

A BILL

FOR

AN ACT TO PROVIDE THE LEGAL FRAMEWORK TO ESTABLISH THE
FEDERAL MEDICAL CENTRE OWUTU EDDA AND FOR RELATED MATTERS

Sponsored by Senator Nnachi, Michael Ama

[] Commencement

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

- | | | |
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| 1 | 1.-(1) There is hereby Upgraded the General Hospital Owutu Edda | Establishment
of Federal Medical
Centre Owutu
Edda |
| 2 | to a Federal Medical Centre Owutu Edda in this Act referred to as “the | |
| 3 | Federal Medical Centre”) and the Medical Centre shall serve as the Medical | |
| 4 | Centre subject to the provision of this Act. | |
| 5 | (2) The hospital: | |
| 6 | (a) shall be a body corporate; | |
| 7 | (b) May sue and be sued in its corporate name; | |
| 8 | © Shall have perpetual succession and a common seal. | |
| 9 | 2. There is hereby established for the management of the Medical | Establishment
of the Board of
Management of
the Medical Centre |
| 10 | Centre a Board of Management (in this Act referred to as “Board”) which | |
| 11 | shall be constituted and have the functions and powers set out in this Act. | |
| 12 | 3.-(1) The Board shall consist of: | Membership
of the Board |
| 13 | (a) a chairman; | |
| 14 | (b) the Chief Medical Director of the Medical Centre; | |
| 15 | (c) the Director of Clinical Services; | |
| 16 | (d) the Director of Administration; | |
| 17 | (e) the Director of Finance; | |
| 18 | (f) the Director of Maintenance; | |
| 19 | (g) a representative of the president; | |
| 20 | (h) the Federal Ministry of Health; | |
| 21 | (i) the National Planning Commission; | |

	1	(j) the Society of Gynaecology and Obstetrics of Nigeria;
	2	(k) the Pharmaceutical Society of Nigeria;
	3	(l) the Paediatric Association of Nigeria;
	4	(m) the National Association of Nigerian Nurses and Midwives; and
	5	(n) one person to represent public interest.
	6	(2) The chairman and members of the Board, other than ex-officio
	7	members, shall be:
	8	(a) appointed by the President; and
	9	(b) persons of proven integrity and ability.
Schedule	10	(3) The supplementary provisions set out in the Schedule to this Act
	11	shall have effect with respect to the proceedings of the Board and the other
	12	matters contained therein.
Tenure of office	13	4. Subject to the provisions of section 5 of this Act, a member of the
	14	Board, other than ex-officio members, shall each hold office:
	15	(a) for a term of three years in the first instance and may be re-
	16	appointed for a further term of three years and no more; and
	17	(b) on such terms and conditions as may be specified in his letter of
	18	appointment.
Cessation of membership	19	5.-(1) Notwithstanding the provisions of section 4 of this Act a person
	20	shall cease to hold office as a member of the Board if:
	21	(a) he becomes bankrupt, suspends payment principal loan with his
	22	creditors;
	23	(b) he is convicted of a felony or any offence involving dishonesty or
	24	fraud;
	25	(c) he becomes of unsound mind or is incapable of carrying out his
	26	duties;
	27	(d) he is guilty of a serious misconduct in relation to his duties; or
	28	(e) in the case of a person possessed of professional qualifications, he
	29	is disqualified or suspended, other than at his own request, from practising his
	30	profession in any part of the world by an order of a competent authority made in

1 respect of that member; or

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

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

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

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

Allowances of
members

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

14 7.-(1) The Board shall:

