

CHAPTER P8 - PRIVATE HOSPITALS LAW

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PRIVATE HOSPITALS LAW

A Law for the registration and inspection of private hospitals.

[NN 1963, Cap. 100. KWS 10 of 1991, No. 4 of 2006.]

[Date of commencement: *1st April*, 1946]

1. Short title

This Law may be cited as the Private Hospitals Law.

2. Interpretation

In this Law—

"Commissioner" means the State Commissioner for the time being responsible for private hospitals;

"company" includes a company duly registered under the provisions of the Companies and Allied Matters Act and a company established outside Nigeria and any other company, association or partnership of any number of persons;

[No. 4 of 2006.]

"infectious disease" shall have the same meaning as from time to time contained in the Public Health Law;

[Cap. PI 4.]

"medical officer" means a medical officer and a medical officer of health in the service of the Government and any medical practitioner authorised in writing by the Commissioner for all or any of the purposes of this Law to the extent of such authorisation;

"medical practitioner" means a medical practitioner duly registered under the provisions of the Medical and Dental Practitioners Act;

"private hospital" includes any hospital, convalescent home or nursing home and any premises used or intended to be used for the reception of persons suffering from any sickness, injury or bodily or mental infirmity and for the reception of women in childbirth or immediately after childbirth for the purposes of providing such persons with nursing or medical or surgical attention whether or not any payment or reward is made or promised by or on behalf of any person so received but does not include any such hospital, convalescent home, nursing home or premises maintained or controlled by the Government or by a local government council.

3. Registration of private hospitals

No person or company shall institute or conduct a private hospital unless such hospital has been duly registered by the Commissioner under the provisions of this Law.

4. Engagement of private hospitals

Subject to the provisions of this Law every private hospital shall be under the management, control and supervision of a medical practitioner hereinafter referred to as the medical practitioner in charge, who shall be responsible for the carrying into effect of the provisions of this Law in the private hospital concerned.

5. Responsible medical practitioner

Where more than one medical practitioner is connected with a private hospital one of such medical practitioners shall be nominated as the medical practitioner in charge.

6. Application for registration

Application for the registration of a private hospital shall be made to the Commissioner in the prescribed form and manner.

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7. Conditions for registration

(1) Subject to the provisions of this Law a private hospital shall not be registered unless the Commissioner, after consultation with the Chief Medical Officer, is satisfied—

- (a)* that the medical practitioner in charge of, and any other medical practitioner connected with, the private hospital or any part thereof is qualified to practise any special branch of medicine there dealt with and is in all other respects a fit and proper person; and
- (b)* that the nursing staff is adequate and in conformity with the provisions of any regulations made hereunder; and
- (c)* that the matron or other person in charge of the nursing staff is a qualified nurse and holds a diploma or certificate of training in nursing recognised by the Commissioner; and
- (d)* that the site, buildings and general amenities are in all respects satisfactory;

and

- (e) that the equipment is suitable and sufficient to meet the requirements of such private hospital; and
- (f) that the private hospital contains not less than the minimum or more than the maximum number of beds in conformity with any regulations made hereunder; and
- (g) that the private hospital in all other respects complies with the provisions of any regulations made hereunder.

(2) Where the Commissioner under the provisions of section 8 exempts any private hospital from or otherwise relaxes or modifies the provisions of this Law in respect of any particular private hospital the provisions of subsection (1) may be construed accordingly in relation to such private hospital and such exemption, relaxation or modification.

8. Power to exempt, relax or modify

(1) The Commissioner may, after consultation with the Chief Medical Officer, exempt any particular private hospital from any of the provisions of this Law other than the requirement to register, and may in like manner relax or otherwise modify any of such provisions in respect of any particular private hospital.

(2) Any such exemption, relaxation or modification shall be expressed to be for a period not exceeding one year but the Commissioner may in like manner from time to time renew any such exemption, relaxation or modification for periods not exceeding one year.

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(3) Any such exemption, relaxation or modification shall be in writing signed by the Commissioner or the Chief Medical Officer, and shall be displayed with the certificate of registration in the private hospital concerned in a prominent place accessible to all patients or intending patients.

9. Inspection and supervision

The Chief Medical Officer or a Senior Medical Officer or a medical officer of health appointed or deemed to be such under section 4 of the Public Health Law may at all reasonable times enter a private hospital for the purpose of supervision and inspection and may require to be produced to him all or any of the records, registers and other documents required to be kept under the provisions of this Law and the medical practitioner in charge shall take such steps as may be necessary to facilitate such supervision and inspection.

