

THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**FEDERAL MEDICAL CENTRE, OGOJA
(ESTABLISHMENT) BILL, 2022
(HB. 276)**

A BILL
FOR

AN ACT TO ESTABLISH THE FEDERAL MEDICAL CENTRE, OGOJA, CROSS
RIVER STATE; AND FOR RELATED MATTERS, 2022

FIRST READING	TUESDAY, 29 TH MARCH, 2022
SECOND READING	TUESDAY, 10 TH MAY, 2022
THIRD READING AND PASSAGE	TUESDAY, 10 TH MAY, 2022

FEDERAL MEDICAL CENTRE, OGOJA (ESTABLISHMENT) BILL, 2022



Arrangement of Clauses

Clauses

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A
BILL FOR

AN ACT TO ESTABLISH THE FEDERAL MEDICAL CENTRE, OGOJA, CROSS RIVER STATE; AND FOR RELATED MATTERS, 2022

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Commencement

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

PART I – ESTABLISHMENT OF THE FEDERAL MEDICAL CENTRE, OGOJA, CROSS RIVER

1. (1) There is hereby established the Federal Medical Centre, Ogoja (in this Bill referred to as "the Federal Medical Centre") and the Medical Centre shall serve as the Medical Centre subject to the provision of this Bill. Establishment of the Federal Medical Centre, Ogoja, Cross River.

(2) The Medical Centre:
 - (a) shall be a body corporate;
 - (b) may sue and be sued in its corporate name;
 - (c) shall have perpetual succession and a common seal.

2. There is hereby established for the management of the Medical Centre a Board of Management (in this Bill referred to as "Board") which shall be constituted and have the functions and powers set out in this Bill. Establishment of the Board of Management of the Medical Centre.

3. (1) The Board shall consist of: Membership of the Board.
 - (a) a Chairman;
 - (b) the Medical Director of the Medical Centre;
 - (c) the Director of Clinical Services;
 - (d) the Director of Administration;
 - (e) the Director of Finance;
 - (f) the Director of Maintenance;
 - (g) a representative of the President;
 - (h) the Federal Ministry of Health;

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

(2) The Chairman and Members of the Board, other than ex-officio members, shall be:

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

(3) The supplementary provisions set out in the Schedule to this Bill shall have effect with respect to the proceedings of the Board and the other matters contained therein.

4. Subject to the provisions of section 5 of this Bill, a member of the Board, other than ex-officio members, shall each hold office: Tenure of office.

(a) for a term of three years in the first instance and may be re-appointed for a further term of three years and no more; and

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

5. (1) Notwithstanding the provisions of section 4 of this Bill a person shall cease to hold office as a member of the Board if: Cessation of membership.

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

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

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

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

(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

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

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

(3) A member of the Board may be removed by the President if he is satisfied that it is not in the interest of the Medical Centre or the interest of the public that the member continues in office.

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

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

7. (1) The Board shall: Functions of the Board.

(a) equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment;

(b) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary for providing the Medical Centre at all times with a proper staff of the Medical Centre technicians and nurses;

(c) construct, equip, maintain and operate such clinics, out-patient departments, laboratories, research or experimental stations and other like institutions as the Board considers necessary for the efficient functioning of the Medical Centre.

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

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

8. The Board shall have power to: Powers of the Board.

(a) provide the general policies and guidelines relating to major expansion programmes of the Medical Centre;

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

(c) manage and superintend the affairs of the Medical Centre;

(d) subject to the provisions of this Bill, make, alter and revoke rules and regulations for carrying on the functions of the Medical Centre;

(e) fix terms and conditions of service, including remuneration of the employees of the Medical Centre subject to the approval of National Salaries Incomes and Wages Commission;

(f) do such other things which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Medical Centre.

PART III - STAFF OF THE MEDICAL CENTRE

9. (1) There shall be for the Medical Centre a Medical Director who shall be appointed by the President on the recommendation of Hon. Minister of Health on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the National Salaries Income and Wages Commission.

Medical Director of the Medical Centre.

(2) The Medical Director shall:

(a) be the chief executive and accounting officer of the Medical Centre;

(b) be responsible to the Board for the day-to-day administration of the Medical Centre;

(c) be appointed for a term of four years in the first instance and may be reappointed for a further term of four years subject to satisfactory performance;

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

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

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

10. (1) The Board shall appoint for the Medical Centre:

Appointment of Directors and other staff of the Medical Centre.

