

A BILL

FOR

AN ACT TO AMEND THE NATIONAL HEALTH ACT NO.8 OF 2014 TO PROVIDE A FRAMEWORK FOR THE ESTABLISHMENT OF A NATIONAL QUALITY ACCREDITATION COMMISSION, FEDERAL TERTIARY INSTITUTION COMMISSION AND FOR RELATED MATTERS, 2023

Sponsored by Hon. Adedayo Adesola Samuel

[1 Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- 1 **1.** The National Health Act No 8 of 2014 (in this Bill referred
2 to as "the Principal Act") is amended as set out in this Bill. Amendment of
Cap M8 LFN
2004
- 3 **2.** Section 1(1) of the Act is amended by inserting after paragraph
4 (e) a new paragraph (f) and (g) to the subsection and numbered accordingly. Insertion of new
Section 1A
Primary Health
Care Under
One Ro
5 (f) Promote public health and strengthen the framework for health
6 security in Nigeria.
- 7 **3.** The Principal Act is amended by inserting after section 1 a new Insertion of new
Section 2(4)(A)
8 section "1A" and renumbered accordingly-
- 9 1A. The National Primary Health Care Agency shall ensure the full
10 implementation of Primary Health Care Under One Roof policy.
- 11 **4.** Section 4(3) of the Principal Act is hereby amended and hereby Amendment of
Section 4
National Council
on Health meeting
12 replaced with the new Section 4 (3) as follows, and renumbered
13 accordingly:
- 14 (4) The National Council on Health shall meet at least twice in a
15 year.
- 16 Insertion of section 4(3) (b) Insertion of subsection (b) to the new section
17 4(3) to read:
- 18 (b) In addition to the Council general meetings as set out in section
19 4 (3), the Minister shall have the power to establish committees as may be

Repeal of	1	relevant and shall convene meetings as frequently as necessary.
Section 9	2	
Establishment	2	5. Sections 9 of the Principal Act are hereby repealed and replaced
of the Federal	3	with the following:
Tertiary Institutions	3	
Commission	4	9(1) There is hereby established a Commission to be known as the
Functions of te	4	Federal Tertiary Institutions Commission.
Commission	5	
	6	(2)The functions of the Commission shall be to:
	7	(a) Advise the President on matters affecting the establishment of
	8	tertiary hospitals in Nigeria;
	9	(b) Supervise the activities of all federal tertiary hospitals;
	10	(c) Set out requirements for tertiary hospitals and specialist hospitals;
	11	(d) Designate facilities that meet all the set requirements and seek
	12	registration as "Tertiary Hospitals' or as "Specialist Hospitals;
	13	(e) Regulate and accredit federal tertiary hospitals and set standards
	14	for federal tertiary hospitals and specialist hospitals in the Federal Capital
	15	Territory;
	16	(f) Evaluate performance based on set standards by at least a
	17	monitoring visit twice a year;
	18	(g) Evaluate performance based on set standards by at least a
	19	monitoring visit twice a year;
	20	(h) Process applications for registration submitted to the Commission
	21	from any person and inspect the premises to be registered under this Act;
	22	(i) Collate all necessary information on registered health facilities
	23	under this section;
	24	(j) Prepare periodic master plans for the balanced and coordinated
	25	development of tertiary hospitals in Nigeria;
	26	(k) Establish minimum standards to be attained by the various tertiary
	27	health facilities in the nation and also inspect and accredit such facilities;
	28	(l) Make relevant investigations and recommendations to the Federal
	29	and State Governments on tertiary health care services in the national interest;
	30	(m) Advise the Federal Government on the financial needs, both

1 recurrent and capital, of tertiary health services and in particular investigate
2 and study the financial needs for training, research and services and make
3 appropriate recommendations for these;

4 (n) Set standards and criteria for the allocation of funds from the
5 Federal Government to tertiary health institutions and monitor their
6 utilization, and source for grants as laid down by the Commission;

7 (o) Collate, analyse and publish information on tertiary health
8 care services and specialist hospitals in the Federal Capital Territory
9 annually;

10 (p) Lay down broad operational guidelines in all areas of
11 management for tertiary hospitals;

12 (q) Monitor and evaluate all activities and receive annual reports
13 from the tertiary hospitals and specialist hospitals in the Federal Capital
14 Territory and supervise annual peer reviews; and

15 ® carry out such other activities as are conducive for the discharge of its
16 functions under this Act.

17 (3) The Minister shall provide supervision of a general nature
18 to the Commission.

Minister to give
general supervision

19 (4) The Commission shall have the power to do the following:

Powers of the
Commission

20 (a) Formulate and establish, standards, rules, policies and
21 guidelines for Federal Tertiary Health Facilities;

22 (b) Ensure the effective implementation of the standards, policy
23 and operational guidelines formulated;

24 (c) Sanction erring facilities by its operational guidelines and
25 collect, such fees, levies and penalties provided for under its operational
26 guidelines;

27 (d) Receive applications for registration of premises as a Federal
28 tertiary health facility;

29 (e) Inspect any premises to be registered as a health facility at the
30 national level;

1 (f) Issue certificate of registration in respect of any premises
2 registered under this Act;

3 (g) Charge fees payable for application forms and for any other
4 services rendered under this Act;

5 (h) Appoint franchise companies to monitor, inspect and ensure
6 compliance with this Act by all health facilities at the National level;

7 (i) Supervise all Tertiary health facilities and ensure that they comply
8 with the established standard, guidelines, policy;

9 (j) Monitor compliance with the set standards;

10 (k) Suspend, revoke or cancel any certification of accreditation issued
11 by the Commission;

12 (l) Enforce compliance for the improvement of health services to
13 patients;

14 (m) Develop a register of all accredited facilities; and

15 (n) Do such other things as are necessary to ensure the performance of
16 the functions of the Commission under the Act.

17 (4) All Federal Tertiary Health Institutions shall receive performance-
18 based payments to be paid by the National Health Insurance Authority.