[Cap. P14.]

Provided that nothing in this section shall be deemed to authorise the inspection of any medical record relating to a patient in a private hospital.

10. Power to cancel or suspend registration

(1) Where it appears to the Commissioner that the provisions of this Law or any of them are not being carried into effect in a private hospital or that a private hospital is not being conducted in the best interests of the health or well-being of the patients admitted thereto or that any medical practitioner connected with a private hospital is not or has ceased to be a fit and proper person he may by order—

(a) suspend the registration of such private hospital until the conditions which caused the order of suspension to be issued have been rectified;

or

(b) cancel the registration of such private hospital.

Provided that no such order of suspension or cancellation shall be made until the conditions because of which such order is contemplated have been conveyed in writing to the medical practitioner in charge of such private hospital or, in the case of a private hospital owned by a company, to the company concerned, and such medical practitioner or such company as the case may be has had an opportunity of making representations either

personally or in writing to the Commissioner.

(2) When an order of suspension or cancellation of the registration of a private hospital has been made under the provisions of subsection (1) such private hospital shall there-upon be closed and no new patients shall be admitted and the remaining in-patients shall, in the discretion of a Chief Medical Officer or a Senior Medical Officer, be discharged or transferred to another hospital or private hospital or retained in the private hospital which has so been closed until, in the opinion of a Chief Medical Officer or a Senior Medical Officer they are fit to be discharged or transferred and such retention of in-patients shall be deemed not to constitute an offence under section 3.

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

(4) Any order of suspension or cancellation made under the provisions of this section shall be in addition to any proceedings which may be instituted in respect of any contravention or failure to comply with the provisions of this Law and to any penalties which may be imposed on conviction in such proceedings whether or not such conviction is had on the same facts on which the order of suspension or cancellation was made.

(5) Save in the case of serious infectious disease or other grave public danger the Commissioner shall give to the person concerned fourteen days' notice of his intention to suspend or cancel a registration.

11. Liability for offences

Where an offence has been committed against this Law in respect of the institution or the conduct of a private hospital and such private hospital is owned or controlled by a person or a company then, in addition to the medical practitioner in charge, such person or

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

12. Penalties

Any person or company contravening or failing to comply with the provisions of this Law shall be guilty of an offence and liable on summary conviction to a fine of ten thousand naira or to imprisonment for three months or to both such fine and imprisonment and in the case of a continuing offence to a further fine of two thousand naira for each day during which the offence continues.

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13. Power to make regulations

The Commissioner may, after consultation with the Chief Medical Officer, with the approval of the Governor, make regulations in respect of the institution, conduct, supervision and inspection of private hospitals and generally for the carrying into effect of the purposes of this Law and, without prejudice to the generality of the power so conferred, in particular for—

- (a)* prescribing any matter or thing required to be prescribed under the provisions of this Law;
- (b)* prescribing the standards of sanitary arrangements;
- (c)* regulating the accommodation for patients and nursing staff;
- (d)* regulating the accommodation and equipment for operating theatres, laboratories, sterilisation and disinfection, pharmacies and other similar purposes;
- (e)* prescribing the qualifications and training of the nursing staff and the number of qualified nurses or midwives to be employed in proportion to the

- number of beds available;
- (f) regulating the preparation and storage of food and drugs and, where drugs are dispensed in a private hospital, the number of qualified pharmacists to be employed;
 - (g) regulating the arrangements for disinfection and the prevention of the spread of infection;
 - (h) prescribing the arrangements to be made for the prevention and control of fire and for the safety of patients and staff in the event of fire;
 - (i) prescribing the records and statistics to be kept and the mode of keeping them;
 - (j) prescribing the registers and records to be kept in respect of patients;
 - (k) prescribing the notification of deaths, births, still-births, miscarriages and abortions and also infectious diseases;
 - (l) regulating the admission and discharge of patients;
 - (m) prescribing the hours of work and working conditions for the nursing staff;
 - (n) regulating general medical and domestic arrangements;
 - (o) prescribing the records to be kept when a child born in a private hospital is discharged or removed therefrom;
 - (p) prescribing penalties up to a maximum of five thousand naira or six months' imprisonment or both such fine or imprisonment for offences against any of the regulations made hereunder.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation