

KATSINA STATE REGISTRATION OF PRIVATE HEALTH  
INSTITUTIONS, LAW, 1990

## ARRANGEMENT OF SECTIONS

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## CHAPTER 148

THE KATSINA STATE REGISTRATION OF PRIVATE  
HEALTH INSTITUTIONS LAW, 1990

[12<sup>th</sup> November, 1990] Date of Commence-  
ment

1. This Law may be cited as the Registration of  
Private Health Institutions Law, 1990.

Title

2. This Law shall be deemed to have come into  
operation on the 12<sup>th</sup> day of November, 1990.

Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

"appropriate fee" means any fee prescribed by  
virtue of the regulations made under the  
provisions of this Law;

"Commissioner" means the State Commissioner  
for the time being responsible for health matters;

"company" includes a company duly registered  
under the provisions of the companies Decree,  
1990; a company established outside Nigeria  
and any other company, association or  
partnership of any number of persons;

"health institutions" includes a hospital, clinic,  
maternity centre, nursing or convalescent home,  
physiotherapy clinic; dental clinic, and a  
radiotherapy centre;

"infectious disease" shall have the same  
meaning ascribed to it in the Public Health Law;

"medical officer" means medical practitioner  
registered to practice in Nigeria by the  
prescribed registration body;

"health professional in charge" includes a medical practitioner registered to practice in Nigeria or any other qualified health practitioner registered to practice in Nigeria; "ministry" means the State Ministry of Health; "state" means Katsina State of Nigeria.

Categories of Private Health Institutions

4. For the purpose of this Law, Private Health Institutions are hereby classified into the following categories:

- (a) Private Hospital;
- (b) Private Clinic;
- (c) Maternity Centre;
- (d) Private Nursing or Convalescent Home;
- (e) Private Physiotherapy Clinic;
- (f) Private Dental Clinic;
- (g) Private medical laboratory;
- (h) Optical or Ophthalmic Centre;
- (i) Radio-Diagnostic Centre; and
- (j) Radio-Therapy Centre.

Registration of Private Health Institutions

Management of Health Institutions

5. No person or company shall institute or conduct or operate a Private Health Institution unless such Health Institution has been duly registered by the Ministry on application and on payment of the fees prescribed under regulations made under this Law.

6. (1) Subject to the provisions of this Law, a Private Health Institution shall be under the day-to-day management, control and supervision of a medical practitioner or a qualified professional allied to medicine (*hereinafter referred to as "the medical practitioner in charge or health professional in charge"*) who shall be responsible for carrying into effect the provisions of this Law in the Private Health Institution concerned.

(2) It shall be the duty of every medical practitioner or health professional in charge to furnish to the Ministry the number and addresses of the Health Institutions under his management, control and supervision.

7. Where more than one medical practitioner or Health professional is connected with a Private Health Institution one of such medical practitioners or health professionals shall be nominated as the medical practitioner in charge or health professional in charge.

Medical practitioner in charge

8. Application for the registration of a Private Health Institution shall be made to the Ministry in such form and manner as the Ministry may prescribe.

Application for the registration of Private Health Institutions

9. (1) No Medical Practitioner or Health Professional shall be in charge of more than two Health Institutions.

Limit of the number of Health Institutions to be under the charge of Medical Practitioner or Health Professional

(2) The distance between the main Health Institution and the residence of Medical Officer in charge or Health Professional in charge shall not be more than five kilometres.

10. Where a Private Health Institution engages in compounding and dispensing drugs, it shall be the duty of such Health Institution to employ and retain the services of a qualified Pharmacist who is registered and licensed by the Pharmacy Board of Nigeria.

Duty of Health Institutions to employ qualified pharmacists

11. (1) A Private Health Institution shall not be registered unless the Ministry is satisfied:

Conditions requisite for registration

- (a) that the Medical Practitioner in charge or Health Professional in charge and any other Medical Practitioner or Health Professional connected with the Private Health Institution or any part thereof is qualified to practice any special branch of medicine there dealt with and is in all other respect a fit and proper person;
- (b) that the staff is adequate and in conformity with the provisions of any regulations made under this Law;
- (c) that every member of the staff is qualified and holds a diploma or certificate of training in his profession recognized by the appropriate Authority;
- (d) that the site, building and general amenities are in all respects satisfactory;
- (e) that the equipment is suitable and sufficient to meet the requirements of such Private Health Institutions;
- (f) that the Private Health Institution in case of hospital clinics contains not less than the minimum or more than the maximum number of beds in conformity with any regulations made under this Law; and
- (g) that the Private Health Institution in all other respects complies with the provisions of any regulations made under this Law.

(2) The Certificate of Registration issued by the Ministry shall be signed by the Commissioner.

(3) The Certificate of Registration issued under the Law shall be displayed conspicuously at a place in the Health Institution.