(a) a Director of Administration, who shall:

(i) be responsible to the Medical Director for the effective functioning of all the administrative divisions of the Medical Centre;

(ii) conduct the correspondence of the Board and keep the records of the Medical Centre; and

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

(b) a Director of Clinical Services;

(c) a Director of Finance;

(d) a Director of Maintenance.

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

(3) The Board shall appoint for the Medical Centre such number of employees as may in opinion of the Board expedient and necessary for the proper and efficient performance of the functions of the Medical Centre.

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

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

(6) The terms and conditions of service of the employees of the Medical Centre shall be as determined by the National Salaries Income and Wages Commission.

11. (1) Service in the Medical Centre shall be approved service for the purposes of the Pensions Reforms Act.

Service in the Medical Centre to be pensionable.

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

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

12. (1) There shall be for the Medical Centre a Medical Advisory Committee which shall:

Establishment of the Medical advisory committee, etc.

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

(b) be responsible to the Medical Director for all the clinical and training activities of

the Medical Centre; and

(c) be appointed by the Board.

(2) Subject to this Bill, the Board shall have power to appoint either directly or on secondment and discipline consultants holding or acting in any office in the hospital; and any such appointment shall be made having due regard to the approved personnel establishment of the Medical Centre.

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

PART IV - FINANCIAL PROVISIONS

13. There shall be established and maintained for the Medical Centre a fund into which shall be paid and credited:
- Fund of the Medical Centre.
- (a) all subventions and budgetary allocation from the Government of the Federation;
 - (b) all fees and funds accruing from the sale of drugs and other services;
 - (c) all sums accruing to the Medical Centre by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;
 - (d) foreign aid and assistance from bilateral agencies; and
 - (e) all other sums which may, from time to time, accrue to the Medical Centre.
14. The hospital shall, from time to time, apply the funds at its disposal to:
- Expenditure of the Medical Centre.
- (a) the cost of administration and maintenance of the Medical Centre;
 - (b) publicize and promote the activities of the Medical Centre;
 - (c) pay allowances, expenses and other benefits of members of the Board and committees of the Board;
 - (d) pay the salaries, allowances and benefits of employees of the Medical Centre;
 - (e) pay other overhead allowances, benefits and other administrative costs of the Medical Centre; and

(f) undertake such other activities as are connected with all or any of the functions of the Medical Centre under this Bill.

15. (1) The Medical Centre may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. Power to accept gifts.
- (2) The Medical Centre shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Medical Centre under this Bill.
16. (1) The Board shall, not later than 30 September in each year, submit to the President through the Secretary to the Government of the Federation an estimate of the expenditure and income of the Medical Centre during the next succeeding year. Annual estimate and expenditure.
- (2) The Board shall cause to be kept proper accounts of the Medical Centre in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.
17. The Board shall prepare and submit to the President, not later than 30th June in each year, a report in such form as the President may direct on the activities of the Medical Centre during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Federal Medical Centre for that year and the auditor's report thereon. Annual report.
18. (1) The Medical Centre may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Bill. Power of borrow.
- (2) The Medical Centre shall not, without the approval of the President, borrow money which exceeds, at any time, the limit set by the President.
- (3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Medical Centre shall not borrow the sum without the prior approval of the President.
19. (1) The Medical Centre shall not pay income tax on any income derived by the Federal Medical Centre under this Bill or accruing to it from any of its investments. Exemption from tax.
- (2) Accordingly, the provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board of the Federal Medical Centre.
20. The Medical Centre shall not pay customs duty on or be restricted or prohibited from importing Exemption from customs duties, etc.

any equipment, material, supply and any other thing required by the Medical Centre for the purposes of this Bill.

PART V - GENERAL

21. (1) Notwithstanding anything to the contrary contained in any other enactment, where it appears to the Board that any student of the Medical Centre has been guilty of misconduct, the Board may, without prejudice to any other disciplinary powers conferred on it by regulations, direct:
- Discipline of students.
- (a) that the student shall not, during such period as may be specified in the direction, participate in such activities of the Medical Centre, or make use of such facilities of the Medical Centre as may be so specified;
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified;
 - (c) that the student be rusticated for such period as may be specified in the direction;
or
 - (d) that the student be expelled from the Medical Centre.
- (2) The fact that an appeal from a direction is brought in pursuance of subsection (1) of this section shall not affect the operation of the direction while the appeal is pending.
- (3) The Board may delegate its powers under this section to a disciplinary committee consisting of such members of the Medical Centre as the Board may nominate.
- (4) Nothing in this section shall be construed as preventing the restriction or termination of student's activities at the Medical Centre otherwise than on the ground of misconduct.
- (5) A direction issued under subsection (1) (a) of this section may be combined with a direction issued under subsection (1) (b) of this section.
- (6) Nothing in this Bill shall affect the provisions of any enactment relating to the discipline of medical practitioners, pharmacists, midwives, nurses or members of any other profession or calling.
22. (1) If it appears to the Board that there are reasons for believing that any person employed as a member of the clinical, administrative or technical staff of the Medical Centre, other than the Medical Director, should be removed from his office or employment, the Board shall require the Director of Administration to:
- Removal and discipline of clinical administrative and technical staff.
- (a) give notice of those reasons to the person in question;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) consider the case; and

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

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

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

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

PART VI - MISCELLANEOUS

(1) The Board may, with the approval of the President, make regulations-

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

Regulations.

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

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

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

Power to give directives.

26. (1) On the commencement of this Bill, any person employed by or serving in, the Medical Centre shall be deemed to have been employed or serving in the Medical Centre established under this Bill.

Transition and savings provision.

(2) All Assets and liabilities belonging to the Medical Centre shall be deemed to belong to the Medical Centre established under this Bill.

In this Bill, unless the context otherwise requires:

27.

"associate universities" means the universities whose medical students receive aspects of their training from the Medical Centre;

Interpretation.

"Board" means the Board of Management of the Medical Centre;

"chairman" means the chairman of the Board;

"functions" include powers and duties;

"Federal Medical Centre" means the Federal Medical Centre, Ogoja, Cross River State;

"junior staff" means staff of such grade as may be determined, from time to time, by the Board;

"medical student" means a student whose course of instruction is:

(a) designed (either alone or in conjunction with other courses) to enable him to qualify as a medical practitioner; or

(b) designed for the further training of medical practitioners;

"Minister" means the Minister charged with responsibility for matters relating to health; and

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

28. This Bill may be cited as the Federal Medical Centre, Ogoja (Establishment) Bill, 2022.

Short title.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. (1) Subject to this Bill and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any 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 members 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-section" shall not be entitled to vote at any meeting of the Board and shall not count toward 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.

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

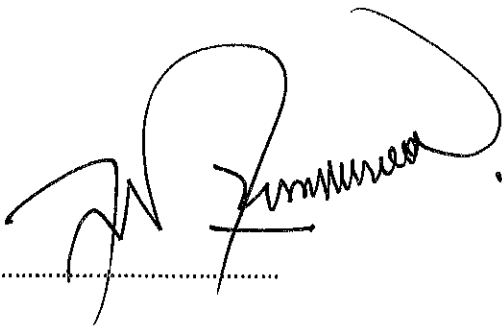
Miscellaneous

4. (1) The fixing of the seal of the Medical Centre shall be authenticated by the signatures of the Chairman, the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Medical Centre by the Medical Director or any person generally or specifically authorized by the Board to act for that purpose.
- (3) A document purporting to be a document duly executed under the seal of the Medical Centre shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.
5. The validity of any proceedings of the Board or of a committee shall not be adversely affected by:
- (a) a vacancy in the membership of the Board or committee;
 - (b) a defect in the appointment of a member of the Board or committee; or
 - (c) reason that a person not entitled to do so took part in the proceedings of the Board or committee.

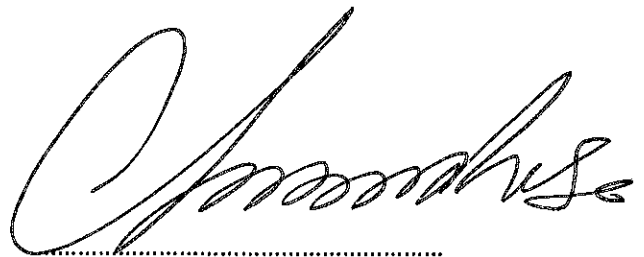
EXPLANATORY MEMORANDUM

This Bill seeks to Establish the Federal Medical Centre, Ogoja and to equip, maintain and operate the Medical Centre so as to provide facilities for diagnosis, curative, promotive and rehabilitative services in medical treatment.

THIS BILL WAS PASSED BY THE SENATE ON TUESDAY, 10TH MAY, 2022



.....
President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria