

Extra Ordinary



Bauchi State of Nigeria Gazette

Published by Authority

No. 6 BAUCHI – 17TH SEPTEMBER, 1986
Vol. 11

Bauchi State Notice No.6

The following is published as Supplement to this Gazette – BA.S.L.N. No. 6 of 1986 – A Law to provide for the registration and regulation of private health facilities in the state.

Annual Subscriptions: Nigeria, N12,000.00 Overseas, N25,000.00, post free present issue (including supplement) N300.00 per copy. Application for the purchase of Gazette should be submitted to the Bauchi Publishing and Printing Company, Bauchi. Remittances should be in money or postal orders, crossed and made payable to the Bauchi Publishing and Printing Company, P.M.B. 01534, Tel: (077)542264, 542803, Bauchi.

A Law provide for the registration and regulation of private health facilities in the State. *Long title*

[Commencement: 17th September, 1986
as may be Amended]

1. This Law may be cited as the Private Health *Citation* Facilities Registration and Regulation) Law.
2. In this Law, unless the context otherwise requires *Interpretation*

—
“**Authority**” means the Authority established under section 3 of this Law;

“**Director Medical Services**” means the Director Medical Services of the Ministry of Health of Bauchi State of Nigeria;

“**Director Nursing Services**” means the Director Nursing Services of the Ministry of Health of Bauchi State of Nigeria;

“**Commissioner**” means be Commissioner for the time being charged with the responsibility for Health matters;

“Company” includes a company registered under the provisions of the Companies Act or a body corporate or unincorporated, or an association or partnership of any number of persons;

“Corporate body” means anybody incorporated under the provisions of any Law;

“Government” means the Government of Bauchi State of Nigeria;

“Premises” means land, building, tent, vessel and includes any mechanically propelled vehicle intended or adapted for use on roads and every description of vehicles propelled by means of mechanism contained within itself;

“Private health facilities” includes any hospital, convalescent home, nursing home, health clinic, maternity home; dental care, imaging centre, medical laboratory, optical centre, , optometry, and any premise normally or regularly used or intended to be used for the reception and treatment of persons suffering from any physical or mental illness or disability or injury, or for the reception and examination or treatment of pregnant women or women during childbirth or immediately after childbirth, whether or not any payment or reward

is demanded or made or promised by or on behalf of any person so received, but does not include any health facility wholly maintained or controlled by the Federal or State Governments or a Local Government Council.

3. (1) There is hereby established an Authority for Bauchi State to be known and called as the Private Health Facilities (Registration and Regulating) Authority.

(2) Authority shall consist of the following members:

(a) The Commissioner shall appoint a Chairman who shall be health professional.

(b) The Director Medical Services of the Ministry of Health –;

(c) The Director Nursing Services of the Ministry of Health – Member;

(d) The Director Pharmaceutical Services of the Ministry of Health

(e) The Director Medical Laboratory Services of the Ministry of Health - Member

(f) The Director Public Health of the Ministry of Health - Secretary

- (g) Director Planning, Research and Statistic of the Ministry of Health
- (h) The Director Hospital Services of the Hospitals Management Board of the State – Member
- (i) Director primary health care of State Primary Health Care Development Agency
- (j) Two representative of the Nigeria Medical Association (1 of which should be representative of the Guild of Medical Directors) – Member
- (k) A representative of the National Association of Nigerian Nurses and Midwives – Member
- (l) Two representatives of other professional allied medical bodies (1 of which should be a representative of the Association Medical Laboratory Scientist – Member
- (m) a reputable person among the general public – Member
- (n) a legal practitioner representing the Bauchi State Ministry of Justice
- (o) a representative of Civil Society organizations in Bauchi state

- (3) Non-official members shall be appointed by the Commissioner on the recommendation of their parent bodies and in the case of the reputable person among the general public by the Commissioner acting in his discretion.
- (4) Members other than official shall be appointed for a period of two years, and may be eligible for reappointment,
- (5) A non-official member of a parent body shall be removed as a member if because of any reason whatsoever his name is deregistered from the register of his calling, and in case of the member representing the general public if he conducts himself in such a manner which in the opinion of the Commissioner warrants his removal.
- (6) Any parent body of a non-official member may request the Commissioner in writing to remove or replace its representative as a member, such request should however contain the reason or reasons for which the removal is requested for.
- (7) The member representing the general public may by writing under his hand to the Commissioner resign his appointment and the

resignation shall take effect from the date of receipt by the Commissioner of the resignation letter.

