

MICHAEL OKPARA UNIVERSITY TEACHING HOSPITAL
(ESTABLISHMENT, ETC.) BILL, 2021

ARRANGEMENT OF SECTIONS

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A BILL

FOR

AN ACT TO ESTABLISH THE MICHAEL OKPARA UNIVERSITY TEACHING HOSPITAL, UMUAHIA; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE MICHAEL OKPARA UNIVERSITY
2 TEACHING HOSPITAL, UMUAHIA

3 1.-(1) There is hereby established the Michael Okpara University
4 Teaching Hospital, Umuahia (in this Bill referred to as "the Teaching
5 Hospital").

Establishment of the Michael Okpara University Teaching Hospital, Umuahia

6 (2) The Teaching Hospital -

7 (a) shall be a body corporate;

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

9 (c) shall have perpetual succession and a common seal.

10 2. There is hereby established for the Michael Okpara University
11 Teaching Hospital a Management Board (in this Bill referred to as "the
12 Board") which shall have the functions and powers set out in this Bill.

Establishment of the Management Board of the Michael Okpara University Teaching Hospital, Umuahia

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

Membership of the Board

14 (a) a Chairman;

15 (b) the Chief Medical Director;

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-

21 (i) President,

- 1 (ii) Federal Ministry of Health,
2 (iii) National Planning Commission,
3 (iv) Nigerian Medical Association,
4 (v) Pharmaceutical Society of Nigeria, and
5 (v) National Association of Nigerian Nurses and Midwives; and
6 (h) 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.

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 other matters
13 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 member shall each hold office -

16 (a) for a term of 3 year in the first instance and may be reappointed for
17 a further term of 3 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
21 person shall cease to hold office as a member of the Board if he-

22 (a) becomes bankrupt;

23 (b) is convicted of a felony or any offence involving dishonesty or
24 fraud;

25 (c) becomes of unsound mind or is incapable of carrying out his
26 duties;

27 (d) is guilty of a serious misconduct in relation to his duties;

28 (e) in the case of a person possessed of professional qualification, is
29 disqualified or suspended from practicing his profession in any part of the
30 world by an order or a competent authority; or

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

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

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

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

Allowances of
Members

12 PART II - FUNCTIONS AND POWERS OF THE BOARD

13 7.- (1) The Board shall-

Functions of the
Board

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

17 (b) construct, equip, maintain and operate such training schools
18 and similar institutions as the Board considers necessary for providing the
19 Teaching Hospital, at all times, with proper staff;

20 (c) construct, equip, maintain and operate such clinics, out-patient
21 departments, laboratories, research or experimental stations and other
22 institutions as the Board may consider necessary for the efficient
23 functioning of the Teaching Hospital.

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

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

Powers of the
Board

1. 8. The Board shall have power to-
- 2 (a) provide the general policies and guidelines for the due
- 3 administration and management of the Teaching Hospital;
- 4 (b) provide facilities for the training of medical students of associate
- 5 universities;
- 6 (c) manage and superintend the affairs of the Teaching Hospital;
- 7 (d) subject to the provisions of the Bill, make, alter and revoke rules
- 8 and regulations for carrying on the functions of the Teaching Hospital;
- 9 (e) fix terms and conditions of service, including remunerations of the
- 10 employees of the Teaching Hospital subject to the approval of the National
- 11 Salaries, Income and Wages Commission;
- 12 (f) do such other things which in the opinion of the Board are
- 13 necessary to ensure the efficient performance of the functions of the Teaching
- 14 Hospital.

15 PART III - STAFF OF THE TEACHING HOSPITAL

Chief Medical
Director of the
Teaching Hospital

- 16 9.-(1) There shall be for the Teaching Hospital a Chief Medical
- 17 Director who shall be appointed by the President on the recommendation of the
- 18 Board and on such terms and conditions as may be specified in his letter of
- 19 appointment.
- 20 (2) The Chief Medical Director shall-
- 21 (a) be the chief executive and accounting officer of the Teaching
- 22 Hospital;
- 23 (b) be responsible to the Board for the day to day administration of the
- 24 Teaching Hospital;
- 25 (c) be appointed for a term of 4 years in the first instance and may be
- 26 reappointed for a further term of 4 years subject to satisfactory performance
- 27 and no more;
- 28 (d) be a person who is a medical practitioner and shall have been so
- 29 qualified for a period not less than 15 years;

1 (e) have considerable administrative experience in matters of
2 health; and

3 (f) hold a post-graduate specialist qualification obtained not less
4 than 10 years prior to the appointment as Chief Medical Director.