19 (5) There is established for the Commission a Governing Board (in
20 this Act referred to as "the Board") charged with the administration of the
21 affairs of the Commission.

22 (6) The Board shall be appointed by the President, on the
23 recommendation of the Minister of Health and shall consist of:

24 (a) The Chairman who shall be a person in the health profession with
25 extensive knowledge and experience in health service delivery, planning and
26 organization; and

27 (b) Other members of the Board which shall be:

28 (i) Two representatives of Chief Medical Directors of tertiary
29 hospitals to be selected in rotation;

30 (ii) The Registrars of all health professions regulatory agencies or

1 councils in Nigeria;

2 (iii) Six persons appointed on merit by the President, one from each
3 geographical zone to represent the public interest at least two of whom shall
4 be women;

5 (iv) One person to represent the private health sector; and

6 (v) The Director, Department of Hospital Services, Federal
7 Ministry of Health who shall be a member and Secretary of the Commission.

8 (7) The Chairman shall hold office for a term of four years in the
9 first instance and may be re-appointed for another term of four years and no
10 more.

11 (8) A member of the Commission shall hold office for a term of
12 four years and may be reappointed for a term of four years and no more, on
13 such terms and conditions as may be specified in his letter of appointment.

14 (9) Notwithstanding the provisions of this Act, a member of the
15 Board shall cease to hold office as a member of the Board if:

16 (a) He or she resigns his appointment has a member by a notice
17 under his hand, addressed to the President;

18 (b) His or her term of office expires;

19 (c) He or she dies;

20 (d) He or she becomes of unsound mind;

21 (e) He or she becomes bankrupt or makes a compromise with his
22 creditors;

23 (f) He or she is convicted of a felony or any offence involving
24 dishonesty or corruption; or

25 (g) He or she becomes incapable of the functions of his office either
26 arising from the affinity of mind or body;

27 (h) In the case of an ex-officio member, he/she ceases to hold the
28 office on the Basis of which he became a member of the Board.

29 (10) In the event of a vacancy, the President shall appoint a
30 replacement with the same requisite experience of the immediate past

1 member that vacated the office to continue the remaining tenure.

2 (11) The Chairman, and other members of the Board shall be paid
3 such emoluments, allowances and incidental expenses as may be
4 determined by the appropriate agency of the Federal Government of Nigeria,
5 from time to time.

6 (12) The Commission shall meet not less than four times in a year, and
7 such meeting shall be presided by the Chairman.

8 (13) The Commission shall regulate its own procedure and the
9 quorum shall be two-thirds majority of its members.

The Functions
of the Board

10 (14). The functions of the Board shall include:

11 (a) Formulating and providing general and policies, guidelines for the
12 discharge of the functions of the Commission;

13 (b) Monitor and ensure the implementation of the policies and
14 programmes of the Commission; and

15 (c) Carry out such other functions as are necessary or expedient to
16 ensure the efficient performance of the functions of the Commission under the
17 Act.

Power of the
Board

18 (15) The Board shall have power to:

19 (a) approve rules and regulations relating to the appointment,
20 promotion and disciplinary measures for the employees of the Commission;

21 (b) Fix the remuneration, allowance and benefits of the employees of
22 the Commission; and

23 (c) Regulate its proceedings and make standing orders concerning the
24 holding of its meetings, notices to be given, the keeping of minutes of its
25 proceedings and such other matters as the Board may, from time to time
26 determine.

Repeal of
section 10

27 **6.** Section 10 of the Principal Act is hereby repealed and replaced with
28 the following:

29 (1) There shall be for the Commission a Chief Executive Officer who

1 shall be appointed by the President on the recommendation of the Minister
2 of Health.

3 (2) The Chief Executive Officer shall-

4 (a) Be appointed after a competitive process and shall have at least
5 ten years experience in health quality at senior health management level and
6 in either the private or the public sector;

7 (b) If from the public sector shall not hold lower than the rank of
8 Director; and

9 (c) be a person of integrity with relevant qualifications.

10 (3) He or she shall hold office:

11 (i) for a period of four years in the first instance and may be re-
12 appointed for a further term of four years only; and

13 (b) on such terms and conditions as may be specified in the letter of
14 appointment

15 (4) The Chief Executive Officer shall be the Accounting Officer of
16 the Commission and be responsible to the Board.

17 (5) The Chief Executive Officer shall, subject to the general
18 direction of the Board, be responsible for the-

19 (a) day- to-day administration of the Commission;

20 (b) general direction and control of all other employees of the
21 Commission.

22 (6) The Board shall:

23 (a) appoint, for the Agency, such number of directors and other
24 employees as may, in the opinion of the Board, be required to assist the
25 Board in the discharge of any of its functions under this Bill; and

26 (b) pay to persons so appointed such remuneration and allowances
27 as the Board may approve.

28 (7) The Commission may from time to time appoint such other
29 category of employees as may appear to it expedient and necessary for the
30 proper and efficient performance of its functions under this Act. The

1 following shall apply as it relates to appointment of employees of the
2 commission:

3 (a) The staff of the Commission shall be public officers as defined in
4 the Constitution of the Federal Republic of Nigeria;

5 (b) The staff of the Commission shall be appointed on such terms and
6 conditions of service as the Commission may determine;

7 (c) The Commission may make rules relating generally to the
8 conditions of service of employees of the Commission, and without prejudice
9 to the generality of the foregoing, the rules may provide for-

10 (i) The appointment, promotion and disciplinary control of all
11 employees of the Commission;

12 (ii) Appeals by employees against disciplinary measures; and

13 (iii) Such other matters to ensure the efficient performance of the
14 functions of the Commission under the Act.

15 (d) Employment in the Agency shall be approved service for purposes
16 of the Pensions Reform Act;

17 (e) Employees of the Agency shall be entitled to pensions and other
18 retirement benefits, and nothing in this section shall prevent the appointment of
19 a person to any office on terms which preclude the grant of pension in respect of
20 that office.

21 (8) The Commission shall establish and maintain a fund into which
22 shall be paid into it or credited:

23 (a) Take-off grants, annual subventions and budgetary allocations
24 received from the Government of the Federation;

25 (b) Monies as may be appropriated to the Commission, from time to
26 time, by the National Assembly;

27 (c) Monies as may from time to time, be lent, deposited with or
28 granted to the Commission by the Government of the Federation;

29 (d) Fines and charges made by the Commission;

30 (e) Grants, gifts or donations from international organizations and

1 donor agencies;

2 (f) All monies paid for registration;

3 (g) Other funds which may, from time to time accrue to the
4 Commission.

5 (9) The funds so established shall be exempted from the payment
6 of income tax under the Companies Income Tax Act or any other levies,
7 duties or contributions that may be imposed by law or regulations.

8 (10) The Commission may from time to time apply the proceeds of
9 the fund established under this section for the following purposes:

10 (a) The cost of administration and operations of the Commission;

11 (b) The reimbursement of members of any committee set up by the
12 Commission or the Board for such expenses as may be authorized by the
13 rates approved by the Government of the Federation;

14 (c) The payment of salaries, fees and other remuneration or
15 allowances, payable to employees, experts or professionals appointed by the
16 Commission;

17 (d) The maintenance of any property acquired or vested in the
18 Commission; and

19 (e) Any matter so connected with all or any of the functions of the
20 Commission.

21 (11) The Commission shall, not less than the 30th of September of
22 each year, or any such time as may be required by the financial regulations,
23 prepare an estimate of its income and expenditure for the next succeeding
24 year.

25 (12) The financial year of the Commission shall start on the 1st
26 day of January or each year and end on the 31st day of December of the same
27 year, or any such time as may be prescribed by financial regulations issued
28 by the Federal Government of Nigeria, from time to time.

29 (13) The Commission shall keep proper accounts and records of its
30 receipts, payments, assets and liabilities in respect of each year in manual

1 and electronic devices and shall cause the accounts to be audited within three
2 months from the end of each financial year by an auditor so appointed and by
3 guidelines issued by the Auditor-General for the Federation.

4 (14) An auditor so appointed under subsection (13) of this section
5 shall have access to all records relating to the accounts which are kept by the
6 Commission or its agents and shall have the power to require from any
7 employee or agent of the Commission such information and explanation as in
8 the auditor's opinion are necessary for the audit.

9 (15) Any employee or agent of the Commission who fails, without
10 reasonable cause, to comply with a request or instruction of an auditor under
11 subsection 14 shall be guilty of an offence and is liable on conviction to a fine of
12 N1,000,000.00 or 6 months imprisonment or both fine and imprisonment.

13 (16) The Commission shall, not later than four months after the end of
14 each year, submit to the President and the Public Account Committee of the
15 National Assembly a report on the activities and administration of the
16 Commission during the immediately preceding year and shall include in such
17 report the audited accounts of the Commission and the auditors' report thereon
18 for the preceding year.

19 (17) Without prejudice to subsection 16 of this section, the
20 Commission may from time submit such reports as it deems fit to the President
21 on matters of expediency or urgency relating to the functions under this Act.

22 (18) The Commission may, with the approval of the President, borrow
23 money by way of overdraft or loan to carry out its functions under this Act.

24 (19) The Commission may accept gifts of land, money or other
25 property or things on such terms and conditions, if any, as may be specified by
26 the person or organization making the gift. The Commission shall at any time
27 accept such gifts where the terms or conditions attached by the person or
28 organization making the gift are inconsistent with the objectives and functions
29 of the Commission, under this Act.

30 (20) No tertiary health facility shall be established unless such

1 premises are registered and accredited by the Commission under these
2 provisions of the Act. The Commission shall also review licences already
3 issued and inspect their facilities.

4 (21). Subject to the provisions of this Act, premises intended to be
5 used as a tertiary health facility shall only be registered if the Commission is
6 satisfied that:

7 (a) The medical practitioner in charge of, and other medical
8 practitioners connected with the health facility or any part thereof are
9 qualified to practise any special branch of medicine by the relevant
10 authorities;

11 (b) The registered nursing staff are adequate;

12 (c) The nursing staff are qualified and are recognized as being so by
13 the Nursing and Midwifery Council of Nigeria;

14 (d) The premises (i.e., the site, building and general amenities) are
15 satisfactory and in conformity with the requirements approved by the
16 Commission;

17 (e) The equipment is suitable and sufficiently adequate to meet the
18 requirements of such health facility as may be laid down by the
19 Commission;

20 (f) The provisions of this bill or regulations made hereunder are
21 complied with in so far as registration of premises for health facilities with
22 in-patient facilities and health facilities with out-patient facilities are
23 concerned; and

24 (g) Any other ground specified by the Commission in guidelines
25 established by it.

26 (22) Any person aggrieved by a decision of the Commission or
27 with the provisions of this Act may appeal against such in writing to the
28 Board through the secretary, based on the procedures that will be provided
29 by the Commission after the coming into force of this Act.

30 (23) The Commission shall issue a certificate of registration under

1 this Act if it is satisfied that the conditions provided for under sub-section 20, or
2 any other condition that may be provided by the board in respect of premises to
3 be used or a health facility has been met.

4 (24) A certificate of registration issued by the Commission shall be
5 signed by the Secretary and shall contain the seal of the commission, and such
6 certificate of registration shall be renewable every year except the board
7 otherwise directs.

8 (25) Subject to the provisions of this Law, the Board may give to the
9 Commission, general or specific direction as to what fees to charge for the
10 initial registration and subsequent renewal of registration of tertiary health
11 facilities and the Commission shall comply and give effect to all directives.

12 (26) The Commission or its duly authorised agent and/ or franchise
13 companies may between the hours of 8a.m.-5p.m. enter premises in respect of
14 which the Commission had received application for registration as health
15 facilities, for the purpose of inspection and to ensure that conditions for
16 registration under subsection 20 of this section of the Act are being complied
17 with, and shall issue a notice of non-compliance if the conditions have not been
18 met

19 (27) The Commission, its duly authorized agency and/or its duly
20 authorized franchise company shall inspect every health facility at least twice a
21 year to ensure compliance with this Bill but may conduct announced or
22 unannounced inspections of health facility at any time.

23 (28).Where it appears to the Commission or any franchise company
24 appointed by it that the provisions of this Bill or its established guidelines and
25 standards are not being carried into effect in a health facility or that the health
26 facility is not being conducted in the best interest of the health or well-being of
27 the patients admitted thereto or that any medical practitioner connected with
28 the health facility has ceased to be fit and proper person, the Commission may
29 by order publish in the National Gazette its decisions on the consent of the
30 Board :

1 (a) Suspending the registration of such health facility until the
2 conditions which caused the order of suspension to be issued have been
3 rectified; or

4 (b) Cancelling the registration of such health facility if the
5 conditions that warranted the suspension is not rectified within six (6)
6 months.

7 (29) Any person who wilfully delays or obstructs a person duly
8 authorized by the Commission in the performance of its functions under this
9 Bill, or fails without reasonable excuse to give any information, which he is
10 duly required to give shall be guilty of an offence and shall be liable to a fine
11 of 500,000 Naira.

12 (30) Any person who establishes or operates a health facility
13 without registering it with the Commission shall be guilty of an offence and
14 liable on conviction to a fine of 3,000,000 Naira only or imprisonment not
15 exceeding three (3) years or both in case of an individual; and in case of
16 corporate body, the sum of 5,000,000 Naira only and the Directors shall each
17 be liable to a term of imprisonment of three (3) years and fine of 3,000,000

18 (31) Any person who for the purpose of procuring the registration
19 of health facility, makes a false statement or presents any document which is
20 false shall be guilty of an offence and liable on conviction to a fine of
21 2,000,000 or two (2) years imprisonment or both.

22 (32) Where health facilities are being run by unqualified persons,
23 such persons shall be guilty of an offence and liable on conviction to two
24 years imprisonment or 1,000,000 fine or both.

25 (33) Where a health facility has employed the services of an
26 unqualified person, both the proprietor and the medical practitioner-in-
27 charge shall be guilty of an offence and shall each be liable to a fine of
28 2,500,000 or an imprisonment of three years or both.

29 (34) Any person who for the purpose of registration of health
30 facility under this Law falsely represents himself or assumes any title of a

1 health care practitioner for which he is not qualified or is not duly registered
2 with the appropriate professional body, shall be guilty of an offence and shall
3 be liable on conviction to a fine of not less than 2,000,000 naira or an
4 imprisonment for a term not exceeding three (3) years or both and such
5 impersonation shall invalidate the registration of the health facility if already
6 approved.

7 (35).Any person whose premises is used as an illegal health facility
8 shall be guilty of an offence and liable to a fine of 5,000,000 only or 1 year
9 imprisonment or both.

10 (36)A breach of any other laid down standards, guidelines, policies of
11 the Commission shall attract a find of 4,0000,000 for a company and for an
12 individual a fine of not less than 2,000,000 or an imprisonment for a term not
13 exceeding one (1) year or both.

Insertion of
Section "10A"

14 7. The Principal Act is hereby amended by inserting after section 10 a
15 new section "10A" to read:

16 10A. (1) There is established Commission to be known as the
17 National Quality and Healthcare Standard Commission which shall have the
18 overall responsibility of setting quality standards across all Federal health
19 facilities and private facilities at the Federal Capital Territory for the purpose of
20 improving the quality and efficiency of health care services by setting
21 standards and ensuring strict compliance with same.

22 (2) The Commission shall be a body corporate with perpetual
23 succession and a common seal, capable of suing and being sued in its corporate
24 name, and shall have the power to do the following:

25 (a) enter into contracts and incur obligations;

26 (b) Acquire, hold, mortgage, purchase and deal howsoever with
27 property, whether movable or immovable, real or personal; and

28 (b) The Commission may do all acts and things which a body
29 corporate may by law do and which are necessary for the purpose of this Act.

30 (3) The common seal of the Commission shall be kept in such custody

1 as the Commission directs and shall not be used except as authorised by the
2 Board.

3 (4) The Minister shall provide supervision of a general nature to the
4 Commission.

5 **8.** The Principal Act is hereby amended by inserting after a new Addition of
6 section "10B" to read: Section 10B

7 10B(1) The Commission shall have the following functions-

8 (a) Develop and implement the National Health Quality Policy and
9 Strategy;

10 (b) Set required minimum quality standards for operations of
11 federal health facilities including private health facilities;

12 (c) Regulate and accredit of tertiary health facilities;

13 (d) Providing standards on structural quality, clinical process and
14 patient outcomes;

15 (e) Undertake quality monitoring through guidelines to be
16 established by it;

17 (f) Process applications for registration submitted to the
18 Commission from any person and inspect the premises to be registered
19 under this Act;

20 (g) Ensure adequate training of health care personnel on the
21 National Health Quality Policy and Strategy;

22 (h) Make relevant investigations and recommendations to the
23 Federal and State Governments on tertiary health care services in the
24 national interest;

25 (i) Support the development of operational guidelines and
26 framework for implementation by state government and advice states on the
27 modalities for ensuring quality standards;

28 (j) Collate, analyse and publish information in relation to health
29 care services at the federal level annually;

30 (k) Contribute to the setting of national priorities for

1 standardization of care;

2 (l) Monitor the implementation of the National Health Quality Policy
3 and Strategy;

4 (m) Develop and implement plans for provision of continuous
5 training on standards implementation and promotion of quality culture;

6 (n) Monitor and evaluate all activities and receive annual reports from
7 the tertiary hospitals and supervise annual peer reviews; and

8 (o) Carry out such other activities as are necessary for the discharge of
9 its functions under this Act.

10 (2) The Commission shall carry out its functions and duties and
11 exercise its powers hereunder in a non-discriminatory and transparent manner.

12 (3) There is established for the Commission a Governing Board (in
13 this Act referred to as "the Board") charged with the administration of the
14 affairs of the Commission.

15 (4) The Board shall be appointed by the President, on the
16 recommendation of the Minister of Health and shall consist of:

17 (i) The Chairman who shall be a person of proven integrity, who shall
18 have at least 15 years' experience in the health sector;

19 (ii) A representative of the Federal Ministry of Health not below the
20 rank of a director;

21 (iii) A member each of the health professional regulatory bodies;

22 (iv) A legal practitioner who shall be a person with at least 10 years
23 post call experience in health law;

24 (v) A representative of the National Agency for Food and Drug
25 Administration and Control not below the rank of a director;

26 (vi) Six persons appointed on merit by the President, one from each
27 geographical zone to represent the public interest at least two of whom shall be
28 women; and

29 (vii) One person to represent the private health facilities with
30 experience in health quality.

1 (5) The Chairman shall hold office for a term of four years in the
2 first instance and may be re- appointed for another term of four years and no
3 more.

4 (6) A member of the Commission shall hold office for a term of four
5 years and may be reappointed for a term of four years and no more, on such
6 terms and conditions as may be specified in his letter of appointment.

7 (7) Notwithstanding the provisions of this Act, a member of the
8 Board shall cease to hold office as a member of the Board if:

9 (a) He or she resigns his appointment has a member by a notice
10 under his hand, addressed to the President;

11 (b) His or her term of office expires;

12 (c) he or she dies;

13 (d) He or she becomes of unsound mind;

14 (e) He or she becomes bankrupt or makes a compromise with his
15 creditors;

16 (f) He or she is convicted of a felony or any offence involving
17 dishonesty or corruption; or

18 (g) He or she becomes incapable of the functions of his office either
19 arising from the infirmity of mind or body;

20 (h) In the case of an ex-officio member, he ceases to hold the office
21 on the basis of which he became a member of the Board.

22 (8) In the event of a vacancy, the President shall appoint a
23 replacement with the same required experience of the immediate past
24 member that vacated the office to continue the remaining tenure.

25 (9) The Chairman, and other members of the Board shall be paid
26 such emoluments, allowances and incidental expenses as may be
27 determined by the appropriate Agency of the Federal Government of
28 Nigeria, from time to time.

29 (10) The Commission shall meet not less than four times in a year,
30 and such meeting shall be presided by the Chairman.

1 (11) The Commission shall regulate its own procedure and the
2 quorum shall be two-third majority of its members.

3 (12) The functions of the Board shall include:

4 (a) Formulating and providing general policies, and guidelines for the
5 discharge of the functions of the Commission;

6 (b) Monitor and ensure the implementation of the policies and
7 programmes of the Commission; and

8 (c) Carry out such other functions as are necessary or expedient to
9 ensure the efficient performance of the functions of the Commission under the
10 Act.

11 (13) The Board shall have the power to:

12 (a) Approve rules and regulations relating to the appointment,
13 promotion and disciplinary measures for the employees of the Commission;

14 (b) Fix the remuneration, allowance and benefits of the employees of
15 the Commission, and

16 (c) Regulate its proceedings and make standing orders with respect to
17 the holding of its meetings, notices to be given, the keeping of minutes of its
18 proceedings and such other matters as the Board may determine
19 from time to time;

20 (14) There shall be for the Commission a Chief Executive Officer
21 who shall be appointed by the President on the recommendation of the Minister
22 of Health.

23 (15). The Director General shall be the Chief Executive Officer of the
24 Commission.

25 (16) The Chief Executive Officer shall-

26 (a) be appointed after a competitive process and shall have at least ten
27 years experience in health quality at senior health management level and in
28 either the private or the public sector;

29 (b) if from the public sector shall not hold lower than the rank of
30 Director; and

- 1 (c) be a person of integrity with relevant qualifications.
- 2 (17) The Chief Executive Officer shall hold office:
- 3 (i) for a period of 4 years in the first instance and may be re
- 4 appointed for a further term of 4 years only; and
- 5 (ii) on such terms and conditions as may be specified in the letter of
- 6 appointment.
- 7 (18) The Chief Executive Officer shall be the Accounting Officer of
- 8 the Commission and be responsible to the Board.
- 9 (19) The Chief Executive Officer shall, subject to the general
- 10 direction of the Board, be responsible for the-
- 11 (a) Day-to-day administration of the Commission;
- 12 (b) General direction and control of all other employees of the
- 13 Commission.
- 14 (20) The Board shall:
- 15 (a) appoint, for the Agency, such number of directors and other
- 16 employees as may, in the opinion of the Board, be required to assist the
- 17 Board in the discharge of any of its functions under this Bill; and
- 18 (b) pay to persons so appointed such remuneration and allowances
- 19 as the Board may approve.
- 20 (21) (a) The Commission may from time to time appoint such other
- 21 category of employees as may appear to it expedient and necessary for the
- 22 proper and efficient performance of its functions under this Act;
- 23 (b) The staff of the Commission appointed shall be appointed on
- 24 such terms and conditions of service as the Commission may determine;
- 25 (c) The Commission may make rules relating generally to the
- 26 conditions of service of employees of the Commission, and without
- 27 prejudice to the generality of the forgoing, the rules may provide for-
- 28 (i) The appointment, promotion and disciplinary control of all
- 29 employees of the Commission;
- 30 (ii) Appeals by employees against disciplinary measures; and

1 (iii) Such other matters to ensure the efficient performance of the
2 functions of the Commission under the Act.

3 (d) Employment in the Agency shall be approved service for purposes
4 of the Pensions Reform Act. Employees of the Commission shall be entitled to
5 pensions and other retirement benefits.

6 (e) Nothing in this Section or in this Bill shall prevent the appointment
7 of a person to any office on terms which preclude the grant of pension in respect
8 of that office.

9 (22) The Commission shall establish and maintain a fund into which
10 shall be paid into it or credited:

11 (a) Take off grants, annual subventions and budgetary allocations
12 received from the Government of the Federation;

13 (b) Monies as may be appropriated to the Commission, from time to
14 time, by the National Assembly;

15 (c) Monies as may from time to time, be lent, deposited with or
16 granted to the Commission by the Government of the Federation.

17 (d) Fines and charges made by the Commission;

18 (e) Grants, gifts or donations from international organizations and
19 donor agencies;

20 (f) All monies paid for registration; and

21 (g) Other funds which may, from time to time accrue to the
22 Commission.

23 (23) The funds so established shall be exempted from the payment of
24 income tax under the Companies Income Tax Act or any other levies, duties or
25 contributions that may be imposed by law or regulations.

26 (24) The Commission may from time to time apply the proceeds of the
27 fund established under this section for the following purposes:

28 (a) The cost of administration and operations of the Commission;

29 (b) The reimbursement of members of any committee set up by the
30 Commission or the Board for such expenses as may be authorized in

1 accordance with the rates approved by the Government of the Federation;

2 (c) The payment of salaries, fees and other remuneration or
3 allowances, payable to employees, experts or professionals appointed by the
4 Commission;

5 (d) The maintenance of any property acquired or vested in the
6 Commission; and

7 (e) Any matter so connected with all or any of the functions of the
8 Commission.

9 (25) The Commission shall, not less than the 30th of September in
10 each year or any such time as may be required by the Financial Regulations,
11 prepare an estimate of its income and expenditure for the next succeeding
12 year.

13 (26) The financial year of the Commission shall start on the 1st day
14 of January or each year and end on the 31st day of December of the same
15 year, or any such time as may be prescribed by Financial Regulations issued
16 by the Federal Government of Nigeria, from time to time.

17 (27) The Commission shall keep proper accounts and records of its
18 receipts, payments, assets and liabilities in respect of each year in manual
19 and electronic devices and shall cause the accounts to be audited within
20 three months from the end of each financial year by an auditor so appointed
21 and in accordance with guidelines issued by the Auditor-General for the
22 Federation.

23 (28) An auditor so appointed pursuant to subsection (26) of this
24 section shall have access to all records relating to the accounts which are
25 kept by the Commission or its agents and shall have the power to require
26 from any employee or agent of the Commission such information and
27 explanation as in the auditor's opinion are necessary for the purpose of the
28 audit.

29 (29) Any employee or agent of the Commission who fails, without
30 reasonable cause, to comply with a request or instruction of an auditor

1 pursuant to subsection 25 shall be guilty of an offence and is liable on
2 conviction to a fine of N1,000,000.00 or 6 months imprisonment or both fine
3 and imprisonment.

4 (30) The Commission shall, not later than four months after the end of
5 each year, submit to the President and the Public Account Committee of the
6 National Assembly a report on the activities and administration of the
7 Commission during the immediately preceding year and shall include in such
8 report the audited accounts of the Commission and the auditors' report thereon
9 for the preceding year.

10 (31) Without prejudice to subsection 29 of this section, the
11 Commission may from time submit such reports as it deems fit to the President
12 on matters of expediency or urgency relating to the functions under this Act.

13 (32) The Commission may, with the approval of the President, borrow
14 money by way of overdraft or loan for the purpose of carrying out its functions
15 under this Act.

16 (33) The Commission may accept gifts of land, money or other
17 property or things on such terms and conditions, if any, as may be specified by
18 the person or organization making the gift. The Commission shall at any time
19 accept such gifts where the terms or conditions attached by the person or
20 organization making the gift are not inconsistent with the objectives and
21 functions of the Commission under this Act.

22 (34) Any person who wilfully delays or obstructs a person duly
23 authorized by the Commission in the performance of its functions under this
24 Act, or fails without reasonable excuse to give any information, which he is
25 duly required to give shall be guilty of an offence and shall be liable to a fine of
26 500,000 Naira.

Repeal and
Amendment of
Section 11(2)(a)

27 **9.** Section 11(2)(a) of the Principal Act is repealed and hereby
28 amended the new Section 11 (2) (a) as follows, and renumbered accordingly-

29 (a) Federal Government annual grant of not less than two percent of its
30 Consolidated Revenue Fund.

1	10. Section 11(3) of the Principal Act is repealed and hereby	Repeal and
2	amended- by a new Section 11(3) as follows and numbered accordingly	Amendment of
3	11(3) Money from the funds shall be used for financing the following:	Section 11(3)
4	(a) 95% of the Fund shall be used for the provision of basic	
5	minimum package of health services to citizens in eligible primary or	
6	secondary health care facilities through States' health insurance schemes;	
7	(b) 2.5 per cent of the Fund shall be utilized by the Nigeria Centre	
8	for Disease Control as set out in the Nigeria Centre for Disease Control Act;	
9	and	
10	(c) 2.5 per cent of the Fund shall be used for emergency medical	
11	treatment to be administered by a Committee appointed by the National	
12	Council on Health.	
13	11. Section 11(4) of the Principal Act is hereby repealed.	Repeal of
14	12. Section 11 of the Principal Act is hereby amended by inserting a	Section 11(4)
15	new section 11(8) as follows, and renumbered accordingly:	Insertion of new
16	11(8) The National Social Register (NSR) shall be the primary	Section 11(8)
17	identification tool for the disbursement of the Vulnerable Group Fund	
18	established under section 25(1) of the National Health Insurance Authority	
19	Act 2021 and those who are not explicitly identified as poor and vulnerable	
20	shall not be entitled to receive subsidies.	
21	13. Insertion of new Part IV (A) - Health Security.	Insertion of new
22	14. Section 11 of the Principal Act is amended by the inserting after	Part IV (A) -
23	section 11, a new section 11A and renumbered accordingly:	Health Security
24	15 A. National Health Emergency Preparedness and Response	Insertion of
25	Committee	Section 11A -
26	(1) The National PHEOC shall be provided with advice and	Public Health
27	guidance by a multi-sectoral steering committee called the National Health	
28	Emergency Preparedness and Response Committee.	
29	(2) The Minister of Health shall select and appoint the members of	
30	the National Health Emergency Preparedness and Response Committee, in	

1 consultation with relevant ministries.

2 (3) The Nigeria Centre for Disease Control shall serve as
3 Secretariat for a National Health Emergency Preparedness and Response
4 Committee.

5 (4) In order to promote an integrated and coordinated system for
6 national health emergency preparedness and response, the Committee shall
7 comprise professional technical and non-technical members from the health,
8 animal, and environment sectors, and may include a mix of representatives
9 from the government, non-governmental, and private sectors. The Minister of
10 Health shall periodically review and revise the membership of the Committee,
11 as appropriate, in consultation with relevant ministries.

12 (5) During a public health event, the National Health Emergency
13 Preparedness and Response Committee shall meet as soon as the event is
14 confirmed and meet at defined intervals thereafter.

15 (6) During periods of non-activation of the PHEOC, the National
16 Health Emergency Preparedness and Response Committee shall meet on at
17 least semi-annually to assess and strengthen preparedness capacity, and review
18 and revise emergency preparedness strategies, plans and procedures as needed.
19 The Director-General shall promulgate regulations regarding requirements for
20 a quorum, record keeping, and adoption of decisions at Committee meetings.

21 (7) The National Health Emergency Preparedness and Response
22 Committee shall have the following responsibilities:

23 (a) Activate the National PHEOC in the event of a public health
24 emergency;

25 (b) Advise on emergency preparedness and response strategies;

26 (c) Provide policy direction on the implementation and operation of
27 the national Public Health Emergency Operations Centre (PHEOC);

28 (d) Undertake risk analysis and mapping, and develop, and
29 periodically review and update, a national public health emergency
30 preparedness and response plan (PHEPR);

1 (e) Ensure inter sectoral collaboration and coordination across the
2 national and sub-national level and across sectors;

3 (f) Provide oversight, policy and strategic guidance to State
4 PHEOCs/ State Health Emergency Preparedness and Response
5 Committees;

6 (g) Evaluation of implementation of emergency response post-
7 outbreak or event

8 (h) Ensure and mobilise funds for emergency preparedness and
9 response;

10 (i) Other responsibilities as defined by the Minister of Health
11 which may be necessary for carrying out the aforementioned activities and
12 achieving the objectives set out in this Bill.

13 **16.** Section 11 of the Principal Act is amended by the insertion of a
14 new section 11B and renumbered accordingly

Insertion of
Section 11B

15 11B National One Health Coordinating Committee

16 (1) There is hereby established a National One Health
17 Coordinating Committee and this committee shall comprise:

18 (a) Minister of Health (who shall be the chair);

19 (b) The Director General of the National Centre for Disease
20 Control;

21 (c) Minister of Agriculture;

22 (d) Minister of Environment;

23 (e) Minister of Water Resources;

24 (f) Minister of Finance;

25 (g) Minister of Information;

26 (h) The Director of Public Health (Federal Ministry of Health); and

27 (i) The National Surveillance Officer.

28 11B (2) Responsibilities of the National One Health Coordinating
29 Committee

30 The National One Health Coordination Committee shall carry out the

- 1 following responsibilities:
- 2 (a) Provide high-level support for implementation of One Health
3 activities in the country;
- 4 (b) Develop and ensure implementation of the National One Health
5 Strategic Plan;
- 6 (c) Establish an integrated surveillance system for human, animal
7 diseases food-related and environmental hazards using the IDSR system;
- 8 (d) Promote State participation in One Health research;
- 9 (e) Promote cooperation between the human, animal and
10 environmental health partners through coordination of activities,
11 collaboration and communication;
- 12 (f) Advocate for Federal Government commitment to sustained
13 annual budgetary provision to support One Health activities in the Federation;
- 14 (g) Ensure effective implementation of the National One Health
15 Strategic Plan;
- 16 (h) Facilitate liaison between the Nigeria Centre for Disease Control
17 as the National IHR focal point and relevant government authorities under the
18 One Health approach;
- 19 (i) Support multi-sectoral collaboration in outbreak response
20 activities and the management of public health risks and emergencies;
- 21 (j) Develop quarterly and annual progress reports on One Health
22 activities;
- 23 (k) Support the establishment and functioning of the State One
24 Health Coordinating Committee;
- 25 (l) Ensure implementation of One Health activities at state and local
26 government levels; and
- 27 (m) Such other functions as may be necessary for the facilitation of
28 the One Health approach.
- 29 11(B) 3 Contingency Stocks of Medicines, Vaccines, Reagents and
30 Supplies:

1 (a) Each level, including LGAs, State Ministries of Health and the
2 Federal Ministry of Health shall establish a contingency stock of medicines,
3 vaccines, reagents and supplies to ensure the prompt management of a
4 public health emergency.

5 (b) The Nigeria Centre for Disease Control supports the
6 establishment of a contingency stock of medicines, vaccines, reagents and
7 supplies at each level.

8 **17.** Section 21(2) of the Principal Act is amended by inserting after
9 subsection (b) a new Section 21 (c) as follows: Amendment of
Section 21(2)

10 (c) Organise training for healthcare personnel, including on
11 infection prevention and control;

12 (d) Guarantee hazard pay and benefits for healthcare personnel.

13 **18.** Section 21 of the Principal Act is amended by inserting after
14 section 21(2) a new Section 21 (3) as follows; Amendment of
Section 21(3)

15 (3) The Minister shall have the power to activate "crisis standards
16 of care" to be defined by the Minister in guidelines and protect healthcare
17 personnel and establishments from liability arising from good-faith acts or
18 omissions when administering emergency care or new treatments during a
19 public health emergency.

20 **19.** The Principal Act is amended with the insertion of a new
21 Section 21A as follows: Insertion of a
new section 21A

22 (1) The Minister shall have the power to develop appropriate
23 regulations to address non-communicable diseases.

24 (2) The Federal Ministry of Health shall implement initiatives to
25 promote awareness of non-communicable diseases at all levels.

26 **20.** Section 26(1) of the Principal Act is amended and hereby
27 replaced with the new Section 26 (1) as follows, and renumbered
28 accordingly- Amendment of
Section 26(1)

29 26 (1) All information about an identified or identifiable person's
30 health, or the provision of health services to the person, irrespective of

1 whether the information was recorded or oral, including information processed
2 or stored electronically (personal electronic health information) which is
3 relating to his or health status, treatment or stay in a health establishment shall
4 be kept confidential.

Amendment of
Section 31(6)

5 **21.** Section 31 subsection (6) of the Principal Act is amended by
6 inserting after paragraph (d) a new paragraph E -M, and renumbered
7 accordingly:

8 (e) Approve research and training programmes;

9 (f) Advise the Minister on national policies and priorities in health
10 research, training and other related activities;

11 (g) Provide grant support for relevant research projects directed at
12 generating evidence and new knowledge for decision making and optimum
13 health services in the country;

14 (h) Manage plan, conduct and promote health research, human
15 resource development and technology generation, assessment and adoption for
16 the advancement health and related services in the country;

17 (i) Maintain up to date records of all existing facilities for medical
18 research and training in Nigeria and advise the Minister on their adequacy and
19 efficient utilization;

20 (j) Promote collaboration between scientists engaged in health
21 research in Nigeria and their counterparts in other countries or international
22 bodies;

23 (k) Undertake basic and applied research in biomedical and clinical
24 services, communicable and non-communicable diseases prevalent in the
25 country with the aim of advancing the frontiers of knowledge in medicine;

26 (l) Promote and support research in complementary and alternative
27 medicine and homegrown research, innovations and discovery in vaccine
28 development; and

29 (m) Disseminate the results of medical research undertaken within
30 and outside Nigeria on diseases of interest to the country.

	1	(4) The Minister shall establish guidelines for the disbursement of the
	2	funds and regulations with respect to preparation of accounts for this fund.
Insertion of a new Part VIII- Telemedicine and Digital Health	3	23. The Principal Act is amended by inserting a new Part VIII -
	4	Telemedicine and Digital Health
	5	66.(1) Telemedicine, digital health or related service shall be
	6	recognised as a means of health care delivery.
	7	(2) The Minister may make regulations for the adoption of
	8	telemedicine, digital healthcare and other forms of internet-based health care
	9	provision, including requisite qualifications and facilities.
	10	(3) Persons providing telemedicine, telehealth, digital health and
	11	related health care services must be duly qualified.
	12	(4) The consent of a user of digital health shall be required prior to
	13	provision of telemedicine or digital health services or related service or care is
	14	offered.
Data Privacy and Confidentiality	15	67.(1) Telemedicine, telehealth and digital health care providers shall
	16	keep all health information of the patient in confidence in accordance with the
	17	provisions of this Act.
	18	(2) No data or information shall be shared without the consent of the
	19	patient or authorized caregiver, except in the circumstances set out in Section
	20	26 of this Act.
	21	(3) Every provider of telemedicine, tele-health or digital health shall
	22	ensure the privacy and security of platform to be used for the protection of data,
	23	information, documents and any other material and shall set up reasonable
	24	security practices and measures in the collection and storage of personal data
	25	in line with this Act and other relevant laws.
Emergency Medicine Services	26	68. The provision of emergency medical services through
	27	telemedicine, telehealth or digital health services is prohibited, except such
	28	emergency occurs during the delivery of tele-health services and critical steps
	29	and guidance may be lifesaving in such instance, the health care provider may

1 provide counselling for the critical steps and guidance before facilitating his
2 or her referral.

3 69. The Minister shall set out guidelines for the provision of
4 telemedicine or digital health services. Power to make
guidelines

5 70. Any healthcare provider that fails to comply with the provision Penalties
6 contained in this part (commits an offence and is liable to a fine of not less
7 than 1,000,000.00 or an imprisonment for a term of 1 year or both.

8 (2) Any company that fails to comply with the provision of this part
9 commits an offence and is liable to a fine of not less than 3,000,000.00.

10 24. Section 64 of the Principal Act is amended by inserting the Amendment of
Section 64
11 following new definitions and renumbered accordingly:

12 "Telemedicine/Telehealth/Digital Health/Electronic health or E- health"
13 means the use of information and communication technology (ICT) in
14 support of health and health-related fields, including health care services
15 and interventions delivered or enhanced through information technology,
16 the internet, telephones, computers, text messaging, mobile applications
17 and related technologies and is applied across the health system and services
18 to ensure continuity of patient care across time. It includes mobile health
19 services, health research, consumer health informatics to support
20 individuals in health decision- making, and electronic learning by health
21 workers;

22 "Personal Health Information" means information about an identified or
23 identifiable person's health, or the provision of health services to the person,
24 irrespective of whether the information was recorded or oral;

25 "Personal Electronic Health Data/ Information/Record" means to
26 information about an identified or identifiable person's health, or the
27 provision of health services to the person which was processed or stored
28 using any information and communication (ICT) tool;

29 "information and communication technology" means all forms of
30 technology used to create, store, exchange and use information in its various

1 forms business data, voice, conversation, still images, motion pictures,
2 multimedia presentations and other forms including those not yet conceived;
3 "emergency medical services" means services that involves urgent treatment
4 and stabilization of patient for serious illness or injury;
5 "tele-consultation clinic" means a remote clinical consultancy service
6 performing clinical functions through messaging, video, audio
7 communications usually over the internet.

Short title

8 **25.** This Bill may be cited as the National Health Act (Amendment)
9 Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Health Act, 2014 and, among other things, establishes the Tertiary Commission and the Quality Commission to improve regulation, quality and standard of care.