the Board other than an ex-officio member may,
29 by notice to the Board, resign his appointment.

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

Duties of the Board

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

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

8 (b) such training schools and similar institutions as the Board
9 considers necessary for providing the Centre at all times with adequate and
10 sufficient qualified staff, including Otolaryngology, Ear, Nose and Throat
11 technicians, Nurses and members of the other allied professions and fields,
12 relevant to the practice of Otolaryngology; and

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

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

22 The person for the time being holding such office in the Centre, as the
23 Medical Director may specify:

24 7. The Education Committee shall have responsibility for the
25 running of the academic affairs of the Centre, including:

Functions of the Education Committee

26 (a) the organization and the control of courses of study at the
27 Centre and of the examinations held in connection with those courses;

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

30 (c) determining the duration of the training periods; and

1 (d) effecting the affiliation of the Centre with Universities and
2 Institutions, for the award of Degrees, Diplomas or Fellowship to Students, on
3 the successful completion of the relevant courses.

Candidacy for
Admission

4 8. Where a candidate offers himself for admission as a postgraduate
5 medical student under this Bill, he shall satisfy the Board that he is a registered
6 Medical Practitioner or that he is on the temporary or provisional Register of
7 Medical Practitioners of the Nigeria Medical Council.

Power of the
Minister to give
Direction

8 9. The Minister may give to the Board, directions of a general
9 character or relating generally to particular matters (but not to any individual
10 person or case), with regard to the exercise by the Board of its functions under
11 this Bill, and it shall be the duty of the Board to comply with the directions, but
12 no direction shall be given which is inconsistent with the duties of the Board
13 under this Bill.

Financial Provision:
Fund of the Centre

14 10. The Board shall establish and maintain a fund into which it shall
15 pay:

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

18 (b) all sums accruing to the Centre by way of fees, gifts, testamentary
19 disposition, contributions from philanthropic persons or organizations or other
20 entities.

Power to borrow

21 11. Except with the approval of the Minister, the Centre shall not have
22 power to borrow money.

Annual Estimates
and Expenditure

23 12. The Board shall prepare and submit to the Minister, not later than
24 31st September in each financial year, and estimate of the income and
25 expenditure of the Centre during the next succeeding financial year.

Accounts and
Audit

26 13. The Centre shall keep proper accounts and audit in respect of each
27 financial year and proper records in relation to those accounts and shall cause
28 its account to be audited as soon as may be, after the end of the financial year to
29 which the accounts relate by a firm of Auditors appointed, as respects that year,
30 by the Board from the list and in accordance with guidelines supplied by the

1 Auditor-General of the Federation.

2 14. The Board may, with the approval of the Minister, prescribe Fees for Services
3 the scale of fees chargeable for hospital services and trainings and teachings
4 provided by the Centre.

5 15.-(1) The Centre may accept gifts of land, money or other Power to accept
6 property upon such terms and conditions, if any, as may be specified by the gifts
7 person or organization making the gift.

8 (2) The Board shall not accept any gift if the conditions attached by
9 the person making the gift are inconsistent with the functions of the Board
10 under this Act.

11 16.-(1) Subject to the provisions of this section, where it appears to Discipline of
12 the Medical Director that any student of the Centre has been guilty of Students
13 misconduct the Medical Director may, without prejudice to any other
14 disciplinary powers conferred on him under this Bill, or by the direction of
15 the Minister or the Board, or by regulations, direct that:

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

19 (b) the activities of the student shall, during such period as may be
20 specified in the direction, be restricted in such manner as may be so
21 specified; or

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

24 (d) the student shall be expelled from the Centre.

25 (2) Where a direction is given under subsection (1) (c) or (d) of this
26 section in respect of any student, the student may, within the prescribed
27 period and in the prescribed manner, appeal from the direction to the Board,
28 and where such an appeal is brought, the Board considers appropriate, either
29 confirm or set aside the direction or modify it in such manner as the Board
30 thinks fit.

1 (3) The fact that an appeal from a direction is brought in pursuance of

2 the foregoing subsection, shall not affect the operation of the direction while
3 the appeal is pending.