5 10.-(1) The Board shall appoint for the Teaching Hospital-

6 (a) a Director of Administration, who shall-

7 (i) be responsible to the Chief Medical Director for the effective
8 functioning of all the administrative divisions of the Teaching Hospital,

9 (ii) conduct the correspondences of the Board and keep the records
10 of the Teaching Hospital, and

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

13 (b) a Director of Clinical Services;

14 (c) a Director of Finance; and

15 (d) a Director of Maintenance.

16 (2) The Directors appointed under paragraphs (b), (c) and (d) of
17 this subsection shall each be responsible to the Chief Medical Director for
18 the effective running of the clinical services, the finance and accounts and
19 the co-ordination of the maintenance of the Teaching Hospital, as the case
20 may be.

21 (3) The Board shall appoint for the Teaching Hospital such number
22 of employees as may in the opinion of the Board be expedient and necessary
23 for the proper and efficient performance of the functions of the Teaching
24 Hospital.

25 (4) Notwithstanding the provisions of subsections (1) and (2) of
26 this section the Board shall have power to appoint for the Teaching Hospital
27 either directly or on secondment from any public service in the Federation,
28 such number of employees as may, in the opinion of the Board, be required
29 to assist the Teaching Hospital in the discharge of any of its functions under
30 this Bill.

Appointment of
Directors and other
staff of the Teaching
Hospital

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

4 (6) The terms and conditions of service (including remunerations,
5 allowances, benefits and pensions) of the employees of the Teaching Hospital
6 shall be as determined by the National Salaries Income and Wages
7 Commission.

Service in the
Teaching Hospital
to be pensionable

8 11.-(1) Service in the Teaching Hospital shall be approved service for
9 the purposes of the Pensions Reform Act.

10 (2) The officers and other persons employed in the Teaching Hospital
11 shall be entitled to pensions, gratuities and other retirement benefits as are
12 enjoyed by persons holding equivalent grades in the civil service of the
13 Federation.

14 (3) Nothing in subsection (1) and (2) of this section shall prevent the
15 appointment of a person to any office on terms which preclude the grant of
16 pensions and gratuities in respect of that office.

Establishment
of the Medical
Advisory
Committee, etc.

17 12.-(1) There shall be for the Teaching Hospital a Medical Advisory
18 Committee which shall-

19 (a) consist of a Chairman who shall be the Director, Clinical Services
20 and such other members as may be determined from time to time;

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

23 (c) be appointed by the Board.

24 (2) Subject to this Bill, the Board shall have power to appoint either
25 directly or on secondment and discipline consultants holding or acting in any
26 office in the Teaching Hospital and any such appointment shall be made having
27 due regard to the personnel establishment of the Teaching Hospital.

28 (3) Notwithstanding anything to the contrary, the Board may, from
29 time to time, appoint consultants outside the hospital to perform such medical

1 duties as the Board or the Chief Medical Director may assign to such
2 consultants.

3 PART IV - FINANCIAL PROVISIONS

4 13. There shall be established and maintained for the Teaching
5 Hospital a fund into which shall be paid and credited-

Fund of the Teaching
Hospital

6 (a) all subventions and budgetary allocations from the Government
7 of the Federation;

8 (b) all fees and funds accruing from the sales of drugs and other
9 services;

10 (c) all sums accruing to the Teaching Hospital by way of gifts,
11 endowments, bequests, grants or other contributions by persons and
12 organisations;

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

14 (e) all other sums which may, from time to time, accrue to the
15 Teaching Hospital.

