

CHAPTER 94

HEALTH INSTITUTIONS LAW

ISN 9 of 1985
ISN 13 of
1987. ABSN
No. 8 1998

A Law to provide for the registration, for the running or management of Health Institutions in Abia State and for other purposes connected therewith.

Commencement.

[25th March 1998]

PART I - PRELIMINARY

Citation

1. This Law may be cited as the Health Institutions Law.

Interpretation

2. In this Law -

"Commissioner" means Commissioner for Health;
"convalescent home" means any premises established or maintained for the convalescence or rehabilitation of patients after surgical operation or other active treatment in hospitals or for the nursing care of chronically ill patients;
"corporate body" means any body incorporated under the provisions of any written law;
"Permanent secretary" means Permanent Secretary, Ministry of Health;
"Director of Medical Services" means Director of Medical services of Abia State;
"Director of Nursing Services" means Director of Nursing Services of Abia State;
"Director of Pharmacy" means the Director of Pharmaceutical Services of Abia State;
"Director of Public Health" means Director of Public Health of Abia State;
"Government" means Government of Abia State of Nigeria;
"health institutions" includes any hospital with or without accommodation for in-patient, nursing home, convalescent home, medical practitioner's consulting room, health centre, dispensary, maternity

home, dental centre, physiotherapy centre, radiographic centre, optical centre and any premises 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 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, and includes any health institution wholly maintained or controlled by the Federal or State Government;

"health professional" means any person who is entitled to be in charge of a health institution as laid down by the Director of Medical services in consultation with the Medical and Dental Council of Nigeria;

"infectious disease" shall have the same meaning as ascribed to it in the Public Health Law (Cap.139) of Abia State;

"joint inspectorate" means Abia State Ministry of Health joint inspectorate team comprising the Director of Public health, Director of Pharmaceutical Services, Director of Nursing Services and Director Laboratory Sciences. Chairman and Secretary, Abia State Nigerian Medical association representatives who shall not be below salary grade level 10;

"medical officer" means a medical doctor in the service of the Government and any medical practitioner authorized by the Director of Medical Services to perform any of the duties under this Law;

"medical practitioner" means a medical practitioner or a dental practitioner, as the case may be, fully or temporarily registered by the Nigeria Medical and Dental Council but does not include a doctor or dentist provisionally registered by the Medical and Dental Council of Nigeria;

"nursing home" means a private hospital;

"Optical centre" means any premises where people's eyes are tested or examined for the purposes of prescribing or supplying corrective eyeglasses or both;

"physiotherapy centre" means any premises used for the treatment of persons diseases or disabilities by physical means such as heat, massage and exercise;

"radiographic" means an X-ray diagnostic or therapeutic centre; and

"State" means Abia State of Nigeria.

PART 2 – REGISTRATION OF HEALTH INSTITUTIONS

Registration
of Health
Institutions

3. No person, corporate body or community shall establish, run or manage a health institution unless it has been duly registered under the provisions of this Law;

Application
form.

4. (1) Application for registration of a health institution shall be made in the form prescribed in the First Schedule to this Law and shall be addressed to the Commissioner.
(2) The application form shall be accompanied with the prescribed fee in the Second schedule to this Law

Certificate
of Regis-
tration.

5. (1) The Commissioner shall cause a health institution to be registered on being satisfied that it has met the registration requirements under sections 6 and 7 of this Law and shall issue a certificate of registration as prescribed in the Third Schedule to this Law.
(2) A certificate of registration shall be displayed in a prominent place accessible to all patients and intending patients in a health institution.
(3) The production of a certificate of registration shall be sufficient evidence of such registration.

Site and building
plans to be
approved by
Commissioner

6. (1) No new health institution shall be constructed or any extension to an existing health institution made

unless the site of the proposed health institution and the building plans have been approved by the Commissioner.

(2) No existing building shall be used as a health institution unless the site, the building plans and the buildings have been approved by the Commissioner.

