

P.N.D.C.L. 209**HOSPITALS ADMINISTRATION ACT, 1988**

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P.N.D.C.L. 209**HOSPITALS ADMINISTRATION ACT, 1988¹**

AN ACT to provide for the government and administration of teaching hospitals and for related matters.

*Teaching Hospital Authorities***1. Establishment of the Teaching Hospital Authority**

(1) There shall be established for the purpose of the management and administration of each Teaching Hospital a body to be known as the Teaching Hospital Authority.

(2) A Teaching Hospital Authority is a body corporate and shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) A Teaching Hospital Authority may, subject to this Act, acquire and hold movable or immovable property, dispose of that property and enter into a contract or any other transaction.

1. This Act was issued as the Hospitals Administration Law, 1988 (P.N.D.C.L. 209) made on the 30th day of September, 1988 and notified in the *Gazette* on 16th December, 1988.

2. Functions of a Teaching Hospital Authority

Without prejudice to section 1, a Teaching Hospital Authority shall

- (a) formulate policies and develop plans and strategies to make the teaching hospital self-financing;
- (b) formulate plans for the improvement of the standard of health services provided for patients at the teaching hospital;
- (c) ensure the implementation of the policies, plans and programmes by the appropriate units at the teaching hospital;
- (d) provide for the teaching hospital the facilities, including adequate accommodation and equipment, that appear to the Board to be necessary for teaching and research;
- (e) subject to the limitations that are provided in this Act, acquire and maintain the hospital equipment and the movable and immovable property of the teaching hospital;
- (f) undertake periodic assessment of the manpower, physical and financial resources of the teaching hospital;
- (g) recommend to the Minister the scale of fees to be paid by patients.
- (h) *omitted.*²

3. Limitations on functions of a Teaching Hospital Authority

(1) The functions of a Teaching Hospital Authority under this Act shall be performed subject to the policy directives determined by the Minister.

(2) Subject to the Public Procurement Act, 2003 (Act 663) a Teaching Hospital Authority shall not enter into a contract in respect of movable or immovable property or work or services for the hospital the total value of which exceeds twenty million cedis in any one financial year, or a sum of money determined by the Minister in writing.

4. The governing body of the Authority

(1) The governing body of a Teaching Hospital Authority is a Board consisting of

- (a) the chairman and four other persons including at least one woman,
- (b) the chief administrator appointed under section 6,
- (c) the Dean of the relevant Medical School,
- (d) one representative of the Ministry of Health, and
- (e) one representative of the Ministry of Finance and Economic Planning.

(2) The members of a Board shall be appointed by the President in accordance with article 70 of the Constitution.

2. A public corporation by virtue of article 295 of the Constitution is a public service and the appointment of staff and their remuneration fall under the purview of the President.

(3) A member of a Board, other than an ex officio member, shall hold office for a period of four years.

(4) A member of a Board is eligible for re-appointment.

(5) A member of a Board may at any time resign from office by giving notice in writing addressed to the President.

(6) The President may at any time remove a member of the Board from office if in the opinion of the President it is in the national interest to do so.

(7) Where the office of a member, other than an ex officio member of a Board, becomes vacant, the Minister shall recommend another person to be appointed by the President to fill the vacancy.

(8) The members of a Board shall hold office on the terms and conditions, including the payment of allowances or remuneration determined by the President on the recommendation of the Minister responsible for Finance.

5. Meetings of a Board

(1) A Board shall meet at least once every month at the times and places determined by the chairman.

(2) The chairman shall preside at the meetings of the Board and in the absence of the chairman, a member of the Board elected by the members present shall preside.

(3) The quorum at a meeting of a Board is five.

(4) A Council may co-opt a person to act as an advisor at any of its meetings but a person so co-opted shall not vote on a matter for decision before the Board.

(5) A member of a Board who has an interest, direct or indirect, in a company or an undertaking which has financial concern in a matter that is a subject for the consideration of the Council shall disclose in writing to the Board the nature of the interest and shall not participate in a discussion or decision of the Board relating to that matter.

(6) A member of a Board who fails to disclose interest under subsection (5) ceases to be a member.

(7) Subject to this Act, a Board shall regulate its own procedures.

6. Chief administrator of a Teaching Hospital Authority

(1) There shall be appointed by the President in accordance with article 195 of the Constitution, a chief administrator for each Teaching Hospital Authority.

(2) A chief administrator is responsible for the execution of the policies and decisions of the Board and for the day to day administration of the affairs of the Teaching Hospital.

(3) A chief administrator shall hold office on the terms and conditions that the President, acting on the advice of the Board, shall determine.

(4) Where a chief administrator is temporarily incapacitated from the performance of functions under this Act, the Board may authorise a senior employee of the Teaching Hospital Authority to perform those functions for the duration of the incapacity.

(5) A chief administrator may, subject to this Act, delegate to a senior employee of the Teaching Hospital Authority any of the functions of the chief administrator under this Act.

(6) A chief administrator is not relieved from the ultimate responsibility of a delegated function.

7. Secretary of a Teaching Hospital Authority

(1) A Teaching Hospital Authority shall appoint an officer to be designated as the hospital secretary.

(2) A hospital secretary shall act as the secretary to the Board and shall perform any other functions as are assigned by the Board, or the chief administrator.

8. Other staff of a Teaching Hospital Authority

(1) The President may engage for a Teaching Hospital Authority any other employees as are necessary for the proper and efficient performance of the functions of a Teaching Hospital Authority.

(2) A Board shall in consultation with the appropriate medical school, appoint the heads of units of the teaching hospital.

(3) A Teaching Hospital Authority may engage the services of consultants and advisors as are necessary for the proper and efficient performance of its functions on the terms and conditions determined by the Board.

9. Committees of a Board

(1) A Teaching Hospital Authority may appoint the committees determined by the Board to assist it in the performance of its functions and may delegate to the committee any of its functions.

(2) Without prejudice to subsection (1), the Board shall for the performance of the functions of the Teaching Hospital Authority under section 2, appoint

- (a) the finance committee,
- (b) the technical and planning committee, and
- (c) the staff development and disciplinary committee.

(3) A member of the Board shall be the chairman of a committee appointed under this section.

(4) The members of a committee shall be appointed on the terms and conditions including the payment of remuneration or allowances determined by the Board.

10. Functions of a finance committee

The finance committee shall

- (a) submit proposals for the hospital budget to the Board,

- (b) advise the Board on fiscal matters and programmes for the teaching hospital,
- (c) monitor hospital revenue and expenditure and make recommendations to the Board,
- (d) propose to the Board the scale of hospital fees,
- (e) advise the Board on investment opportunities and methods of improving the funds of the Teaching Hospital Authority,
- (f) submit quarterly and annual reports on the finance of the teaching hospital to the Board, and
- (g) perform any other functions determined by the Board.

11. Functions of a technical and planning committee

The technical and planning committee shall

- (a) advise the Board on the quality of medical care, and the standard of skill required of the technical staff of the teaching hospital,
- (b) advise the Board on medical equipment and supplies requirements of the teaching hospital,
- (c) propose manpower structure and research programmes to the Board, and
- (d) advise the Board on any other technical matter.

12. Functions of a staff development and disciplinary committee

The staff development and disciplinary committee shall

- (a) advise the Board on measures to motivate staff and promote efficiency,
- (b) deal with the disciplinary matters referred to it by the Board, and
- (c) advise the Board on measures to create and maintain at the teaching hospital the conditions that are conducive to the attainment of a high level of discipline by the staff.

13. House committees

Without prejudice to subsection (2) of section 9, there shall be established in each teaching hospital a house committee consisting of

- (a) the chief administrator of the teaching hospital,
- (b) the hospital secretary,
- (c) the matron of the teaching hospital,
- (d) the engineer of the teaching hospital,
- (e) the supplies officer of the teaching hospital,
- (f) four persons being representatives of the clinical staff of the teaching hospital, and

- (g) three representatives of the Trades Union Congress of the teaching hospital.³

14. Functions of the house committee

The house committee of a Teaching Hospital shall

- (a) explain policies and directives of the Board to members of staff of the hospital,
- (b) develop measures to promote the co-ordination of the activities of the various units of the hospital, and
- (c) provide information to the chief administrator on difficulties encountered in the implementation of the decision of the Board.

Regional Hospitals Authorities

15. Establishment of Regional Hospitals Authorities

(1) There shall be established in each Region for the purposes of the management and administration of the hospitals, other than teaching hospitals and health stations in the Region, a body corporate to be known as the Regional Hospitals Authority.

(2) A Regional Hospitals Authority is a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) A Regional Hospitals Authority may, subject to this Act, acquire and hold movable or immovable property, dispose of that property and enter into a contract or any other transaction on behalf of the hospitals and health stations in the Region.

16. Functions of a Regional Hospitals Authority

(1) A Regional Hospitals Authority shall

- (a) formulate policies and develop plans and strategies to make the hospitals and health stations in the Region self financing;
- (b) make appropriate plans to improve the standard of health services provided for patients at hospitals and health stations in the Region;
- (c) ensure the implementation of the policies, plans and programmes of the Regional Hospitals Authority by the appropriate unit at the hospitals and health stations;
- (d) provide the hospitals and health stations in the Region with facilities including accommodation and equipment required for clinical work;
- (e) undertake periodic assessment of the manpower, physical and financial resources of the hospitals and health stations in the Region;
- (f) recommend to the Minister the scale of fees to be paid by patients at hospitals and health stations in the Region;

3. The reference to the Committee of the Defence of the Revolution has been omitted as that Committee does not now exist.

- (g) subject to section 19, acquire and maintain the equipment, furniture and any other movable or immovable property required by the hospitals and health stations in the Region;
- (h) appoint staff for the hospitals and health stations under its authority and determine the remuneration and benefits of the staff, subject to article 195 of the Constitution.

(2) Subject to article 195 of the Constitution, a Regional Hospitals Authority may delegate to the management committee of a hospital or health station under its authority the appointment of personnel of the grade of orderlies and below for the hospital or health station.

17. Limitations on functions of a Regional Hospitals Authority

(1) The functions of a Regional Hospitals Authority under this Act shall be performed subject to the policy directives determined by the Minister.

(2) A Regional Hospitals Authority shall not enter into a contract in respect of movable or immovable property or work or services for the hospitals and health stations in the Region the total value of which exceeds fifty million cedis in any one financial year or a sum of money determined by the Minister in writing.

18. The Governing body of a Regional Hospitals Authority

(1) The governing body of a Regional Hospitals Authority is a regional council consisting of

- (a) the chairman,
- (b) the regional director of health services,
- (c) one representative of the regional administration,
- (d) the senior medical practitioner in the hospital service in the Region,
- (e) one local representative of the Christian Health Association of Ghana, and
- (f) four other persons including at least one woman nominated by the regional council in consultation with the Minister who by reason of their interest in health matters and their ability and experience in management are capable of contributing to the work of the Regional Hospitals Board.

(2) The members of the regional council shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The provisions of subsection (3) to subsection (8) of section 4 relating to the members of a Board shall apply with the necessary modifications to the members of a regional council.

19. Meetings of a regional council

The provisions of section 5 relating to the meetings of the members of a Board shall apply with the necessary modifications to the meetings of the members of a regional council.

20. Functions of the regional director of health services

The regional director of health services in each Region is responsible for the implementation of the policies and decisions of the Regional Hospitals Authority and for the supervision of the administration of hospitals and health stations in the Region.

21. Secretary of a Regional Hospitals Authority

(1) A Regional Hospitals Authority shall have an officer to be designated the secretary who shall be secretary to the regional council.

(2) The secretary of a regional council shall be appointed by the Minister on the recommendation of the regional council.

22. Other staff of a Regional Hospitals Authority

(1) A Regional Hospitals Authority may engage the employees that are necessary for the proper and efficient performance of the functions of the Regional Hospitals Authority.

(2) A Regional Hospitals Authority may engage the services of the consultants and advisors that are necessary for the proper and efficient performance of the functions of the Regional Hospitals Authority, on the terms and condition that it determines.

23. Committees of a regional council

(1) A regional council may appoint the committees that it may determine to assist it in the performance of its functions and may assign to the committee any of its functions.

(2) The members of the committees shall be appointed on the terms and conditions including the payment of remuneration or allowances determined by the regional council.

(3) A committee of a regional council shall regulate the procedure for its meetings.

(4) Without prejudice to subsection (1) a regional council shall, for the performance of the functions of Regional Hospitals Authority appoint

- (a) the finance committee,
- (b) the technical and planning committee,
- (c) the staff development and disciplinary committee.

24. Functions of the finance committee of a regional council

The finance committee of a regional council shall

- (a) examine and recommend the budget of the hospitals and health stations in the Region to the regional council,
- (b) advise the regional council on fiscal policies and programmes of the hospital,
- (c) monitor hospital revenue and expenditure and make recommendations to the regional council,
- (d) recommend to the regional council scale of fees for hospitals and health stations in the Region,

- (e) recommend to the regional council investment opportunities and methods for improving the funds of the Regional Hospitals Authority, and
- (f) perform any other functions that the regional council may direct.

25. Functions of the technical and planning committee of a regional council

The technical and planning committee of a regional council shall

- (a) advise the regional council on the quality of medical care required in hospitals and health stations in the Region and the standard of skill required of their technical staff,
- (b) advise the regional council on medical equipment and supplies requirements of the Region,
- (c) propose manpower structure and needs of health institutions under the Regional Hospitals Board, and
- (d) advise the regional council on any other technical matter.

26. Functions of a staff development and disciplinary committee of a Regional Hospitals Authority

The functions of the staff development and disciplinary committee of a regional council shall be the same as those of the staff development and disciplinary committee of a Board provided under section 12.

*Management Committees***27. Establishment of management committees for hospitals**

There shall be established in every hospital in each Region a management committee which shall be under the control and supervision of the regional council.

28. Composition of management committee

- (1) A management committee shall consist of
 - (a) the chairman appointed by the regional council on the recommendation of the district health advisory council,
 - (b) the hospital administrator,
 - (c) the hospital secretary,
 - (d) the finance officer or the most senior accounts officer of the hospital,
 - (e) the heads of the clinical units, where applicable,
 - (f) the matron of the hospital,
 - (g) the pharmacist of the hospital,
 - (h) three other persons resident in the locality of the hospital including at least one woman appointed by the District Assemblies, who by reason of their interest in health matters and their ability and experience in management are capable of contributing to the work of the committee,

- (i) *omitted*,⁴
- (j) one representative of the health services workers' union.

(2) A member of a management committee other than an ex officio member shall hold office for a period of three years.

(3) The provisions of subsection (3) to subsection (8) of section 4 shall apply with the necessary modifications to the members of management committees.

29. Functions of a management committee

A management committee shall

- (a) ensure effective management and proper financial performance of the hospital,
- (b) ensure proper maintenance of facilities in the hospital,
- (c) ensure the provision of good facilities for the care of patients at the hospital,
- (d) ensure good working relationships among the grades of staff at the hospital,
- (e) consider and determine appeals on disciplinary matters referred to it, and
- (f) perform any other functions that the regional council may assign to it.

30. Establishment of a health station management committee

There shall be established in each health station a management committee which shall be under the control and supervision of the regional council.

31. Composition of a health station management committee

- (1) A health station management committee shall consist of
- (a) the chairman appointed by the regional council on the recommendation of the district health advisory council,
 - (b) the medical officer or medical assistant in charge of the health station,
 - (c) the executive officer of the health station,
 - (d) two representatives of the technical staff of the health station,
 - (e) two persons resident within the area of the health station appointed by the regional council one of whom is a woman.
 - (f) *omitted*.⁵

(2) A member of the health station management committee other than an ex officio member shall hold office for a period of three years.

4. The reference to the Committee for the Defence of the Revolution has been omitted as that committee does not now exist.

5. The reference to the Committee for the Defence of the Revolution has been omitted as that Committee does not now exist.

(3) The provisions of subsection (3) to subsection (8) of section 4 shall apply with the necessary modifications to the members of a health station management committee.

32. Functions of a health station management committee

A health station management committee is responsible, subject to directions of the regional council for the management of the health station for which it is established, and shall perform any other functions directed by the regional council.

Financial and General Provisions

33. Funds of Hospital Authorities

The funds of a Teaching Hospital Authority and a Regional Hospitals Authority include

- (a) the moneys provided from the Consolidated Fund for the performance of the functions of the Hospital Authority,
- (b) moneys derived from hospital fees as directed by the Minister,
- (c) moneys borrowed by the Hospital Authority,
- (d) moneys derived from the proceeds of an investment made by the Hospital Authority, and
- (e) gifts, bequests and endowments.

34. Estimates of income and expenditure of a Hospital Authority

A Hospital Board shall submit to the Minister detailed estimates of the income of the Hospital Board and of its expenditure for the next financial year.

35. Proper books of account

A Hospital Authority shall keep proper books of account and proper records in relation to the accounts of each Hospital Board in the form approved by the Auditor-General.

36. Annual report of Hospital Authorities

A Hospital Authority shall submit to the Minister not later than three months after the end of each year, a report on its activities during that year, together with a balance sheet and statement of income and expenditure for that year.

37. Audit

The books and accounts of a Hospital Authority shall be audited each year by the Auditor-General.

38. Proper accounts and quarterly financial reports

(1) A management committee established under this Act shall keep proper accounts of the moneys received and spent by it.

(2) A management committee shall not later than thirty days after the end of every three months submit to the regional council a report on its financial activities during the preceding three months.

39. Internal auditor

(1) A Hospital Authority shall appoint an internal auditor with the approval of the Minister on the terms and conditions determined by the Hospital Authority.

(2) Subject to this Act, the internal auditor of a Hospital Authority is responsible to the chief administrator or the regional director of health services for the performance of functions.

(3) The internal auditor shall at intervals of three months prepare a report on the audit carried out during the period of three months immediately preceding the preparation of the report and submit the report to the chief administrator or the regional director of health services.

(4) The chief administrator or the regional director of health services shall as soon as practicable after receiving the report forward copies to the chairman of the Board or the regional council and to the Auditor-General.

(5) This section shall be read as one with the Internal Audit Agency Act, 2003 (Act 658) and where there is a conflict that Act shall prevail.

40. Financial year

The financial year of a Hospital Authority shall be the same as that of the Government.

41. Regulations

The Minister may, by legislative instrument, make Regulations for carrying this Act into effect.

42. Dissolution of Hospitals (Accra)

*Omitted.*⁶

43. Transfer of assets, etc. to Hospital Authorities

*Spent.*⁷

6. The section provides for the dissolution of—
The Hospitals (Accra) Management Board as established under the Hospitals (Accra) Management Board Instrument, 1968 (L.I. 577).

7. The section reads:

“(1) All assets, rights, obligations and liabilities of the dissolved Hospital (Accra) Management Board existing immediately before the commencement of this Law are hereby transferred to the Korle Bu Teaching Hospital Board established under this Law without any further assurance.

(2) All assets, rights obligations and liabilities of the Komfo Anokye Teaching Hospital existing immediately before the commencement of this Law are hereby transferred to the Komfo Anokye Teaching Hospital Board established under this Law without any further assurance.

(3) All the assets, rights, obligations and liabilities of all hospitals and health stations in each Region existing immediately before the commencement of this Law are hereby transferred without any further assurance to the Regional Board as established under this Law.”

44. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Board**” means the governing body of a Teaching Hospital Authority;

“**hospital**” means a government-financed hospital, Psychiatric Hospital or Leprosarium;

“**Hospital Board**” includes a Teaching Hospital Board and a Regional Hospitals Board;

“**health station**” means a central or local government-financed health post, health centre, health clinic or any other central or local government-financed medical station other than a hospital;

“**Minister**” means the Minister responsible for Health;

“**Region**” means a region of the Republic;

“**regional hospital**” means the hospital designated by executive instrument as the principal hospital in the Region by the Minister;

“**senior medical practitioner**” means a medical practitioner of the rank of Specialist or Principal Medical Officer.

45. Modification of Mental Health Act, 1972

Where there is a conflict between a provision of the Mental Health Act, 1972⁸ and a provision of this Act, the provision of this Act shall prevail.

46. Revocation of L. I. 577

*Spent.*⁹

8. N.R.C.D. 30.

9. The Hospitals (Accra) Management Board Instrument, 1968 (L. I. 577).