16 14. The Teaching Hospital shall, from time to time, apply the funds
17 at its disposal to-

Expenditure of
the Teaching
Hospital

18 (a) the cost of administration and maintenance of the Teaching
19 Hospital;

20 (b) publicize and promote the activities of the Teaching Hospital;

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

23 (d) pay the salaries, allowances and benefits of employees of the
24 Teaching Hospital;

25 (e) pay other overhead allowances, benefits and other
26 administrative costs of the Teaching Hospital; and

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

29 15.-(1) The Teaching Hospital may accept gifts of land, money or
30 other property on such terms and conditions, if any, as may be specified by

Power to accept
gifts

1 the person or organization making the gift.

2 (2) The Teaching Hospital shall not accept any gift if the conditions
3 attached by the person or organization making the gift are inconsistent with the
4 functions of the Teaching Hospital under this Bill.

Annual Estimates
and expenditure

5 16.-(1) The Board shall, not later than 30 September in each year,
6 submit to the President through the Secretary to the Government of the
7 Federation an estimate of the expenditure and income of the Teaching Hospital
8 during the next succeeding year.

9 (2) The Board shall cause to be kept proper accounts of the Teaching
10 Hospital in respect of each year and proper records in relation thereto and shall
11 cause the accounts to be audited not later than 6 months after the end of each
12 year by auditors appointed from the list and in accordance with the guidelines
13 supplied by the Auditor-General for the Federation.

Annual report

14 17. The Board shall prepare and submit to the President, not later than
15 30 June in each year, a report in such form as the President may direct on the
16 activities of the Teaching Hospital during the immediate preceding year and
17 shall include in the report a copy of the audited accounts of the Teaching
18 Hospital for that year and the auditor's report thereon.

Power to borrow

19 18.-(1) The Federal Teaching hospital may, from time to time, borrow
20 by overdraft or otherwise such sums as it may require for the performance of its
21 functions under this Bill.

22 (2) The Teaching Hospital shall not, without the approval of the
23 President, borrow money which exceeds, at any time, the limit set by the
24 President.

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

Exemption from
tax

28 19.-(1) The Teaching Hospital shall not pay tax on any income
29 derived by the Teaching Hospital under this Bill or accruing to it from any of its
30 investments.

1 (2) The provisions of any enactment relating to the taxation of
2 companies or trust funds shall not apply to the Board of the Teaching
3 Hospital.

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

Exemption from
customs duties, etc.

7 PART V - GENERAL

8 21.-(1) Notwithstanding anything to the contrary contained in any
9 other enactment, where it appears to the Board that any student of the
10 Teaching Hospital has been guilty of misconduct, the Board may, without
11 prejudice to any other disciplinary powers conferred on it by regulations,
12 direct that-

Discipline of
students

13 (a) the student shall not, during such period as may be specified in
14 the direction, participate in such activities of the Teaching Hospital as may
15 be so specified;

16 (b) the activities of the student shall, during such period as may be
17 specified in the direction, be restricted in such manner as may be so specified
18 in the direction;

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

21 (d) the student be expelled from the Teaching Hospital.

22 (2) The fact that an appeal from a direction is brought in pursuance
23 of subsection (1) of this section shall not affect the operation of the direction
24 while the appeal is pending.

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

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

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

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

Removal and
discipline of clinical,
administrative
and technical staff

6 22.-(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 Teaching Hospital, other than the Chief Medical Director,
9 should be removed from his office or employment, the Board shall require the
10 Director of Administration to-

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

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

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

16 (i) a committee to investigate the matter and report on it to the Board,

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

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

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

30 (a) a conviction for any offence which the Board considers to be such

1 as to render the person concerned unfit for the discharge of the functions of
2 his office; or

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

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

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

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

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

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

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

23 (d) whether to take such lesser disciplinary action against the
24 person (including the restoration of his emoluments that might have been
25 withheld) as the Board may determine and in any case where the Board
26 pursuant to this section decides to continue a person's suspension or decides
27 to take further disciplinary action against a person, the Board shall before
28 the expiration of a period of 3 months from such decision come to a final
29 determination in respect of the case concerning any such person.

