

ACT

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THE TEACHING HOSPITALS COMPLEX ADMINISTRATION ACT, 2016

ARRANGEMENT OF SECTIONS

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SCHEDULE

SIGNED this 21st day of March, 2016.

DR. ERNEST BAI KOROMA,
President.

LS

No. 8



2016

Sierra Leone

The Teaching Hospitals Complex Administration Act, 2016 Short title.

Being an Act to provide for the establishment of the Teaching Hospitals Complex Administration responsible for the uniform administration of the Teaching Hospitals Complex specified in the schedule, to provide for the establishment of a Teaching Hospitals Complex Administration Board which shall be the governing body of the Administration, to provide for the discipline of trainees and staff by the Teaching Hospitals Complex and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires –

“ Administration” means the Teaching Hospitals Complex Administration established under section 2;

“ Board” means the Teaching Hospitals Complex Administration Board established under section 3;

“ Chairman” means the Chairman of the Board;

“Chief Medical Director” means the Chief Medical Director appointed by the Board under subsection (1) of section 3;

“ Consultant” means a consultant clinician;

“Director of Clinical Services,” means the Director of Clinical Services referred to in section 16;

“ Director of Research and Training” means the Director of Research and Training referred to in section 16;

“Government” means the Government of Sierra Leone;

“ Health Service Commission” means the Health Service Commission established by section 2 of the Sierra Leone Health Service Commission Act, 2011 (Act No. 5 of 2011);

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

“medically qualified” means a person with a professional qualification (such as in medicine, nursing, pharmacy, dentistry or other allied health professions);

“ Medical Advisory Committee” means the Medical Advisory Committee appointed by the Board under paragraph (a) of subsection (3) of section 9;

“Minister” means the Minister responsible for health and “Ministry” shall be construed accordingly;

“Teaching Hospitals Complex” “ means all hospitals controlled by the Board and as specified in the Schedule;

“ trainee” 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 health professional; or

(b) designed for the further training of health professionals;

“ University” means the University of Sierra Leone established by section 2 of the University of Sierra Leone Act, 1972 (Act No. 22 of 1972).

PART II – ESTABLISHMENT OF THE TEACHING HOSPITALS COMPLEX ADMINISTRATION

2. (1) There is hereby established a body to be known as the Teaching Hospitals Complex Administration which shall be responsible for the management and administration of the Teaching Hospitals Complex.

Establishment of Teaching Hospitals Complex Administration.

(2) The Teaching Hospitals Complex Administration shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Administration shall have a common seal, the use of which shall be authenticated by the signatures of –

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Executive–Director or some other person authorised by the Board in that behalf.

Board of Administration.

3. (1) The governing body of the Administration shall be a Board.

(2) The Board shall consist of a Chairman and the following other members-

- (a) the Chairman, Medical Advisory Committee;
- (b) the Permanent Secretary, Ministry of Health;
- (c) the Vice Chancellor, the University of Sierra Leone;
- (d) the Chief Medical Officer;
- (e) the Permanent Secretary, Ministry of Education;

- (f) the Solicitor-General, Law Officers Department, Ministry of Justice;
- (g) the Financial Secretary, Ministry of Finance;
- (h) one representatives of the West African Postgraduate Medical College, nominated by that body who shall serve on a rotational basis;
- (i) the Chairman of Council, Postgraduate Medical College of Health Specialists;
- (j) the President, Medical and Dental Council;
- (k) the President, Nurses and Midwifery Board;
- (l) the Chairman, Pharmacy Board;
- (m) the Chairman, Tertiary Education Commission;
- (n) two persons nominated by the Minister, outside the medical profession, at least one of whom shall be a religious leader; and
- (o) the Chief Medical Director who shall be Secretary to the Board.

(3) The Chairman shall be appointed by the President, on the recommendation of the Minister subject to the approval of Parliament and shall have proven experience and outstanding ability in administration or any professional or technical education.

Tenure of members of Board.

4. (1) The Chairman shall hold office for a term of three years and shall be eligible for re-appointment for another term of three years.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) for inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Filling of vacancies.

5. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months—

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, and shall, subject to this Act, be eligible for re-appointment.

6. (1) The Board shall meet for the dispatch of its business at least once every two months at the offices of the Administration and at such time as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of six members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five working days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be seven.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next meeting of the Board;

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue of the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

7. (1) A member of the Board who has any conflict of interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of members of Board.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Administration.