7. No health institution shall be registered unless the Commissioner is satisfied that the following conditions are met: Conditions for registration.

- (a) the site is suitable and accessible by road to the public;
- (b) the building is suitable in size, shape and construction with adequate ventilation and lighting and shall specify details of wards, theatres, delivery rooms, etc;
- (c) the general amenities including water supply, toilet, sterilization and disinfection facilities, refuse and sewage disposal systems and precautions against fire outbreaks are in all respects satisfactory;
- (d) the equipment and staff are suitable and adequate to meet the requirements of such health institution;
- (e) the registration fee prescribed in the Fourth Schedule to this Law has been paid;
- (f) in the case of a health institution with accommodation for in-patients it has –
 - (i) accommodation for out-patients separate from accommodation for in-patients;
 - (ii) accessible dispensary and dispensary store (optional in the case of maternity home);
 - (iii) adequate facilities for cooking;
 - (iv) adequate laundry facilities;

- (v) separate toilets for males and females;
 - (vi) separate bathrooms for males and females;
 - (vii) a sluice room for every 30 in-patient beds or less;
 - (viii) separate accommodation for the isolation of infectious cases;
 - (ix) a mortuary (excepting a convalescent home, health centre and maternity home); and
 - (x) a register in which shall be recorded particulars of every patient admitted.
- (g) In the case of a hospital and nursing homes –
- (i) the medical practitioner in-charge and any other medical practitioner connected with the institution are registered with the Nigeria Medical and Dental Council and holds current practising licence;
 - (ii) the nursing staff are adequate provided that where there is accommodation for in-patients, there shall at all times be available for duty a registered nurse and provided further that where there is accommodation for maternity cases, there shall at all times be available for duty a registered midwife;
 - (iii) the matron or other person in-charge of the nursing staff is a qualified nurse or midwife or both registered by the Nursing Council of Nigeria or the

- Midwives Board of Nigeria or both or the Nursing and Midwifery Council of Nigeria and holds a current practising licence; and
 - (iv) the medical practitioner in-charge or any other medical practitioner connected with the health institution resides within five kilometers of the health institution.
- (h) In the case of a dental centre –
- (i) the dental practitioner in-charge and any other dental practitioners connected with the Dental Centre are registered with the Medical and Dental Council of Nigeria and holds current practising licence; and
 - (ii) the dental practitioner resides within fifteen kilometers of the dental Centre; and
 - (iii) the dental staff are adequate.
- (i) In the case of Medical Practitioners Consulting Room not within a hospital or nursing home –
- (i) the medical practitioner in-charge is duly registered with the Nigeria medical and dental Council of Nigeria and holds current practising licence; and
 - (ii) the medical practitioner resides within fifteen kilometers of consulting room.

- (j) In the case of convalescent home –
- (i) the person in-charge is a qualified nurse duly registered with the Nursing Council of Nigeria and Midwifery Council of Nigeria and holds current practising licence; and
 - (ii) the nurse in-charge or another registered nurse connected with the convalescent home is resident within eight kilometers of the Convalescent Home.
- (k) In the case of a Health Centre –
- (i) the nurse or midwife in-charge is registered by the Nursing Council of Nigeria or the Nursing and Midwifery Council of Nigeria and holds current practising licence provided that the Health Centre consists of a maternity home of not more than sixteen beds, a dispensary and a public health office and provided further that if the maternity has more than 16 beds or if the health centre provides accommodation for in-patients other than maternity cases, the Health Centre shall be deemed to be a hospital and the conditions provided for hospitals and nursing homes shall apply to it;
 - (ii) there is available at all times a registered midwife on duty;
 - (iii) the staff are adequate; and
 - (iv) the supervising medical practitioner resides within fifteen kilometers of the Health Centre.

Provided that only health

professionals may operate a Health Centre.

