



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

18th February, 1999.

ANTIGUA AND BARBUDA

No. 1 of 1999

AN ACT to establish the Antigua and Barbuda Hospitals Board to be responsible for the administration, management and overall organization of the hospitals in an efficient manner, and for connected purposes.

[*25th February, 1999*]

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the Antigua and Barbuda Hospitals Board Act, 1999. Short title.

2. In this Act, unless the context otherwise requires, Interpretation.

"Board means the Antigua and Barbuda Hospitals Board Established under section 3;

"Director of Finance" means the person appointed to be Director of Finance under section 9;

"fees" includes any fees or charges prescribed to be paid by patients in the hospitals whether in-patients or out-patients, for treatment, nursing, accommodation, attendance, food, dressings, drugs, medicines or other supplies or services of whatever kind rendered to each patient by the hospitals, but

does not include fees payable to members of the medical staff who are not officers or servants of the Board;

"financial year" means the financial year of the Board as defined in section 20 (4);

"funds" includes monies, stocks, shares and other securities;

"Hospitals Director" means the person appointed to be Hospitals Director under section 9;

"medical staff" means the medical and dental practitioners appointed under section 13 to practice their professions in the hospitals;

"Minister" means the Minister responsible for the subject of Health;

"premises" includes messuages, buildings, lands, easements and hereditaments of any tenure;

"prescribed" means prescribed by regulations made under the Act;

"public officer" has the same meaning as in section 127 of the Antigua and Barbuda Constitution Order, 1981;

"Secretary" means the Secretary appointed under section 4 (1);

"the general hospital" means the institution known as Holberton Hospital and the institution, when completed, to be known as the Mount St. John's Medical Centre and any premises which may be declared by the Minister, by notice published in the *Gazette*, to be a part of the general hospital;

"the hospitals" means the general hospital and the mental hospital and includes any establishment for the care or relief of the sick or infirm that the Minister may place under the control of the Board.

3. (1) There is established a Board to be known as the Antigua and Barbuda Hospitals Board (in this Act referred to as the "Board") having the powers and duties conferred or imposed upon it by this Act and any other statutory provision and in which all funds for the management of the hospitals shall be vested.

Establishment of the Antigua and Barbuda Hospitals Board.

(2) The Board established under subsection (1) is a body corporate with perpetual succession and common seal and is capable of suing and being sued in its corporate name.

(3) Subject to the provisions of this Act the Board shall have the power to acquire, hold and dispose of movable and immovable property of any kind, enter into contracts and of doing or performing the Acts that bodies corporate may by law do or perform.

(4) The seal of the Board shall be kept in the custody of the Secretary at all times and shall not be affixed to any instrument except by the authority of a resolution of the Board; and the sealing of any instrument shall be authenticated by the Chairman or Deputy Chairman and the Secretary.

(5) All documents, other than those required by law to be under seal, made by the Board and all decisions of the Board may be signed under the hand of the Chairman or the Secretary.

4. (1) The Board shall consist of

Composition of the Board.

- (a) a Chairman, a Deputy Chairman, a Secretary and six other members, appointed by the Minister by instrument in writing; and
- (b) the Hospitals Director and the Medical Chief of Staff as *ex-officio* non-voting members.

(2) Subject to subsection (8) a member of the Board shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

(3) If the Chairman, Deputy Chairman or any other member of the Board is unable to act, the Minister may, appoint a person to act in the place of the Chairman, Deputy Chairman or other member.

(4) A member of the Board, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(5) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

(6) The Minister may, on the application of a member in writing grant leave of absence to the member.

(7) The members of the Board shall be paid remuneration as may be determined by the Cabinet.

(8) The Minister may, at any time, revoke the appointment of a member of the Board if

- (a) the member is incapable for any reason to perform his functions as a member;
- (b) the member has been absent from meetings of the Board for three consecutive regular monthly meetings, other than by reason of subsection (6);
- (c) the member fails to disclose his interest in accordance with section 6; or
- (d) the Minister on reasonable grounds thinks it expedient so to do.

Meetings of the
Board.

5. (1) The Board shall meet at least ten times in any one year.

(2) Meetings of the Board shall be held at the place, day, and time the Chairman, or three other members of the Board acting together, determine, and due notice of the place, day and time shall be given

to each member in writing at least forty-eight hours before the time the meeting is to be held.

(3) At every meeting of the Board the Chairman or in the absence of the Chairman, the Deputy Chairman shall preside and in the absence of both the Chairman and the Deputy Chairman the members present shall elect a member to preside at the meeting.

(4) The quorum for meetings of the Board shall be five voting members, and if a quorum is present, the Board is not disqualified for the transaction of business by reason of a vacancy among its members.

(5) The decision of the Board shall be by a majority of votes, and in the event of an equality of votes, the Chairman presiding at the meeting shall have a casting vote.

(6) Minutes of each meeting and transactions of the Board shall be recorded by the Secretary and shall be confirmed by the Board at its next meeting and signed by the Chairman or Deputy Chairman as the case may be.

(7) Subject to the provisions of this Act, the Board may regulate its own procedure for meetings.

6. A member of the Board who is directly or indirectly interested in a contract made or proposed to be made by the Board

Disclosure of interest.

(a) shall disclose the nature of his interest at a meeting of the Board, and

(b) shall not take part in any deliberation or decision of the Board with respect to the contract.

7. (1) The Board shall be responsible for the overall organisation and management of the hospitals.

Functions and duties of the Board.

(2) The Board shall consider and advise upon all matters which may from time to time be referred to it by the Minister and shall

furnish to the Minister information he may reasonably require relating to the administration of the Act.

(3) The Board shall

- (a) administer the hospitals generally in an efficient manner to promote the welfare of the patients of the hospitals;
- (b) make available at the hospitals modern methods of treatment of the sick and infirm;
- (c) co-ordinate the administration and operation of the hospitals;
- (d) make recommendations to the Minister on the development of the hospitals and the hospital service in Antigua and Barbuda;
- (e) establish and determine the duties of its Committees;
- (f) determine, subject to sections 9, 10 and the duties of its officers; and
- (g) give effect to any directions given by the Minister under section 8.

Policy directions by Minister.

8. The Minister may, after consultation with the Board, give general directions as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary in the public interest.

Appointment of hospitals Director and Director of Finance.

9. (1) The Board shall appoint, at the remuneration, terms and conditions approved by the Cabinet, a Hospitals Director who shall be a full-time officer of the Board and the principal executive officer of the Board.

(2) The Board shall appoint, at the remuneration, terms and conditions approved by the Cabinet, a Director of Finance who shall be a full-time officer of the Board and be responsible to the Board through the Hospitals Director for the efficient management of the financial administration of the hospitals.

10. (1) The Board shall appoint, at the remuneration, terms and conditions approved by the Cabinet, a Medical Chief of Staff for the general hospital, who shall be a medical practitioner registered under the Medical Act and may or may not be a full-time officer of the Board.

Appointment of
Medical Chief of
Staff.

Cap. 269.

(2) The Medical Chief of Staff shall be responsible to the Board for the medical and dental organization of the general hospital and for the supervision of the medical and dental care given to all patients of the general hospital in accordance with the policies established by the Board.

(3) The Medical Chief of Staff shall be Chairman of the Medical Staff Committee at the general hospital.

11. (1) The Board shall appoint, at the remuneration, terms and conditions approved by the Cabinet, a Chief of Psychiatry for the mental hospital, who shall be a medical practitioner registered under the Medical Act, and may or may not be a full-time officer of the Board.

Appointment of
Chief of Psychiatry.

Cap. 269.

(2) The Chief of Psychiatry shall be qualified to practise as a Psychiatrist by virtue of a qualification recognized by the Antigua and Barbuda Medical Council.

(3) The Chief of Psychiatry shall be responsible to the Board for the organization of the mental hospital and for the supervision of the medical care given to all patients of the mental hospital as well as the co-ordination and supervision of the care given to all patients in the community psychiatric programme.