(8) Protection of Members

The Chairman or a member shall not be personally liable for any act default of the Authority either done or attempted to be done in good faith in the course of the operation of the functions of the Authority.

Functions of the Authority

4. The functions of the Authority shall include –
 - (a) Inspection and recommendation for the registration, suspension or cancellation of registration of any private health facility to the Commissioner;
 - (b) Ensuring the maintenance of the standards prescribed in the Law;
 - (c) Ensuring the compliance of operations of private health facilities as prescribed in Law.

5. Subject to the provisions of this Law, the Commissioner may give the Authority directives of a general character or relating generally to a particular matter for the purpose of achieving the objectives of this Law, and it shall be the duty of the Authority to comply with such directives.

Directive by the Commissioner

Registration

6. (1) No person, company, body corporate or unincorporated, or community shall establish, run, manage or conduct a private health facility unless such private facility has been duly registered under the provisions of this Law.

(2) All registered private health facilities existing before the commencement of this Law shall remain registered, but shall within 6 months from the date of commencement of this Law, comply with all the provisions and stipulations herein contained.

Application for the registration

7. Application for registration of any private health facility shall be made to the Authority using the form prescribed in the First Schedule and on payment of a fee as indicated in the Second Schedule and shall be accompanied with the applicant tax clearance certificate for the last three years.

Certificate of registration

8. (1) For every registered private health facility the Commissioner shall issue a certificate of registration using the form prescribed in the Third Schedule of this Law upon payment of a fee as indicated in the Fourth Schedule.

(2) A certificate of registration issued under this section shall be displayed in a prominent place

accessible to all patients intending patients and the general public in the private health facility.

Renewal of registration

9. (1) The registration of every private health facility shall be renewed annually upon payment of fees prescribed in the First Schedule of this Law.

(2) For every renewed registration, the Commissioner shall issue a renewal registration certificate using the form prescribed in the Sixth Schedule of this Law, which shall be displayed prominently for the public

Conditions of registration

10. (1) Subject to the provisions of this Law a private health facility shall not be registered unless the Authority is satisfied –

(a) that the medical practitioner in charge of, and any other medical practitioner connected with the private health facility or any part thereof is qualified to practice any special branch of medicine there dealt with and in all other respects is fit and proper person;

(b) that the nursing and/or other allied health professional staff are adequate and in conformity with the provisions of any regulations made under this Law;

- (c) that the matron or other person in charge of the nursing/maternity staff is a qualified nurse/midwife from an accredited nursing institution with at least minimum 5 years post licences working experience
- (d) that the site, buildings and general amenities are in all respects satisfactory;
- (e) that the equipment are suitable and sufficient to meet the requirements of such private health facility;
- (f) that the private health facility contains not less than the minimum or more than the maximum number of beds in conformity with any regulations made under this Law;
- (g) that the private health facility in all respects complies with the provisions of any regulations made under this Law.
- (h) That the health professional licence used for the registration of the premise will cover only that one facility registered

(2) Where the Commissioner under the provisions of this Law exempts any private health facility from or otherwise modifies the provisions of this Law in respect of any particular Private health facility, the Provisions of subsection (1) of this

section may be construed accordingly in relation to such hospital.

11. (1) The *Power to exempt or modify*
- Commissioner may on the recommendation of the Authority exempt any particular private health from any of the provisions of this Law other than the requirement to register, and may in like manner or otherwise modify any of such provisions in respect to any particular private health facility
- (2) Any such exemption or modification shall be for a period not exceeding one year but the Commissioner may in like manner from time to time renew any such exemption or modification for a period not exceeding one year, but the total period of such exemption or modification shall not exceed three years.
- (3) Any such exemption or modification shall be in writing signed by the Commissioner and shall be displayed with the certificate of registration in the private hospital concerned in a prominent place accessible to all patients or intending patients.
12. Where it appears to the Authority that the *Power to cancel or suspend registration*
- provisions of this Law or any of them are not being carried into effect in a private health facility or that private health facility is not being

conducted in the best interest or the health or wellbeing of the patients being attended therein, the Commissioner may by order –

(a) Suspend the registration of such private health facility until the conditions which caused the order of suspension to be issued have been rectified; or

(b) Cancel the registration of such private health facility;

Provided that no such order of suspension or cancellation shall be made until notice of the conditions upon which such order is to be made has been conveyed in writing to the medical practitioner or other health professional in charge (as the case maybe) of the private health facility, and such health professional in charge shall within 14 days of the notice present his case either personally or in writing to the Commissioner.