- (l) In the case of a Dispensary –
- (i) the Rural Health Assistant in-charge or other person in-charge is suitably qualified to be in-charge of such dispensary; and
 - (ii) the supervising medical practitioner resides within thirty kilometers of the dispensary.
- Provided that only health professionals may operate a dispensary
- (m) In the case of Maternity Home –
- (i) the midwife in-charge and any other midwife connected with the maternity home are registered by the Midwives Board of Nigeria or the Nursing and Midwifery Council of Nigeria and holds current practising licence;
- Provided that any maternity home which has more than sixteen in-patient beds shall be deemed to be a maternity hospital and the conditions for hospitals and nursing homes shall apply to it;
- (ii) the staff are adequate;
 - (iii) there is available at all times a registered midwife on duty; and
 - (iv) the supervising medical practitioner resides within ten kilometers of the home.

- (n) In the case of a Physiotherapy Centre, the person in-charge is a qualified and recognized physiotherapist.
- (o) In the case of a Radiographic Centre –
 - (i) the person in-charge is a qualified radiographer; and
 - (ii) adequate facilities are provided for protection against dangers of radiation.
- (p) In the case of Optical Centre the person in-charge is a qualified and recognized optician or optometrist and holds a current practising licence.
- (q) In the case of a Medical Laboratory –
 - (i) the person in-charge is a qualified and professionally registered medical laboratory scientist and holds a current practising licence; and
 - (ii) the staff are adequate.
- (r) In the case of a Homeopathic Centre, homeopathy is based upon the theory that diseases are curable by those drugs which produce effects on the body similar to symptoms caused by the disease (*similia similibus curantur*). The person in-charge is suitably and acceptably qualified.

Power to
cancel or
suspend
registration

8. (1) Where the Commissioner has been advised by the Director of Medical Services that any provision of this Law is not complied with in any health institution or that a health institution is not conducted in the best interest of the health or well-being of the patients therein, the Commissioner may by order –

- (a) suspend the registration of such health institution until the condition which led to the suspension is rectified; or
- (b) cancel the registration of such health institution.

Provided that no order of suspension or cancellation of registration shall be made until notice of the condition upon which such order is to be made has been conveyed in writing to the medical or dental practitioner, midwife or other health professional in-charge, as the case may be, of the health institution and such person in-charge shall within fourteen days of notice present his case, if any, either personally or in writing to the Commissioner.

- (2) In the case of health institutions where infectious diseases or epidemics are treated, the Commissioner shall give the health professional in-charge three months' notice of his intention to suspend or cancel the registration.
- (3) When an order of suspension or cancellation of the registration of a health institution has been made under the provisions of this section, such health institution shall thereupon be closed and no new patients shall be admitted or attended to therein and the remaining in-patients, if any, shall at the discretion of the director of Medical Services or his representative who shall be a registered medical practitioner, be discharged or transferred to another health institution or be retained in the health institution which has been closed until in the opinion of the Director of Medical Services or his representative, they are fit to be discharged or transferred and such retention of in-patients shall not be deemed to constitute an offence under this Law.

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- (4) Any person aggrieved by an order of suspension or cancellation made under the provisions of this section may apply to the High Court having jurisdiction within the area where such health institution is situate for an order revoking the suspension or cancellation order so however that the order of suspension or cancellation shall remain in force until it is revoked accordingly.
- (5) An application to the High Court under this section shall be made within fourteen days of the order of suspension or cancellation of the registration of the health institution.
- (6) 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 any penalties which may be imposed on conviction in such proceedings.

Renewal of
registration.

9. (1) The registration of every health institution shall be renewed annually with a renewal fee as prescribed in the Fourth schedule of this Law.
- (2) A registration shall be renewed subject to the presentation of the following –
- (a) evidence of registration or last renewal;
 - (b) three years tax clearance certificate or receipts of payment of tax for previous three years;
 - (c) current practising licence;
 - (d) previous years statistics comprising –
 - (i) Number of cases seen and their final
 - (ii) Diagnosis.....
 - (iii) Deliveries.....
 - (iv) Gestational Age.....
 - (v) Mortality.....
 - (vi) Number of referred cases.....

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- (3) The Commissioner shall cause to be issued a renewal registration certificate in the form prescribed in the Fifth Schedule for every renewed registration.

10. All registered health institutions existing before the commencement of this Law shall remain registered but shall within one year from the date of commencement of this Law, comply with all the provisions herein contained.

Existing
health
institutions

11. The Director of Medical services shall cause to be kept a register of all health institutions registered under the provisions of this Law and such register shall contain the following information;

Register of
health
institutions.

- (a) Name of the health institution;
- (b) Type of health institution;
- (c) Address of premises;
- (d) Number of beds; and
- (e) The Proprietor of the institution.

PART 3 – MISCELLANEOUS

12. (1) (a) Subject to the provisions of this Law, every hospital, nursing home or medical practitioner's consulting room shall be under the direct control, management, charge and supervision of a registered medical practitioner.
- (b) Every dental centre shall be under the direct control, management, charge and supervision of a registered dental practitioner.
- (c) Every other health institution shall be under the direct control and management of a properly qualified and registered health professional such as midwife, optician, radiographer etc., provided that a maternity home shall be supervised by a registered obstetrician and gynecologist and a

Manage-
ment of
health
institution.

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radiographic centre shall be under the supervision of registered radiologist.

- (d) The registered health professional in-charge shall be responsible for the implementation of the provisions of this Law in the health institution concerned.

- (2) Every health centre, dispensary, maternity home, convalescent home or physiotherapy centre shall be under the supervision of a registered medical practitioner who shall visit the health institution at least once a month for the purpose of supervision provided that no medical practitioner shall supervise more than five maternity homes or health centers at the same time.
- (3) Any change of a medical practitioner supervising a health institution under subsection (2) of this section shall immediately be notified to the Commissioner in writing.

Designated
professional in
charge of
health
institution:
responsible.

13. (1) Where more than one health professional are supervising a hospital, nursing home, medical practitioner consulting room, dental centre, maternity home, optical centre or any other health institution, one of such health professionals shall be designated to be in charge of that health institution, as the case may be, provided that nothing in this section shall prevent a suitably qualified registered medical practitioner from being directly in charge of a radiographic centre and provided further that no medical practitioner shall be in-charge of more than one health institution, subject to the provisions of this Law.
- (2) Notwithstanding the provisions of subsection (1) of this section, a medical practitioner may in addition be in-charge of not more than one outpatient clinic provided that both the health institution and the

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outpatient clinic are not in urban arrears and that specified visiting times or days are allocated to the out-patient clinic if there is no full-time medical practitioner assigned to it.

- (3) Any change of a health profession in-charge of a health institution shall immediately be communicated to the Commissioner in writing.

14. (1) The joint Inspectorate may at all reasonable times enter a health institution for the purpose of inspection and may for this purpose require to be produced to it all or any of the records, register and other documents required to be kept under the provisions of this Law and the medical practitioner or other health professionals in-charge of the health institution shall take 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 health institution. Inspection.
- (2) The Joint Inspectorate shall inspect health institutions at least once in three calendar years.
- (3) For the purpose of inspection, a health institution shall keep a log book in which shall be entered such particulars as date of inspection, number of faults found and commendations, as the case may be.
- (4) Without prejudice to subsection (1) of this section, the Director of Medical Services or his representative, who shall be a medical officer may at any time demand for and inspect such records, registers and other documents in any health institution.

15. Where an offence has been committed under this Law in respect of the establishment or conduct of a health institution and such health institution is owned or controlled by a person or corporate body, then, in addition to the medical practitioner or other health professionals in-charge, such person or such corporate body Liability.

and every director, manager, secretary and other officer of such corporate body knowingly being a party to such offence shall be guilty of the like offence and liable to the same punishment.

Penalties.

16. Any person, or corporate body who contravenes or fails to comply with the provisions of this Law shall be guilty of an offence and liable on summary conviction to penalties as follows -

- (a) for operating a health institution without a certificate of registration or renewal -
 - (i) =N=5,000.00 fine in the case of an individual in addition to the closure of the health institution and =N=10,000.00 fine in the case of a corporate body and closure of the health institution;
 - (ii) in the case of a continuing offence by an individual and corporate body, =N=500.00 and =N=1,000.00 respectively for each day the offence subsists;
- (b) failure to maintain standard -
 - (i) warning notice from the Commissioner for rectification within three months, failing which the health institution shall be closed down; and
 - (ii) in the case of a continuing offence by an individual and corporate body, =N=500.00 and =N=1,000.00 respectively for each day the offence subsists;
- (c) for contravening any other provisions of this Law -
 - (i) =N=2,000.00 in the case of an individual and =5,000.00 in the case of a corporate body; and

- (ii) in the case of continuing offence by an individual and corporate body, =N=250.00 and =N=500.00 respectively for each day the offence subsists.

17. The Commissioner may make regulations in respect of the establishment, registration, conduct, supervision and inspection of health institutions and generally for the carrying into effect the provisions of this Law and without prejudice to the generality of the powers so conferred may make regulations -

Power to make regulations

- (a) prescribing any matter or thing required to be prescribed under the provisions of this Law;
- (b) prescribing the standards of sanitary arrangements;
- (c) regulating the accommodation for patients;
- (d) regulating the accommodation and equipment for operating theatres, laboratories, sterilization and disinfection, pharmacies and other similar purposes;
- (e) prescribing the number of qualified nurses and midwives to be employed in proportion to the number of beds available;
- (f) regulating the preparation and storage of food and drugs and where drugs are dispensed in a hospital, the number of qualified pharmacists or pharmacy technicians/assistances to be employed;
- (g) regulating the arrangements for disinfection and the provisions of the spread of infection;
- (h) prescribing the arrangements to be made for the prevention and control of fire and for the safety of patients and staff in the event of fire;
- (i) prescribing the records and statistics to be kept and the mode of keeping them as well as

- regular returns of such records and statistics to the Commissioner;
- (j) prescribing the monthly notification of deaths, births, still-borns, miscarriages and abortions and weekly notification of infectious diseases and notifiable puerperal pyrexia; and
- (k) prescribing the records to be kept when a child born in a hospital, maternity home or health centre is discharged or removed therefrom

Abrogation
to Cap. 62

18. The Hospitals Law (Cap.62) Laws of Eastern Nigeria 1963 shall no longer have effect in Abia State.

FIRST SCHEDULE
Section 4 (1)

FORM OF APPLICATION FOR REGISTRATION OF HEALTH
INSTITUTION
UNDER THE HEALTH INSTITUTIONS LAW, 1997

1. Name of Health Institution
2. Situation of Health Institution
3. Name of proprietor or name and constitution of governing body
4. Medical Practitioner or other Health Personnel in-charge
- (a) Name
- (b) Qualification (with dates)
- (c) Registration in Nigeria No. Date
5. Supervising Doctor in case of Maternity Homes, Radiography Centre, etc.
- (a) Name
- (b) Qualifications (with Dates)
- (c) Year Registered in Nigeria
6. Type of Institution
7. Number of beds
8. Source of assured water supply

9. Method of refuse disposal
10. Number of Doctors to be employed and places of residence
11. Number of Nursing Sisters to be employed, places of residence and qualification
12. Number of Midwives and their qualifications
13. Number and qualifications of -
- (a) Radiographers
- (b) Physiotherapists
- (c) Opticians/Optometrists
- Signature of Applicant
- Name (printed)
- Contact Address
- Date

Note: The following must be attached to this application:

- (1) Site plan of the premises showing the general layout of building (3 copies).
- (2) Building plans showing dimensions etc. and uses of rooms (3 copies).
- (3) Photocopy of 3 years Tax Clearance Certificate or receipts of tax payment in 3 previous years.
- (4) Photocopy of registration certificate (if a corporate body)