12. (1) The Commissioner shall appoint such Medical Officers within the Ministry to be inspectors of Private Health Institutions (herein referred to as Inspectors).

Appointment of  
Inspectors

(2) An Inspector may at all reasonable times enter any Private Health Institution for the purpose of supervision and inspection of the premises and all or any of the records, registers and other documents required to be kept by the Institution under the provisions of this Law or regulations made hereunder.

(3) The Medical Practitioner in charge or Health Professional in charge shall take such steps as may be necessary to facilitate such supervision and inspection: PROVIDED that nothing in this section shall be deemed to authorize the inspection of any Medical record relating to a patient in a Private Health Institutions.

13. (1) Where it appears to the Ministry that the provisions of this Law are not being carried into effect in any Private Health Institution or that a Private Health Institution is not being conducted in the best interest of the health or well being of the patients admitted thereto or treated therein; or that any Medical Practitioner or Health Professional connected with a Private Health Institution is not or has not or has ceased to be a fit and proper person the Ministry may by order:-

Powers to cancel or  
suspend registration.

- (a) suspend the registration of such Private Health Institution until the conditions which caused the order of suspension to be issued have been rectified; or
- (b) cancel the registration of such Private Health Institution.

(2) When an order of suspension or cancellation of the registration of a Private Health Institution has been made under the provision of sub-section (1) such Private Health Institution shall thereupon be closed and no new patient shall be admitted and the remaining in-patients shall, at the discretion of the Ministry, be discharged or transferred to another Health Institution or retained in the Private Health Institution which has so been closed until, in the opinion of the Ministry they are fit to be discharged or transferred and such retention of in-patients shall not be deemed to constitute an offence under sub-section (1).

(3) A Medical Practitioner in charge or a Health Professional in charge of a Private Health Institution or a company aggrieved by an order of suspension or cancellation made under the provisions of this section may appeal to the High Court but the order of suspension or cancellation shall have immediate effect and shall not be stayed by reason of the lodging of such appeal.

(4) 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 whether or not such proceedings are on the same facts on which the order of suspension or cancellation was made.

14 (1) Any person who or company that contravenes or fails to comply with the provisions of this Law or regulations made thereunder commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand naira or to a term of imprisonment not exceeding six months or to both such fine and imprisonment in respect of an individual and in case of a company, it shall be liable to a fine of five thousand naira (₦5,000.00).

(2) For any subsequent offence:

(a) in the case of any individual, a fine of five thousand naira (₦5,000.00) or to six months imprisonment or to both.

(b) In the case of a company, a fine of ten thousand naira (₦10,000.00).

15 (1) No person or company shall change the registered category of a Private Health Institution without the approval the Ministry upon compliance with the prescribed procedure.

Change of Registered Category

(2) A person who or company that contravenes the provisions of sub-section (1) commits an offence under this Law.

16. Where an offence has been committed under this Law in respect of any Private Health Institution or the conduct of the private Health Institutions owned or controlled by a person or company then, in addition to the Medical Practitioner in-charge or Health Professional in charge such person or such company and every director, manager, secretary and any other officer of such company knowingly being a party to such offence shall be guilty of the like offence and be liable to the same punishment.

Liability for offences

17. The Commissioner may after consultation in appropriate cases with the relevant and appropriate professional bodies make regulations in respect of the conduct, and supervisions of Private Health Institutions and generally for carrying into effect the purposes of this Law, and without prejudice to the generality of the powers conferred or to any law for the time being in force in particular for —

Power of commissioner 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 and staff;
- (d) regulating the accommodation and equipment for operating theatres, laboratories, sterilization and disinfections, pharmacies and other similar purpose;
- (e) prescribing the qualifications and training of the staff and the number of qualified staff to be employed in proportion to the number of beds available;
- (f) regulating the arrangements for disinfection and the prevention of the spread of infection;
- (g) 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;
- (h) prescribing the records and statistics to be kept and the mode of keeping them;
- (i) prescribing the registers and records to be kept in respect of patients;
- (j) prescribing the notification of deaths, births, still births, miscarriages and abortions and also infectious diseases;
- (k) regulating the admission, treatment and discharge of patients
- (l) prescribing the hours of work and working conditions for the staff
- (m) regulating general medical and domestic arrangements;
- (n) prescribing the records to be kept when a child born in a private Health Institution is discharge or removed therefrom;

- (o) prescribing conditions required for the Institution, conduct and operation of Private Health Institution;
- (p) prescribing penalties for offences committed under this Law or regulations made thereunder; and
- (q) prescribing fees required to be paid under this Law.

18. Cap. 100 Laws of Northern Nigeria, 1963 is hereby repealed

Repeal of Cap. 52 of 1945; Cap. 178 (1948); N. R., 2 of 1958; 8 of 1960; Order 47 of 1951; 2 N.R. 191 of 1954 and 100 of 1963.