Functions of
the Board

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

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

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

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

30 (3) Subject to this Act, the Board shall perform such other

	1	functions which in its opinion are calculated to facilitate the carrying out of its
	2	functions under this Act.
Powers of the Board	3	8. The Board shall have power to:
	4	(a) Provide the general policies and guidelines relating to major
	5	expansion programmes of the Medical Centre;
	6	(b) provide facilities for the training of medical students of associate
	7	universities;
	8	(c) manage and superintend the affairs of the Medical Centre;
	9	(d) subject to the provisions of this Act, make, alter and revoke rules
	10	and regulations for carrying on the functions of the Medical Centre;
	11	(e) fix terms and conditions of service, including remuneration of the
	12	employees of the Medical Centre subject to the approval of National Salaries
	13	Incomes and Wages Commission;
	14	(f) do such other things which in the opinion of the Board are
	15	necessary to ensure the efficient performance of the functions of the Medical
	16	Centre.
	17	PART III - STAFF OF THE MEDICAL CENTRE
Medical Director of the Medical Centre	18	9.-(1) There shall be for the Medical Centre a Chief Medical Director
	19	who shall be appointed by the President on the recommendation of the Board
	20	and on such terms and conditions as may be specified in his letter of
	21	appointment or as may be determined, from time to time, by the National
	22	Salaries Income and Wages Commission.
	23	(2) The Chief Medical Director shall:
	24	(a) be the chief executive and accounting officer of the Medical
	25	Centre;
	26	(b) be responsible to the Board for the day-to-day administration of
	27	the Medical Centre;
	28	(c) be appointed for a term of four years in the first instance and may
	29	be reappointed for a further term of four years subject to satisfactory
	30	performance;

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

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

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

7 **10.**-(1) The Board shall appoint for the Medical Centre:

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

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

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

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

15 (b) a Director of Clinical Services;

16 (c) a Director of Finance;

17 (d) a Director of Maintenance.

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

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

27 (4) Notwithstanding the provisions of subsections (1) and (2) of
28 this section the Board shall have power to appoint for the Medical Centre
29 either directly or on Secondment from any public service in the Federation,
30 such number of employees as may, in the opinion of the Board, be required

Appointment of
Directors and
other staff of the
Medical Centre

1 to assist the Medical Centre in the discharge of any of its functions under this
2 Act.

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

6 (6) The terms and conditions of service (including remuneration,
7 allowances, benefits and pensions) of the employees of the Medical Centre
8 shall be as determined by the National Salaries Income and Wages
9 Commission.

Service in the
Medical Centre
to be pensionable

10 **11.**-(1) Service in the Medical Centre shall be approved service for the
11 purposes of the Pensions Reforms Act.

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

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

Establishment
of the Medical
Advisory
Committee, etc.

19 **12.**-(1) There shall be for the Medical Centre a Medical Advisory
20 Committee which shall:

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

23 (b) be responsible to the Chief Medical Director for all the clinical and
24 training activities of the Medical Centre; and

25 (c) be appointed by the Board.

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

30 (3) Notwithstanding anything to the contrary, the Board may, from

1 time to time, appoint consultants outside the hospital to perform such
2 medical duties as the Board or the Chief Medical Director may assign to
3 such consultants.

4 PART IV - FINANCIAL PROVISIONS

5 13. There shall be established and maintained for the Medical Fund of the
6 Centre a fund into which shall be paid and credited: Medical Centre

7 (a) all subventions and budgetary allocation from the Government
8 of the Federation;

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

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

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

15 (e) all other sums which may, from time to time, accrue to the
16 Medical Centre.

17 14. The hospital shall, from time to time, apply the funds at its Expenditure of
18 disposal to: the Medical Centre

19 (a) the cost of administration and maintenance of the Medical
20 Centre;

21 (b) publicize and promote the activities of the Medical Centre;

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

24 (d) pay the salaries, allowances and benefits of employees of the
25 Medical Centre;

26 (e) pay other overhead allowances, benefits and other
27 administrative costs of the Medical Centre; and

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

Power to accept gifts	1	15. -(1) The Medical Centre may accept gifts of land, money or other
	2	property on such terms and conditions, if any, as may be specified by the person
	3	or organisation making the gift.
	4	(2) The Medical Centre shall not accept any gift if the conditions
	5	attached by the person or organisation making the gift are inconsistent with the
	6	functions of the Medical Centre under this Act.
Annual estimates and expenditure	7	16. -(1) The Board shall, not later than 30 September in each year,
	8	submit to the President through the Secretary to the Government of the
	9	Federation an estimate of the expenditure and income of the Medical Centre
	10	during the next succeeding year.
	11	(2) The Board shall cause to be kept proper accounts of the Medical
	12	Centre in respect of each year and proper records in relation thereto and shall
	13	cause the accounts to be audited not later than six months after the end of each
	14	year by auditors appointed from the list and in accordance with the guidelines
	15	supplied by the Auditor-General for the Federation.
Annual report	16	17. The Board shall prepare and submit to the President, not later than
	17	30 June in each year, a report in such form as the President may direct on the
	18	activities of the Medical Centre during the immediately preceding year, and
	19	shall include in the report a copy of the audited accounts of the Federal Medical
	20	Centre for that year and the auditor's report thereon.
Power to borrow	21	18. -(1) The Medical Centre may, from time to time, borrow by
	22	overdraft or otherwise such sums as it may require for the performance of its
	23	functions' under this Act.
	24	(2) The Medical Centre shall not, without the approval of the
	25	President, borrow money which exceeds, at any time, the limit set by the
	26	President.
	27	(3) Notwithstanding subsection (I) of this section, where the sum to be
	28	borrowed is in foreign currency, the Medical Centre shall not borrow the sum
	29	without the prior approval of the President.

1 (4) Nothing in this section shall be construed as preventing the
2 restriction or termination of student's activities at the Medical Centre otherwise
3 than on the ground of misconduct.

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

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

Removal and
discipline of
clinical,
administrative
and technical
staff

9 **22.**-(1) If it appears to the Board that there are reasons for believing
10 that any person employed as a member of the clinical, administrative or
11 technical staff of the Medical Centre, other than the Chief Medical Director,
12 should be removed from his office or employment, the Board shall require the
13 Director of Administration to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (d) whether to take such lesser disciplinary action against the
28 person (including the restoration of his emoluments that might have been
29 withheld), as the Board may determine, and in any case where the Board,
30 pursuant to this section, decides to continue a person's suspension or decides

1 to take further disciplinary action against a person, the Board shall before the
2 expiration of a period of three months from such decision come to a final
3 determination in respect of the case concerning any such person.

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

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

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

Discipline of
junior staff

16 **23.**-(1) If any junior staff is accused of misconduct or inefficiency, the
17 Chief Medical Director may suspend him for not more than a period of 3
18 months and shall direct a committee to:

19 (a) consider the case; and

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

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

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

28 (4) Any person aggrieved by a decision of the Chief Medical Director
29 made under subsection (3) of this section may, within a period of 21 days from
30 the date of the letter communicating the decision to him, address a petition to

1 the Board to reconsider his case.

2 PART VI - MISCELLANEOUS

3 **24.**-(1) The Board may, with the approval of the President, make Regulations
4 regulations

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

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

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

13 **25.** The President may give to the Board directions of a general Power to give
14 character or relating generally to particular matters (but not to any individual directives
15 person or case) with regard to the exercise by the Board of its functions
16 under this Act, and it shall be the duty of the Board to comply with the
17 directions; but no direction shall be given which is inconsistent with the
18 duties of the Board under this Act.

19 **26.**-(1) On the commencement of this Act, any person employed by Transition and
20 or serving in, the Medical Centre shall be deemed to have been employed or savings Provision
21 serving in the Medical Centre established under this Act.

22 (2) All Assets or liabilities belonging to the Medical Centre shall be
23 deemed to belong to the Medical Centre established under this Act.

24 **27.** In this Act, unless the context otherwise requires: Interpretation

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

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

28 "chairman" means the chairman of the Board;

29 "functions" include powers and duties;

30 "Federal Medical Centre "means the Medical Centre Owutu Edda;

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

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

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

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

7 "Minister" means the Minister charged with responsibility for matters relating
8 to health and "Ministry" shall be construed accordingly;

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.

Short title

11 **28.** This Bill may be cited as the Federal Medical Centre Owutu Edda
12 (Establishment) Bill, 2020.

13 SCHEDULE

14 *[Section 3 (3).]*

15 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

16 *Proceedings of the Board*

17 1.-(1) Subject to this Act and section 27 of the Interpretation Act, the
18 Board may make standing orders regulating its proceedings or those of any of
19 its committees.

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

24 2.-(1) The Board shall meet whenever it is summoned by the
25 chairman and if the chairman is required to do so by notice given to him by not
26 less than 8 other members, he shall summon a meeting of the Board to be held
27 within 14 days from the date on which the notice is given.

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

1 (b) a defect in the appointment of a member of the Board or
2 committee; or

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

EXPLANATORY NOTE

This Bill seeks to Provide for the Legal Framework to Establish the Federal Medical Centre Owutu Edda.