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ZAMFARA STATE GOVERNMENT OF NIGERIA

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ZAMFARA STATE OF NIGERIA

I ASSENT THIS.....11th.....DAY OF.....DECEMBER,.....2013

HON. (ALH.) DR. ABDULAZIZ YARI ABUBAKAR
(SHATTIMAN MAFARA)
EXECUTIVE GOVERNOR OF ZAMFARA STATE.

A LAW TO PROVIDE FOR THE ESTABLISHMENT,
CONSTITUTION AND FUNCTIONS OF THE ZAMFARA STATE
HOSPITALS SERVICES MANAGEMENT BOARD AND
OTHER MATTERS INCIDENTAL THERETO 2013

LAW NO.....10.....OF 2013

BE IT ENACTED by the House of Assembly of Zamfara State of Nigeria as follows

PART I PRELIMINARY

Citation and date
of commencement

1. This law may be cited as the Zamfara State Hospitals Services Management Board law 2013 and shall be deemed to have come into operation on the11th..... day ofDecember,..... 2013

Interpretation 2. In this law unless the context otherwise requires.

"The Board" means the Zamfara State Hospitals Services Management Board established under section 3;

"Chairman" Means the Chairman of the Board or where the context requires, Chairman of the respective committees established under this law;

"Commissioner" Means the commissioner for the time being charged with responsibility for health in the state;

"Function" Include powers and duties;

"Hospital Services" include services being rendered by Hospitals Clinics, Medical Laboratories, and health centers and other services relating to preventive or cultivate medical care provided by the State Government other than those being provided by the Yariman Bakura specialist Hospital;

"Meeting" means meeting of the Board;

"Member" Means a member of the Board and includes the Chairman;

"The Governor" Means the Governor of the State;

"The Ministry" Means the Ministry charged with the responsibility for health in the state;

"Patients" Include out-patients;

"The State" Means the Zamfara State of Nigeria.

PART II: ESTABLISHMENT OF THE BOARD

Establishment of the Board 3. There is hereby established a Board to be known as the Zamfara State Hospitals Services Management Board (in this Law referred to as "the Board") which shall be a body cooperate with a perpetual succession and a common seal with powers to sue and be sued in its corporate name, and to acquire, hold and dispose off any property whether movable or immovable.

Composition of the Board 4. The Board shall be composed of the following members to be appointed by the governor:

- (a) A person of unquestionable character and of proven integrity who shall be full-time chairman.
- (b) The Permanent Secretary of the Ministry of Health or his representative.
- (c) The Permanent Secretary of the Ministry of Finance or his representative.
- (d) The Director Medical Service of the state ministry of Health.
- (e) The Chairman/Chief Executive of the Hospital Services Management Board.
- (f) The Director of the State School of Nursing and Midwifery.

- Tenure of Office
- (g) Nine other members representing interest groups to be appointed by the State Governor.
 - (h) The Secretary shall serve as the Secretary to the Board, and Accounting Officer of the Board.
- 5.
- (1) The Chairman shall hold office for a period of four years from the date of his appointment and shall be eligible for re-appointment for another term of four years but no more.
 - (2) Any member of the Board, other than ex-officio member shall hold office for such period not exceeding four years as may be determined by the appointing authority and he may be eligible for re-appointment for another term of four years but no more.
 - (3) Any Member of the board, other than ex-officio member, may by notice to the commissioner resign his appointment.
 - (4) Any vacancy occurring in the membership of the board shall be filled by the appointment of a successor who shall represent the same interest as his predecessor.

PART III: FUNCTIONS

- Functions of the Board
6. The functions of the board shall be as contained in part II of the third schedule to this Law.
- Power
7. The Board shall accordingly have powers:
- (a) To make standing orders to regular its own procedure, the conduct of its meetings, the custody of its common seal, the keeping of its accounts and the award of contract;
 - (b) Upon terms and conditions approve by the commissioner, to appoint and remunerate agents and servants to carry out any of its functions and such appointment, remuneration as obtained in the State Civil Service or Board's approved condition of service.
 - (c) To operate its own bank accounts.
 - (d) Subject to terms and conditions approved by the commissioner, to ensure uniformity in conditions of service throughout the state.
 - (e) To do such other acts and things as and incidental and necessary for carrying out any of its functions under this law.

- Remuneration of Members
8. There shall be paid out of the funds of the board to the chairman and members, not being officers in the public services of the state such remuneration if any whether by way of salary and allowances as the governor may from time to time determine.
9. If the Governor is satisfied that a member:
- Has been convicted of an offence involving fraud or dishonesty and has served a sentence of imprisonment for that offence and has not received a free pardon; or
 - Is incapacitated by physical or mental illness from performing his functions as a member; or
 - Has such financial or other interests, whether in the operations of the Board or otherwise as in the opinion of the Governor, is likely to affect prejudicially the discharge by him of his functions as a member; or
 - Is otherwise unable or unfit to discharge the functions of member, the Governor may revoke the appointment of such member.
 - Notwithstanding anything contained in the provisions of this section, the Governor may at anytime remove any member from his office.

- Personal liability of Members
10. The Chairman and any member of the Board shall not be liable for any act, omission or default by the Board made in the course of the operations of the Board in good faith and in accordance with the provisions of this law.
- Executive Chairman
11. (1) The Chairman shall be chief executive of the Board and shall have the sole responsibility for carrying out the policies and decisions of the Board in accordance with the provisions of this law.
- (2) The Power of appointment, remuneration, control and discipline of the Executive Chairman shall vest in the Governor.
- Head of Departments
12. (1) The Board shall appoint the following Heads of Department in addition to any it may deem fit to appoint.
- The Director Administration who shall be the Head of Administration Department and shall perform such administrative functions as may be assigned to him by the Board.
 - Director Medical Services who shall be the Head of the Medical Department and shall be responsible for both curative and preventive medicine.

- (c) Director Pharmacy Service who shall be the Head of Pharmacy Department.
- (d) Director Nursing who shall be the Head of the Nursing Department.
- (e) Director Finance and Supply who shall be the Head of the Finance Department including stores.

(2) All officers appointed under sub-section (1) of this section shall be under the control of the Chairman but the power to exercise disciplinary control over them and to determine their terms and conditions of service shall be vested in the Board.

(3) Notwithstanding the provisions of sub-section (1) and (2) of this section the Board shall have power to appoint and exercise disciplinary control over such officer, servants and agents as it may think fit for the discharge of its functions under this law, and to determine their remunerations, terms and conditions of service.

Provisions of the Law to have effect on the bodies of staff transactional

13. The supplementary provisions contained in the first and second schedules shall have effect in relation to the constitution and proceedings of the
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bodies appointed under the provisions of this law and the transitional status of staff.

PART IV: PROPERTY AND FINANCE

Property of the Board

14. The governor may by order in the State Gazette transfer any of the properties, whether movable, immovable, held, used by or being applied for the purposes of the Ministry to the Board or vice-verse and as from the date such order any property so transferred under the said order shall without further assurance vest in the Board or the Ministry as the case may be.

Power of the Board to undertake maintenance of works

15. (1) The Board may undertake general maintenance and minor works services of hospitals, clinics, health institutions not exceeding maximum value of N2,000,000.
- (2) Subject to the provisions of this law, the Board may enter into, vary, perform and cancel such contracts as may be necessary or expedient for carrying into effect the provisions of this law.

Board to refer contract in excess of its limit to State FGPC

16. Notwithstanding the provisions of section 15 of this law, any contract that exceeds the sum of N2,000,000 shall be referred to the State Finance

and General Purposes Committee through the Ministry.

Revenue of the Board

17. The revenue of the Board shall include:
 - (a) Revenue from time to time accruing to the Board by way of Government grants, subvention or endowment or other forms of grant-in-aid;
 - (b) fees charged by and payable in respect of patients;
 - (c) any other amount, charge or dues recoverable by the Board;
 - (d) receipts for publications or services,
 - (e) Interest on investments;
 - (f) Donations and legacies; and
 - (g) Monies borrowed by the Board.

Board to present to the Commissioner estimates and expenditure for scrutiny and acceptance

18. Before the end of each financial year, or at such other times as may be required by the Commissioner, the Board shall present for scrutiny and acceptance by the Commissioner, estimates of revenue and expenditure for the ensuring financial year and, the accepted estimates of revenue and expenditure for the ensuring financial year and the accepted estimates shall be placed by the Commissioner before the Governor for approval.

Audit of Accounts

19. (1) The accounts of the Board shall be audited by the Auditor General of the State or by any person authorized by him in that behalf.