4 (4) The Medical Director may delegate his powers under this section
5 to a disciplinary committee consisting of such members of the centre as he may
6 nominate.

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

10 (6) The power of the Medical Director to give direction under
11 subsection (1) (a) of this section may be combined with a direction under
12 subsection (1) (b) of this section.

13 (7) Nothing in this section shall affect the provisions of any enactment
14 relating to the discipline of Medical Practitioners, Pharmacists, Nurses or
15 members of any other profession or field.

Removal and
Discipline of
Clinical,
Administrative
and Technical
Staff

16 17.-(1) If it appears to be Board that there are reasons for believing
17 that any person employed as a member of the clinical, administrative or
18 technical staff of the centre, other than the Medical Director should be removed

19 from his office or the employment, the Board shall require the Medical
20 Director to:

21 (a) give notice of those reasons to the person in question,

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

24 (c) if the person in question so request within the period of one month
25 beginning with the date of notice, make arrangement.

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

28 (ii) for the person in question to be afforded an opportunity of
29 appearing before and being heard by the investigating committee with respect
30 to the matter, and if the Board, after considering the report of the investigating

1 committee, is satisfied that the person in question should be removed, the
2 Board may so remove him by a letter signed on the direction of the Board.

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

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

10 "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;

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;

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 such as to render the person concerned unfit to
20 continue to hold his office; or

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

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

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

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

1 restore his full emolument to him with effect from the date of the suspension;
2 (c) whether to terminate the appointment of the person concerned, in
3 which case such person, will not be entitled to the proportion of his emolument
4 withheld during the period of suspension; or

5 (d) whether to take such lesser disciplinary action against such person
6 (including restoration of his emolument that might have been withheld), as the
7 Board may determine and in any case where the Board, pursuant to this section,
8 decides to continue a person's suspension or decides to take further disciplinary
9 action against a person, the Board shall, before the expiration of a period of
10 three months from such decision, come to a final determination in respect of the
11 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 endeavour
14 to 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 prevent
17 the Board from making regulations for the discipline of students and all other
18 categories of employees of the Centre, as the Board may prescribe.

19 (7) Regulations made under subsection (5) of this section, need not to
20 be published in the Federal Gazette, but the Board shall bring them to the notice
21 of all affected persons in such manner as it may, from time to time, determine.

Discipline of
Junior Staff

22 18.-(1) If any junior staff is accused of misconduct or inefficiency, the
23 Medical Director may suspend him for not more than three months and
24 forthwith shall direct the Junior Staff Appointments and Promotions
25 Committee appointed under the provisions of paragraph (3) (b) of the Schedule
26 to this Act:

27 [Schedule]

28 (a) to consider the case; and
29 (b) to make recommendations as to the appropriate action to be taken
30 by the Medical Director.

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

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

7 (4) Any person aggrieved by the Medical Director's decision under
8 subsection (3) of this section may, within a period of 21 days from the date of
9 the letter communicating, the decision to him, address a petition to the Board
10 to re- consider his case, and the Board's decision thereon shall be final.

11 *Miscellaneous*

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

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

27 20. The Board shall prepare and submit to the President, through
28 the Minister, not later than so" June in each year, a report in such form as the
29 Minister may direct on the activities of the Board during the immediately
30 preceding year and shall include in such report, a copy of the audited

Exclusion of
Discrimination
Account of
Religion, Race,
etc.

Annual Report

1 accounts of the Centre for that year and of the auditor's report thereon.

Interpretation 2 21. In this Act:

3 "Board" means the governing Board of the Centre, established under section 4

4 (1) of this Bill;

5 "Centre" means the National Ear Care Centre established under section 1 of

6 this Bill;

7 "Functions" means includes powers and duties;

8 "Minister" means the Minister responsible for health matters in Nigeria;

9 "Student" means a person enrolled at an institution controlled by the Board, for

10 the purpose of pursuing a course of instruction at the institution established

11 under this Bill.

Citation 12 22. This Bill may be cited as the National Ear Care Centre, Ideato, Imo

13 State (Establishment, Etc.) Bill, 2021.

14 SCHEDULE

15 SUPPLEMENTARY PROVISION RELATING TO THE BOARD

16 THE EDUCATION COMMITTEE ETC

17 (Section 4(6))

18 *Proceedings of the Board*

19 1. Subject to the provisions of this Bill and Section 27 of the

20 Interpretation Act (which provides for decisions of a statutory body and for the

21 person presiding to have a second or casting vote), the Board may make

22 standing orders regulating the proceedings of the Board or any Committee

23 thereof.

24 2. The quorum of the Board shall be three which shall include the

25 Chairman and two other members, and the quorum of any Committee of the

26 Board shall be determined by the Board.

27 3.-(1) Subject to the provisions of any Standing Orders of the Board,

28 the Board, the Board shall meet whenever it is summoned by the Chairman;

29 and if the Chairman is required so to do by notice given to him by not less than

30 four other members, he shall summon a meeting of the Board to be held within

1 fourteen days of the date of the receipt by him of the notice.

2 (2) At any of the Board, the Chairman of the Board shall preside
3 and if the Chairman is absent, the member present shall nominate one of
4 their numbers to preside at the meeting.

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

9 (4) Notwithstanding anything in the foregoing provisions of this
10 paragraph, the first meeting of the Board shall be summoned by the Minister,
11 who may give such directions as he thinks fit as to the procedure which shall
12 be followed at that meeting.

13 *Committees of the Board and Education Committee*

14 4.-(1) The Board may appoint one or more Committees to carry out
15 on behalf of the Board, such of its functions as the Board may determine, but
16 a decision of a Committee shall be of no effect until it is confirmed by the
17 Board.

18 (2) The Education Committee may appoint one or more
19 Committees to carry out on behalf of the Education Committee, such of its
20 functions as the Education Committee may determine, by a decision of a
21 Committee shall be of no effect until it is confirmed by the Education
22 Committee.

23 (3) Without prejudice to the generality of sub-paragraph (1) and (2)
24 of this Schedule the Board shall appoint the following Committees:

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

27 (ii) be charged with the responsibility for making
28 recommendations to the Board on the appointments and promotions of
29 clinical, administrative and technical staff of the Centre and have a quorum
30 of three members.

1 (b) The Junior Staff Appointments and Promotions Committee,
2 which shall have the powers set out in Section 18 of this Bill.

3 *Employees of the Centre*

4 5. Subject to the provisions of this Act, the Board shall have power:

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

7 (b) to pay any person appointed to a Committee of the Board, such
8 remuneration (whether by way of fees or otherwise in respect of the
9 performance of his functions under this Bill, and such travelling and
10 subsistence allowances while on the business of the Board, as the Board may
11 determine;

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

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

15 *Miscellaneous*

16 6.-(1) The fixing of the seal of the Board shall be authenticated by the
17 signature of the Chairman or of some other member, authorized generally or
18 specially by the Board for that purpose.

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

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

26 7. The validity of any proceeding of the Board or a Committee
27 thereof, shall not be affected by any vacancy in the membership of the Board or
28 Committee or by any defect in the appointment of a member of the Board or of
29 any other person on the Committee.

30 8. Any member or any person holding office on a Committee of the

1 Board, who has a personal interest in any contract or arrangement entered
2 into or proposed to be considered by the Board, shall forthwith disclose his
3 interest to the Board and shall not vote on any question relating to the
4 contract or arrangement.

5 *Education Committee*

6 9. The provisions of this Schedule shall apply mutatis mutandis to
7 the Education Committee; but in relation to the quorum thereof, it shall be as
8 may be determined by the Education Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Ear Care Centre, Ideato, Imo State,
for the Prevention, Diagnosis, and Treatment of Ear, Nose and Throat
Disease in Nigeria.

OFFICE OF THE
SECRETARY OF STATE
FOR LEGISLATION
AND PUBLIC RELATIONS
FEDERAL GOVERNMENT