Committees of Board.

9. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint on such terms and conditions as may be specified in the letters of appointment –

- (a) a Medical Advisory Committee which shall be responsible for the clinical and training activities of the Teaching Hospitals, chaired by a registered qualified medical practitioner of not less than ten years standing with considerable administrative and professional experience in matters of health and medical education at post-graduate level; and

- (b) an audit committee consisting of such members of the Board, excluding the Executive-Director, and performing such functions as the Board may determine.

(4) A committee appointed under subsection (3) shall submit the report of its proceedings to the Board at such time as the Board may determine.

10. (1) Subject to this Act, the Board shall be responsible to provide such policy guidance, advice and supervision that will secure the efficient implementation of the functions, enhance the overall performance, including overseeing the sound and proper financial management of the Administration. Functions of Board.

(2) Without prejudice to the generality of subsection (1), the Board shall–

- (a) ensure that the standards of teaching and the standards of treatment and care provided for patients at the Teaching Hospitals Complex do not fall below international best practice.
- (b) appoint, promote, transfer, confirm, advance or terminate employees in any office in the Teaching Hospitals Complex;
- (c) be responsible for the discipline of employees and trainees in the Teaching Hospitals Complex and for that purpose, by statutory instrument, make; and
- (d) from time to time, appoint consultants from outside the Teaching Hospitals Complex to perform such medical duties as the Board or the Chief Medical Director may assign to such consultants.

11. (1) The Chairman and other members of the Board shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Administration for expenses incurred in connection with the discharge of their functions. Remuneration of members.

(2) Persons co-opted by the Board under subsection (8) of section (6) shall be paid such remuneration, fees and allowances approved by the Board and shall be reimbursed by the Administration for expenses incurred in connection with the discharge of their functions.

PART III – OBJECTS AND FUNCTIONS OF ADMINISTRATION

Objects and Functions of Administration **12.** (1) The objects for which the Administration is established are to–

- (a) serve as an institution for both undergraduate and postgraduate training in the medical and allied health professions;
- (b) undertake research into health issues for the purpose of advancing medical knowledge and improving the health conditions of the people of Sierra Leone; and
- (c) provide advanced health services that meet the highest international clinical and ethical standards of care.

(2) Without prejudice to the generality of subsection (1) the Administration shall have responsibility to–

- (a) provide proper courses of instruction for the trainees of the Teaching Hospitals Complex;
- (b) monitor the general quality of care in the Teaching Hospitals Complex and ensure measures are taken for improvement where necessary;
- (c) undertake periodic assessment of the resources, including personnel, facilities and finances of the Teaching Hospitals Complex;

- (d) equip, maintain and operate the Teaching Hospitals Complex including the provision of facilities for diagnostic, curative, preventive and rehabilitative services in medical management;
- (e) construct, equip, maintain and operate such training schools and similar institutions as the Board considers necessary to provide the Teaching Hospitals Complex with adequate staff of hospital technicians and nurses;
- (f) 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 Teaching Hospitals Complex;
- (g) ensure the implementation of the work plans of the various units of the Teaching Hospitals Complex;
- (h) determine fees to be paid by patients at the Teaching Hospitals Complex;
- (i) appoint staff and determine their remuneration and benefits; and
- (j) do anything which, in its opinion, is necessary to carry out the objects of this Act.

PART IV – ADMINISTRATIVE PROVISIONS

13. (1) There shall be a Chief Medical Director of the Administration who shall be appointed by the Board on such terms and conditions as may be specified in his letter of appointment. Chief Medical Director.

(2) The Chief Medical Director shall be a person who -

- (a) is a registered member of a Medical and Dental Council recognised by the Board, for a period of not less than fifteen years;
- (b) has considerable administrative and professional experience in matters of health and medical education at post-graduate level;
- (c) holds a post-graduate specialist medical qualification obtained not less than ten years prior to the appointment as Chief Medical Director; and
- (d) is not below the rank of a professor.

(3) The Chief Medical Director shall be responsible for the execution of the policies and matters affecting the day-to-day management of the Administration.

(4) The Chief Medical Director shall hold office for a term of five years and shall be eligible for re-appointment for another term of five years.

Deputy Chief
Medical
Director.

14. (1) There shall be a Deputy Chief Medical Director of the Administration appointed by the Board.

(2) The Deputy Chief Medical Director shall be a person who is a registered member of a Medical and Dental Council recognised by the Board, for a period of not less than ten years and has considerable administrative and professional experience in matters of health and medical education at post-graduate level, and holds a post-graduate specialist medical qualification obtained not less than ten years prior to the appointment as Deputy Chief Medical Director; and in any case not below the rank of a professor.

(3) The Deputy Chief Medical Director shall be directly responsible to the Chief Medical Director, perform other duties as assigned to him by the Chief Medical Director and in the absence of the Chief Medical Director perform the functions of the Chief Medical Director.

15. (1) There shall be a Director of the Administration who shall be appointed by the Board on such terms and conditions as may be specified in his letter of appointment. Director of Administration.

(2) The Director of the Administration shall—

- (a) hold an advanced degree in management and administration of public sector institutions, with considerable experience in tertiary hospital management; and
- (b) be responsible to the Chief Medical Director for the effective functioning of all the administrative divisions of non-clinical departments of the Teaching Hospitals Complex.

16. The Administration shall have a Director of Clinical Services, a Director of Research and Training and such other technical and administrative staff as may be required for the efficient performance of the functions of the Administration. Other staff.

17. Public officers may at the instance of the Administration, be seconded or otherwise render assistance to the Administration, but the Administration, may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Administration. Secondment of Public Officers.

PART V – FINANCIAL PROVISIONS

18. (1) The activities of the Administration shall be financed by funds consisting of – Funds of Administration.

- (a) any monies appropriated from time to time by Parliament for the purposes of the Administration;
- (b) fees charged for services and facilities provided by the Administration;

- (c) all monies given to the Administration by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Administration;
- (d) all returns on investment, if any;
- (e) foreign aid and assistance from donor agencies; and
- (f) all other moneys which may, from time to time, accrue to the Administration.

(2) The funds of the Administration shall be applied only for the purposes of the approved budget of the Administration.

Accounts and
audit of
Administra-
tion.

19. (1) The Administration shall keep proper books of account and other records in relation to the activities, property and finances of the Administration in a form approved by the Auditor-General, and shall prepare in respect of each financial year a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Administration kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Administration and to require such information and explanation thereon as he may think fit.

(4) The Administration shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Administration.

(5) The Auditor-General or the auditor appointed by him shall submit to the Administration a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to—

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Administration; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Administration.

20. The financial year of the Administration shall be the same as the financial year of the Government.

Financial
year of
Administra-
tion.
Annual
Report

21. (1) The Administration shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 19 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Administration shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI—MISCELLANEOUS PROVISIONS

22. (1) The Minister may by statutory instrument make Regulations as he considers necessary or expedient for giving effect to any of the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), Regulations made thereunder may provide for the following matters—

- (a) general policies and guidelines relating to major expansion programmes of the Administration and the provision of facilities for training;
- (b) promotion, advancement, discipline and the determination of appointment of members of the staff of the Teaching Hospitals;
- (c) 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
- (d) safeguarding any property belonging to or controlled by the Board from damage by members of the public.

Penalties for breach of Regulations.

23. Regulations made under section 22 may provide penalties for any breach thereof, and may also provide different penalties in case of successive breaches or continuous breaches.

Repeals.

24. The Schedules to the Hospital Boards Act, 2003 are hereby in so far as they relate to Teaching Hospitals specified in the Schedule to this Act repealed.

SCHEDULE (Section 1)

List of Hospitals forming the Teaching Hospital Complex.

- (a) Connaught University Teaching Hospital, Freetown
- (b) Princess Christian University Teaching Hospital, Freetown
- (c) Ola Daring University Teaching Hospital, Freetown
- (d) Jui University Teaching Hospital, Jui, Near Freetown

- (e) Kissy University Teaching Hospital, Kissy, Freetown
- (f) Lakka University Teaching Hospital, Lakka, Near Freetown

List of Affiliated Hospitals

- (a) Makeni University Teaching Hospital, Makeni
- (b) Bo University Teaching Hospital, Bo
- (c) Kenema University Teaching Hospital, Kenema
- (d) Emergency Surgical Centre, Goderich
- (e) Choithram Memorial Hospital, Hill station.

Passed in Parliament this 3rd *day of March*, in the year of our Lord two thousand and sixteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.