- (2) The Auditor General shall have the right of access to books, account, vouchers and other documents of the Board and shall be entitled to such information and explanations as may be deemed necessary for the audit of the Board's account.

Statement of Accounts

20. (1) There shall be prepared a statement of revenue and expenditure during the previous financial year together with a statement of assets and liabilities of the Board as at the last the last day of the financial year.
- (2) The said, statement, duly certified by the Auditor General shall after verification by the Board, together with the auditors' report, be forwarded to the Commissioner who shall cause the same to be placed before the Governor.

PART V:

MISCELLANEOUS PROVISION

Common seal of the Board

21. (1) The Secretary shall have the custody of the common Seal of the Board and shall be responsible for affixing same to documents.

Power of
Commissioner
to give directions

- (2) The common Seal of the Board shall not be used except upon the direction of the Board and shall be authenticated by the signatures of the Chairman and the Secretary in the manner specified by the law and shall be officially and judicially noticed.

22. (1) The Commissioner may give to the Board directions of a specific or general nature as to the discharge by the Board of its functions in relation to matters appearing to the Commissioner to affect the public interest and the Board shall give effect to such directions.

- (2) The Board shall afford to the Commissioner facilities for obtaining information with respect to the property of the Board and the functions of the Board and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification by him personally or his authorized representatives of the information furnished in such manner and at such times as he may require.

Settlement
of disputes

23. In the event of any doubt or dispute arising at any time from the function of the Board under this law, the matter shall be referred to the commissioner for final decision.

Repeal of Edict
SS 18 of 1986

24. (1) The State Health Services Management Board Edict, No. 18 of 1986 applicable to Zamfara State is hereby repealed.

- (2) Nothing in this law shall affect any order, rules, regulation, appointment, resolution, agreement made, direction given, proceeding taken, instrument issued or things done under the provisions of the repealed edict by the Board, until revoked or replaced under the provisions of the law.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO THE BOARD AND OTHER CONSTITUENT BODIES

Meeting of
the Board

1. (1) the Chairman or in his absence the person appointed to act as chairman may at any time direct the Secretary to summon a meeting of the board.
- (2) Any four members of the Board may by notice in writing signed by them request the chairman to summon a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon order a special meeting to be summoned.

- (3) The Board shall meet at such times and places as the Chairman may appoint provided that the Board must hold at least four meetings in each year.
- (4) At the meeting of the Board:
- (a) The Chairman of the Board shall, if present, be the Chairman of the meeting;
- (b) If and so long as the Chairman is not present, or if the office of the Chairman is vacant, the members of the Board who are present shall choose one of their members to be the Chairman of the meeting.
- Cooptation of members 2. Whereupon any special account the Board desires to obtain any advice of or any special information from any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

- Quorum of the Board 3. The quorum for any meeting of the Board shall be two-third of the total number of the members of the Board and shall include the Chairman and the Director, Secretary and such other members.
- Voting 4. (1) Every question before the board or any other body established under the provisions of this law at any meeting shall be determined by a simple majority of the members present and voting.
- (2) Each member present and voting at any meeting shall have one vote but in the case of any equal division of votes the Chairman of the meeting shall have a second and casting vote.
- Taking of minutes meeting 5. (1) Where the Secretary is absent at a meeting of the Board or any of the bodies established under this law, the Chairman thereof may appoint any suitable person to act as Secretary for the particular meeting.
- (2) The Secretary shall keep an accurate record of the minutes of the meeting in the minute book provided for such purpose.
- (3) The minutes of every meeting shall be signed by the Chairman and Secretary of the meeting after it has been approved at the next meeting.

Appointment of committees 6. The Board may appoint committees to which it may delegate any of its responsibilities, powers and functions.

Standing orders 7. Without prejudice to any of the provisions of this law the Board may with approval of the Commissioner make standing orders with respect to the holding of its meetings, the notices to be given of such meetings the proceedings thereat, the keeping, custody and production for inspection of such minutes and any other matter that may be considered necessary or desirable.

SECOND SCHEDULE TRANSITIONAL STATUS OF STAFF

Contract Officer 1. All existing officers posted to the Board shall retain their contractual relationship with the Board as if they were employed in the Civil Service and all rights and benefit accruing to such officers shall be presumed to accrue to them under the Board

2. All pensions and gratuities should be governed by pension and gratuity terms applicable to public officers in the state or the Board's approved conditions of service.

THIRD SCHEDULE

PART I

FUNCTIONS OF THE STATE MINISTRY OF HEALTH

1. To be responsible for over-seeing the implementation of National Health Policies in the State.
2. To be responsible for the formulation of the general health policies for the State.
3. To be responsible for providing funds necessary for the running of Health services in the State.
4. To monitor progress and the use of allocated resources.
5. To collect and analyse vital statistics.
6. To be responsible for registration of health facilities provided by the private practitioners and for even distribution of Health Services provided by the Government.
7. To inspect regularly the running of professional affairs of the Board.
8. To be responsible for the bulk purchase of drugs and poison control.
9. To be responsible for Health Programmes.

10. To be responsible for medical and other related training institutions especially for sub-professional levels such as Technologists, technicians, Assistants and Aides.
11. Inter-sectoral health care linkages at State levels and State Public Health Laboratories.
12. To be responsible for capital projects.

PART II
FUNCTIONS OF THE STATE HEALTH SERVICES
MANAGEMENT BOARD

1. To be responsible for the overall maintenance and management of Health Services throughout the State within the framework of State and National Health Policies.
2. Provide information and advice to the State Ministry of Health to facilitate the development of realistic State policies and plans.
3. Develop strategies for the execution of General Health policies and programmes devised by the state Ministry of Health.
4. Direct, motivate and control the performance of officers at its Headquarters.

5. Ensure the progress is in accordance with approved objectives targets and budgets and that services are being provided with efficiency and accuracy.
6. Undertaking general maintenance and minor works services of hospitals, clinics and health institutions, other than training institutions, up to a maximum value of N250,000.
7. Ensure coordination and integration of the various Health Services in the State, and in turn their coordination with those of the Local Government Authorities.
8. Ensure that there is a balance of Health Care as between preventive, curative, educative and rehabilitative.
9. Provide comprehensive statistics of the performance of the State in delivering health care in conformity with Federal requirements.
10. Submit requests for funds to the State Ministry of Health in accordance with soundly based plans, and resolve competing claims in relation to agreed priorities.
11. Review continually existing methods of funding health care and make suggestions to the State Ministry of Health for new or alternative sources of finance.

12. Employ, promote and discipline all Health Services staff within its jurisdiction including those in its Headquarters provided it shall delegate to the Director:-
 - (a) Power to employ, promote and discipline all staff on levels 01 – 06 with the right to appeals to it in respect of dismissals of permanent staff;
 - (b) Disciplinary powers other than that of dismissals, in respect of staff on level 07 and above, also with right to appeal to it.
13. Include a high level of morale and motivation throughout the State, the promotion and implementation of sound personnel policies.
 - a. Enter and sign an agreement on behalf of the state with any person who wished to be sponsored to study as a Medical Doctor in any Tertiary Institution in Nigeria or abroad by the State Government as Bond specified in forth schedule to this Law.
 - b. To receive signed letter of intent to guarantee specified in the fifth schedule to this Law.

14. Ensure that all Health Services personnel receive the right amount and level of training to ensure competence in operating and adequate opportunities for advancement.
15. Advise the State Ministry of Health on all aspects of health care delivery.
16. Receive, investigate and take action promptly upon all complaints from whatever source regarding health service matters within its jurisdiction.
17. Maintain regular contact with medical professional bodies in the State to ensure constant awareness of staff thinking and attitudes.
18. Carry out such other health functions and general directions compatible with its autonomy as may be passed to it by the State Ministry of Health
19. Co-operate with Teaching Hospitals and Research Institutes as applicable so as to maximize the effective use of resources within the health institutions in the State.
20. To monitor the effectiveness of all services provided by it.

21. To take correction and reinforcing action on deviations from plans.
22. To provide adequate ambulance services to all Hospitals in the State.
23. Maintain and repair buildings and equipments in all Hospitals in the State.



ZAMFARA STATE GOVERNMENT OF NIGERIA

BOND

Hospitals Services Management Board, Gusau

Name of Institution: _____

Course: _____

Duration: _____

**(THIS AGREEMENT MUST BE ACCOMPANIED WITH DULY
COMPLETED LETTER OF INTENT GUARANTEE AND
CERTIFICATE OF LOCAL GOVERNMENT ORIGIN)**