(2) Where an order of suspension or cancellation of the registration of a private health facility has been made under the provision of subsection (1) of this section, such private health facility shall thereafter be closed and no new patients shall be admitted or attended to and the remaining In-patients (if any) shall

be at discretion of the Director of Medical Services of the State or his representative (who must be a registered medical practitioner) be discharged, or transferred to another facility, or be retained in the private health facility which has so been closed, until, in the opinion of the Director of Medical Services or his medical representative they are fit so to be discharged or transferred and such retention of in-patients shall be deemed not to constitute an offence under this Law.

- (3) Any person aggrieved by an order of suspension or cancellation made under the provisions of this section shall have the right to apply to the High Court having jurisdiction within the area where such private hospital is situated for an order revoking the suspension or cancellation order, but the order of suspension or cancellation shall remain in force until it is revoked accordingly.
- (4) The application to the High Court under subsection (3) above shall be made within

one month from the date of the order or suspension or cancellation of the registration of such private health facility.

(5) In any order of suspension or cancellation made under the provisions of this section shall be in addition to any proceedings which may be instituted in respect of any contravention or failure to comply with the provisions of this Law and to any penalties which may be imposed on conviction in such proceedings.

13. (1) The Authority shall at any reasonable and mutually agreed time visit premises proposed or intended to be used as a private health facility and inspect same for the purposes of registration of such premises as a private health facility after the payment of the prescribed inspection fees as indicated the Seventh Schedule.

(2) The Authority may at any reasonable and mutually agreed time visit a private health facility for the purpose of inspection and may require to be produced to it all or any of the records, register and other documents required to be kept under the provisions of his Law and the medical practitioner

in charge of the private health facility shall take such steps as may be necessary to facilitate such inspection:

Provided that nothing in this section shall be deemed to authorize an inspection of any medical record relating to a patient in a private hospital;

(3) The Authority shall inspect private health facilities annually. For the purpose of inspection a private health facility shall keep a log book in which will be recorded such particulars as date of inspection, number of faults found and recommendations noted as the case may be.

(4) Where a private health facility is moved from its former premises to another, the new premises must be inspected and approved before medical services are rendered at the new premises

14. (1) There shall be a Secretary to the Authority who should be the Director Public Health of the Ministry of Health.

*Secretary to the
Authority*

(2) Secretary shall –

- a) summon meetings of the Authority as the Commissioner or Chairman may direct;
- b) keep records and conduct the correspondence of the Authority;
- c) perform such other duties as the Commissioner or the Chairman may direct from time to time for the purpose of the provisions of this Law.

*Management of
private hospitals*

15. (1) (a) Subject to the provision of this Law every hospital, nursing home, or medical practitioner's consulting room shall be under the direct control and supervision of a registered medical practitioner (hereinafter referred to as the medical practitioner in charge).
- (b) Every dental centre shall be under the direct control and supervision of a registered dental practitioner hereinafter referred to as the (dental practitioner in charge).
 - (c) Every other health health facility shall be under the direct control of a properly qualified and registered health professionals such as midwife, optician, radiographer, medical laboratory scientist, etc. (hereinafter referred to as the midwife in charge; optician in charge, radiographer in charge, medical

laboratory scientist in charge as the case may be).

(d) The registered health professional in charge shall be responsible for the implementation of the provisions of this Law in the private health facility concerned provided that in the case of hospitals, etc., established by private individuals the medical practitioner in charge must be one fully registered by the Medical and Dental Council of Nigeria, and eligible to engage in private medical practice in accordance with any laws and regulations applicable in the meantime.

(2) Every health centre, health clinic, maternity home, convalescent home,, shall be under the supervision of a registered medical practitioner who shall visit the facility for the purpose of supervision at least once a month:

Provided that no medical practitioner supervises more than two private facilities

(3) Any change of a medical practitioner supervising a private health facility under subsection (2) above shall immediate be notified to the Commissioner in writing.

- (4) Where more than one medical practitioner is connected with a hospital or clinic, nursing home, one of such medical practitioners shall be designated as the medical practitioner in charge or visiting medical practitioner in charge.
- (5) Where more than one dental practitioner is connected with a dental centre, one such practitioner shall be designated as the dental practitioner in charge.
- (6) (a) Where more than one midwife is connected with a maternity home, or where more than one optician is connected with an optical centre, one of such health professionals shall be designated as the midwife in charge or optician in charge of the private health facility; or
- (b) where two or more colleagues of a health profession are connected with a private health facility as mentioned in this Law, one of such health professional colleagues as the case may be, shall be designated as the professional in charge:

Provided that nothing in this section shall prevent a suitably qualified registered health professional from being directly in charge of a Medical Laboratory/Imaging Centre, but no health

professional shall be in charge of, or in direct control of more than one private health facility except as provided under subsection(4) above.