30 (5) It shall be the duty of the person by whom a letter or removal is

1 signed in pursuance of subsection (1) of this section to use his best endeavours
2 to cause a copy of the letter to be served as soon as reasonably practicable on the
3 person to whom it relates.

4 (6) Nothing in the foregoing provisions of this section shall preclude
5 the Board from making such regulations not inconsistent with the provisions of
6 this Bill for the discipline of students and all other categories of employees of
7 the Teaching Hospital as the Board may prescribe.

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

Discipline of
junior staff

12 23.-(1) If any junior staff is accused of misconduct or inefficiency, the
13 Chief Medical Director may suspend him for not more than a period of 3
14 months and shall direct a committee to

15 (a) consider the case; and

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

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

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

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

27 PART VI - MISCELLANEOUS

Regulations

28 24.-(1) The Board may, with the approval of the President, make
29 regulations-

30 (a) as to the access of members of the public either generally or of a

1 particular class, to the premises under the control of the Board and as to the
2 orderly conduct of members of the public on those premises; and

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

5 (2) Regulations made under this section shall not come into force
6 until they are confirmed (with or without modifications) by the National
7 Assembly and published in such manner as the Board may direct.

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

Power to give
directives

14 26.-(1) Subject to the provisions of this Bill, the Chief Medical
15 Director of the Federal Medical Centre, Umuahia shall, at the
16 commencement of this Bill, be deemed to have been appointed under this
17 Bill as the Chief Medical Director of the Teaching Hospital.

Transition and
savings provision

18 (2) Any person who immediately before the commencement of this
19 Bill was a staff of the Federal Medical Centre, Umuahia shall continue in
20 office and be deemed to have been appointed under this Bill for purposes of
21 pension.

22 (3) Properties held immediately before the commencement date of
23 this Bill on behalf of the Federal University of Agriculture, Umudike by any
24 person shall, by virtue of this Bill, be vested in the Teaching Hospital
25 established under this Bill.

26 (4) As from the commencement of this Bill, any disciplinary
27 proceeding pending or existing against any staff of the Federal Medical
28 Centre, Umuahia shall be continued and completed by the Teaching
29 Hospital established under this Bill.

Interpretation

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

Citation

- 17 **28.** This Bill may be cited as the Michael Okpara University Teaching
- 18 Hospital (Establishment, etc.) Bill, 2021.

1 SCHEDULE

2 [Section 3(3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

4 *Proceedings of the Board*

5 1.-(1) Subject to this Bill and section 27 of the Interpretation Act,
6 the Board may make standing orders regulating its proceeding or those of
7 any of its committees.

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

12 2.-(1) The Board shall meet whenever it is summoned by the
13 Chairman and if the Chairman is required to do so by notice given to him by
14 not less than 8 other members, he shall summon a meeting of the Board to be
15 held within 14 days from the date on which the notice is given.

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

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

24 *Committees*

25 3.-(1) The Board may appoint one or more committees to carry out,
26 on behalf of the Board, such functions as the Board may determine.

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

1 (3) A decision of a committee of the Board shall be of no effect until it
2 is confirmed by the Board.

3 *Miscellaneous*

4 4.-(1) The fixing of the seal of the Teaching Hospital shall be
5 authenticated by the signatures of the Chairman, the Chief Medical Director or
6 any person generally or specifically authorized by the Board to act for that
7 purpose.

8 (2) Any contract or instrument which, if made or executed by a person
9 not being a body corporate, would not be required to be under seal may be or
10 executed on behalf of the Teaching Hospital by the Chief Medical Director or
11 any person generally or specifically authorized by the Board to act for that
12 purpose.

13 (3) A document purporting to be a document duly executed under the
14 seal of the Teaching Hospital shall be received in evidence and shall, unless and
15 until the contrary is proved, be presumed to be so executed.

16 5. The validity of any proceedings of the Board or of a committee shall
17 not be adversely affected by-

18 (a) a vacancy in the membership of the Board or committee; or

19 (b) a defect in the appointment of a member of the Board or
20 committee; or

21 (c) reason that a person not entitled to do so took part in the
22 proceedings of the Board or committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the establishment of the
Michael Okpara University Teaching Hospital, Umuahia