(4) The Chief of Psychiatry shall be Chairman of the Medical Staff Committee at the mental hospital.

12. (1) The Board may, at the remuneration, terms and conditions approved by the Minister, appoint other officers and servants necessary for the due performance of the functions of the Board.

Appointment of
officers of the
Board.

(2) The Public Service Commission may, subject to any conditions that may be imposed, approve the secondment of a

public officer in the service of the Government immediately before the commencement of this Act to an office with the Board, and a public officer so appointed shall, in relation to pension, gratuity, other allowance, and any other rights or obligations as a public officer, be treated as continuing in the service of the Government.

(3) Where in this Act an officer is stated to be a full-time officer of the Board, he shall not, except with the permission of the Board, practise any profession or engage in any trade or business or take any employment for gain, otherwise than in pursuance of the duties of his office.

**Appointment of
medical Staff.**

13. (1) The Board may, after consultation with the appropriate Medical Staff Committee and on the terms and conditions approved by the Minister, appoint medical staff for the hospitals, but a person appointed to the medical staff shall not by reason of that appointment be an officer, servant or agent of the Board.

(2) Subject to subsection (3) a person appointed to the medical staff shall hold office for a period of three years and shall be eligible for reappointment.

(3) The Board may revoke the appointment of a person to the medical staff for good cause (including any breach of the rules of the Board).

**Clinical
departments and
services.**

14. (1) The Board may, after consultation with the appropriate Medical Staff Committee, establish and maintain clinical departments or services as it considers necessary for the proper operation of the hospitals and without prejudice of the generality of the foregoing, shall establish and maintain at the general hospital the following departments or services:

- (a) Medical;
- (b) Surgical;
- (c) Obstetrics and gynaecology;
- (d) Pediatrics;
- (e) Emergency medicine;

- (f) Diagnostic medicine;
- (g) Geriatric medicine;
- (h) Dental;
- (i) Anaesthesiology;
- (j) Pathology and Laboratory services.
- (k) **Orthopaedics**

(2) The Board may, after consultation with the appropriate Medical Staff Committee and the Hospitals Director on the terms and conditions approved by the Minister, appoint a member of the medical staff to be the head of any department or service established under subsection (1).

15. There shall be established

**Medical Staff
Committees.**

- (a) a Medical Staff Committee for the general hospital;
and
- (b) a Medical Staff Committee for the mental hospital,

which shall be standing committees and the composition, procedure and functions of each Medical Staff Committee shall be as prescribed by Regulations.

16. The funds and resources of the Board shall consist of

**Financial
provisions.**

- (a) monies appropriated by the Legislature for the purposes of the hospitals;
- (b) monies from the **Medical Benefits Scheme**;
- (c) monies received by the Board by way of rents, fees and other charges for hospital services;
- (d) monies borrowed by the Board under section 17 for the purpose of carrying out its functions under the Act; and

ANTIGUA
AND
BARBUDA

10 *Antigua and Barbuda Hospitals Board Act, 1999.* No. 1 of **1999.**

- (e) monies or other property real or personal received by way of gifts or bequests given to the hospitals or to the Government for the purposes of the hospitals.

Borrowing powers

17. (1) The Board may, with the prior approval of the Minister of Finance borrow monies required by it for the purpose of carrying out its functions under the Act.

(2) The Minister of Finance is required to approve the amount to be borrowed, the source of the borrowing, the terms on which the borrowing may be effected and his approval may be either general or limited to the particular borrowing and may be either conditional or unconditional.

Investment.

18. (1) The Board may invest monies in securities to be determined by the Board and the investments shall include funds that are given or bequeathed for the benefit of the hospitals.

(2) The Board may realise any funds that are in a state of investment provided that any funds realised that were given or bequeathed for the benefit of the hospitals shall as soon as practicable or expedient be re-invested by the Board.

(3) Funds received by the Board that are in an investment may be retained by the Board in that investment.

Land tax exemption.

19. All property real or personal appertaining to the hospitals shall be exempt from land and other taxes of like nature.

Accounts of the Board.

20. (1) The Board shall cause proper accounts of its financial affairs to be maintained.

(2) The accounts prepared for the purposes of subsection (1) shall set out

- (a) the accounts for each hospital separately;
- (b) the income and expenditure of each hospital and where an activity can be shown separately for accounting

purposes, the income and expenditure arising from the activity;

(c) any other matters the Minister may specify.

(3) Without prejudice to the generality of subsection (2) the Minister may give general or special directions with respect to the accounting procedures of the Board and the Board shall act in accordance with those directions.

(4) For the purposes of this Act, the financial year of the Board shall end on the date the Board, with the approval of the Minister, may determine.

21. (1) The accounts of the Board shall be prepared in the form and at the time the Minister may direct, and shall be audited annually by the Director of Audit or a person appointed by the Board with the approval of the Minister of Finance. **Audit of accounts**

(2) The Board shall grant, to the Director of Audit or the Auditor appointed under subsection (1) to audit the accounts, access to all books, documents, cash and securities of the Board and shall give to him on request any information in relation to the operations of the Board.

(3) The Board shall submit to the Minister every account, certified by the Director of Audit or the Auditor appointed under subsection (1) to audit the accounts, within thirty days of the date of the certificate.

(4) The Minister shall, as soon as possible after receipt of an account in accordance with subsection (3) lay a copy of the account before the House.

22. At the request of the Minister, the Permanent Secretary, Ministry of Public Works or an officer of that Ministry authorised by him in that behalf, may at all reasonable times and upon reasonable notice being given to the Board, enter into and inspect all premises within the control and management of the Board, and **Inspection of hospital premises.**

ANTIGUA
AND
BARBUDA

12 *Antigua and Barbuda Hospitals Board Act, 1999.* No. 1 of 1999.

the Permanent Secretary, Ministry of Public Works or an officer of that Ministry authorised by him in that behalf, shall report to the Minister upon the state of the premises and the Minister shall forward a copy of each report to the Board.

Vesting and
divesting of
property.

23. (1) All property of the hospitals whether movable or immovable shall become the property of the Board.

(2) No property vested in the Board under subsection (1) shall be divested without first obtaining the written approval of the Cabinet.

Power to make
regulations.

24. (1) The Minister shall, after consultation with the Board make regulations

- (a) to ~~fix~~ the sums to be charged by way of hospital fees;
- (b) prescribing anything which may be or is to be prescribed under the Act;
- (c) prescribing professional and other qualifications required by officers of the Board;
- (d) prescribing the conditions under which medical and dental and other practitioners shall be admitted to the hospitals to practise their professions;
- (e) prescribing the conditions under which students shall be admitted to the hospitals to study their profession;
- (f) prescribing the duties to be performed by the various officers and Committees of the Board
- (g) prescribing the composition, procedure and functions of each Medical Staff Committee;
- (k) generally for the purpose of giving effect to this Act.

(2) Regulations made under this Act shall be subject to negative resolution of the House.

25. (1) The Board shall, in consultation with the Minister, make hospital rules Power to make rules.

- (a) governing the professional conduct of the medical staff,
- (b) as to investigations into allegations of misconduct by the medical staff;
- (c) as to the disciplinary action that may be taken following a finding of misconduct;
- (d) to establish and institute policies for the efficiency, good order and management of the hospitals;
- (e) to make provision for
 - (i) the admission and discharge of patients, patients identification and protection of the rights of patients;
 - (ii) the conduct and control of patients;
 - (iii) the conduct of visitors; and
 - (iv) the control and supervision of clinical work and the use of the facilities of the hospitals in the course of that work.

(2) A handbook of the policies and rules of the Board shall be supplied by the Board to medical and dental practitioners and made available for inspection by other persons on request being made to the Hospitals Director.

ANTIGUA 14 *Antigua and Barbuda Hospitals Board* No. 1 of 1999.
 AND
 Act, 1999.
BARBUDA

Passed the House of Representatives this 18th
day of January, 1999.

Passed the Senate this 11th
day of February, 1999.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk of the House of Representatives.

S. Walker,
Clerk of the Senate.

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