(c)

(7) Notwithstanding subsection (3) of this section, a medical practitioner may be in charge of not more than one additional outpatient clinic provided that the original private health facility and the additional out-patient clinic are not both in urban areas, and that specified visiting times or days are allocated to the out-patient clinic if there is no full time doctor assigned to the out-patient clinic.

(8) Any change of a medical practitioner in charge or other health professional in charge of a private health facility shall be immediately notified to the Authority in writing.

16. Where an offence has been committed under this Law in respect of the establishment or the conduct of a health facility and such facility is under or controlled by a person, company or other corporate body then in addition to the medical practitioner in charge or other health professional in charge, such person or such company or other corporate body and every director, manager, secretary and other

Liability of offence

officer of such company or other corporate body knowingly being a party to such offence shall be guilty of the like offence and liable to the same punishment.

17. Any person, company or other corporate body contravening or failing to comply with any provision of this Law shall be guilty of an offence and liable of summary conviction to penalties as follows:

(a) for operating a private health hospital without certificate of registration –

- i. first offences: fine of N N500,000:00 in case of an individual and closure of the hospital or fine of N N2,000,000:00 in case of a company and closure of the hospital
- ii. second offence; fine or N N1,000,000:00 or imprisonment for 3 months in case of an individual and closure of the hospital or fine of N N1,500,000:00 in case of a company and closure of the facility;

iii. in case of a continuing offence cancel the registration and close down the facility.

(b) failure to maintain standards –

- i. warning notice from the Commissioner for ratification within three months;
- ii. if no ratification after three month, closure of the facility;
- iii. in case of continuing offence fine as in case of subsection (a)(ii) above;

(c) for the contravention of other provisions of this Law –

N500,000 in the case of an individual and N1,500,000 in the case of company;

i. In case of continuing offence – cancel the registration and close down the facility

(a) N5000.00 for each day the offences are continued by a company; and

(b) N2500.00 for each day the offence is continued by an individual.

18. The funds of the Authority shall be such sum as may be provided by the State's Ministry of Health. In addition all revenues in whole from sales of application forms and penalties, as well as 25% of all registration, renewal and inspection fees, are to be retained or remitted back to the Authority for funding their activities.

(2) The Authority is to ensure to maintain appropriate records for reconciliation of all payments

Proceedings of the Authority

19. (1) Subject to the provisions of this Law, the Authority may regulate its own proceedings.

(2) The Chairman shall preside over all meetings of the Authority and in his absence the Director of Medical Services of the State Ministry of Health. If, however the Director of Medical Services is also absent the members present shall appoint one of themselves to be the Chairman for the meeting.

(3) At any meeting of the Authority seven members shall form a quorum,.

20. The Authority may delegate all or any of its powers to a committee to be established by it

Delegation of power

amongst its members for the purpose of carrying into effect the provisions of this Law.

*2) Under no circumstance shall members of the Authority on such assignments above demand for or receive cash from applicants or members of the public

(3) Pre-registration inspection visits to prospective health facilities who have met all pre-registration requirements and paid their registration fees must be undertaken within one month

21. The Commissioner may make regulations in respect of the establishment, conduct, supervision and inspection of a Health facility the conditions for registration and generally for the carrying into effect for the purpose of this Law and, without prejudice to the generality of the power so conferred, in particular for—

Power to make regulations

a) prescribing any matter or thing required to be prescribed under the provisions of this Law;

b) prescribing the standard of sanitary arrangements;

c) regulating the accommodations for patients;

- d) regulating the accommodation and equipment for operating theatres, laboratories, sterilisation and disinfection chambers, pharmacies and other similar premises;
- e) prescribing the number of qualified nurses and midwives to be employed in proportion to the number of bed capacity of the health facility;
- f) Ensure compliance with standard operating procedures for inventory management and dispensing of drugs and medical consumables, as well as the number of qualified pharmacists or pharmacy technicians to be employed;
- g) regulating the standards for infection prevention and control in the facility ;
- h) Ensure that the records and statistics to be kept by private health facilities and the mode of keeping them, as well as regular reporting of such record and statistics is in compliance with National Health Management Information System.
- i) Ensure logistic management information system data generated for public health

programs is reported onto the Nigeria Health Logistics Management information System (NHLMIS) platform.;

;

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- 22. For the avoidance of any doubt the provisions of the Occupations and Business Premises (Registration) Law shall have no effect in respect of private health facilities.

Exemption of provisions

[Cap. 101]

SCHEDULES

FIRST SCHEDULE

[Section 7 (1)]

Application for Registration of Private Health Facilities

PRIVATE HEALTH FACILITIES (REGISTRATION AND REGULATING) LAW, CAP.117
AMENDED

Code Number.....

- 1. Name of Applicant.....
- 2. Date of Birth.....

3. Place of Birth.....

4. Nationality.....
.....

5. National Identification Number / International passport number.....

6. Occupation

7. Previous Employment with dates.....

.....
.....
.....
.....
.....

8. ContactAddress.....
.....
.....

9. Phone Number.....

email addressHome address.....

.....

.....

...

10. Medical Practitioner or other health professional in charge.....

.....

.....

(a) Qualification(s) with date(s).....

.....

.....

(b) Year registered in Nigeria and number.....

.....

.....

11. Name of private health facility.....

12. Location of private health facility.....

13. Type of service(s) to be offered.....

14. Facilities (electricity, water supply, disposal etc).....

15. Number of doctors employed and their qualifications.....

16. Number of midwives names and qualifications.....

17. Number. names qualifications of

18.

(a) Medical Laboratory Scientists/technicians

(b) Radiographers.....

...

(c) Physiotherapists.....

.....

.....

.....

(b) Opticians/Optometrists.....

.....

.....

(c) Others.....

.....

.....

19. Proposed date of

20. opening.....

21. The particulars given by me in this form are to the best of my knowledge true and correct.

GIVEN under hand this.....day of.....20...

.....

.

Signature of Applicant

SECOND SCHEDULE

[Section 7(2)]

Application Fees

PRIVATE HEALTH FACILITIES (REGISTRATION AND REGULATION) LAW, CAP.117 AMENDED

- i) N10000.00 rate for all types of facilities .

THIRD SCHEDULE

[Section 8(1)]

PRIVATE HEALTH FACILITIES (REGISTRATION AND REGULATION) LAW, CAP.117 AMENDED

Certificate of Registration

This is to certify

that.....

.....

.....

at.....

.....has been registered as a Private Health Facility under the Private Health Facilities (Registration and Regulation) Law.

Type of

Facility.....

Registration

No.....Date
te of Expiration of
registration.....

Renewal
date.....

Dated this.....day
of.....20.....

Name of Chairman PHRRA

SignatureDate

Name:.....

Signature:..... Date.....

Commissioner of Health, Bauchi State Nigeria

FOURTH SCHEDULE

[Section 8(1)]

PRIVATE HEALTH FACILITIES (REGISTRATION
AND REGULATION) LAW, CAP.117 AMENDED

Registration Fees

- | | |
|---|----------|
| 1. Hospitals/Medical Clinics | N100,000 |
| 2. Dental clinics/Health Clinic/Maternity
Home/Nursing Home----- | N50,000 |
| 3. Medical Laboratories/Imaging Centres | N50,000 |

4. Physiotherapy N50,000:00

FIFTH SCHEDULE

[Section 9 (1)]

Annual Renewal Fees

PRIVATE HEALTH FACILITIES (REGISTRATION AND REGULATION) LAW, CAP.117 AMENDED

1. Hospital/Medical Clinics N50,000.00
per annum
2. Dental Clinic/Health Clinic/Maternity
Home/Nursing Home N30,000.00 per annum
3. Medical Laboratory/Diagnostic Centres
N30,000:00
4. Physiotherapy N30,000:00

SIXTH SCHEDULE

[Section 9 (2)]

Certificate of Renewal

PRIVATE HEALTH FACILITY(REGISTRATION AND REGULATION) LAW, CAP.117 AMENDED

This is to certify that the registration of.....

.....
.....

..... has been renewed for a period of twelve months.

This renewal expires on.....day of.....20.....

Name of Chairman PHRRA

SignatureDate

Name:.....

Signature:..... Date.....

Commissioner of Health, Bauchi State Nigeria

SEVENTH SCHEDULE

[Section 13(1)]

Inspection Fees for Registration

PRIVATE HEALTH FACILITY (REGISTRATION AND REGULATION) LAW, CAP.117 AMENDED

- | | |
|--|------------|
| 1. Hospital/Medical Clinic | N15,000.00 |
| 2. Dental Clinic/Health Clinic/Maternity Home/Nursing Home | N10,000.00 |
| 3. Physiotherapy | N10,000:00 |
