



STATE OF NIGERIA

2017, LAW NO. 3

A Law to repeal the Health Institutions Edict No.9 of 1985 (as amended) and enact a law making provisions for the registration and inspection of Hospitals and other Health Institutions in Imo State and other related matters.

Long Title

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

Enactment

1. This Law may be cited as the Imo State Health Institutions Registration and Inspection Law, 2017.

Citation

2. In this law, unless the context otherwise provides –

Interpretation

“Chief Health Officer” means the Chief Health Officer of Imo State;

“Chief Nursing Officer” means the Chief Nursing Officer of Imo State;

“Chief Pharmacist” means the Chief Pharmacist of Imo State;

“Commissioner” means the Commissioner charged with the responsibility for Health matters in the State;

“Company” includes a company registered under the provisions of the Companies Act or a body corporate or unincorporated, or an association or partnership of any number of persons;

“Convalescent Home” means any premises established or maintained for the convalescence or rehabilitation of patients after surgical operations or other active treatment in Hospitals (including Nursing homes) or for the nursing care of chronically ill patients.

"Corporate Body" means any Body incorporated under the provisions of any written law;

"Director of Health services" means the Director of Health Services of Imo State;

"Government" means the Government of Imo State of Nigeria;

"Health Institution" includes any Hospital with or without accommodation for in-patients, Nursing Homes, Convalescent Homes, Medical Practitioner's Consulting Room, Health Centre, Dispensary, Maternity Homes, Dental Centre, Physiotherapy Centre, Radiographic Centre, Optical Centre and any premises normally or regularly used or intended to be used for the reception and treatment of persons suffering from any physical or mental illness or disability or injury or examination or treatment of pregnant women or women during childbirth or immediately after childbirth, whether or not any payment or reward is demanded or made or promised by or on behalf of any person so received, but does not include any Health Institution wholly maintained or controlled by the Federal or State Government;

"Health professional" means any person who is entitled to be in charge of a Health Institution;

"infectious Disease" shall have the same meaning ascribed to it in the Imo State Public Health Law No.9 of 2004;

"Joint Inspectorate" means the Imo State Ministry of Health Joint Inspectorate comprising the Director of Health Services, the Chief Health Officer, the Chief Pharmacist and the State Chief Nursing Officer or their representatives who shall not be below salary Grade Level 10;

"Medical Officer" means a medical doctor in the service of the Government and any medical practitioner authorized by the Director of Health Services for any of the purposes of this Law to the extent of such authorization"

"Medical Practitioner" means a medical practitioner or a dental practitioner, as the case may be, fully or temporarily registered by the Medical and Dental Council of Nigeria, but does not include a Doctor or Dentist provisionally registered by the Medical and Dental Council of Nigeria;

"Nursing Home" shall have the same meaning as a Health Institution in this Law;

"Optical centre" means any premises where people's eyes are tested or examined for the purpose of prescribing and/or supplying corrective eye glasses prescribed for patients;

"Permanent Secretary" means the Permanent Secretary in Ministry of Health, Imo State;

"Physiotherapy Centre" means any premises used for the treatment of diseases or disabilities by physical means such as heat, massage, exercises, manual therapy, education and medical advice;

"Radiographic Center" means an X-ray diagnostic centre;

"State" means Imo State of Nigeria.

* 3. No person, Company, Body corporate or unincorporated or Community shall establish, run or manage or conduct a health institution unless such a Health Institution has been duly registered under the provisions of this Law.

*Registration
of Health
Institutions*

4. All registered Health Institutions existing before the commencement of this Law shall remain registered but shall, within one year from the date of commencement of this Law comply with all the provisions and stipulations herein contained.

*Registered
Institutions
to comply
with the Law*

* 5. Application for registration shall be made in the Form prescribed in the First Schedule to this law and on payment of a fee as indicated in the Second Schedule to this Law and shall be addressed to the Commissioner.

*Application
for
registration*

6.(1) The Director of Health Services shall cause to keep, a Register of all Health Institutions registered under the provisions of this Law.

Health
Institutions

- (2) The following particulars shall be recorded in the Register –
- (a) name of the Health Institution;
 - (b) type of Health Institution
 - (c) address of premises;
 - (d) number of beds; and
 - (e) number of the Registration Certificate

7.(1) For every registered Health Institution, the Commissioner shall issue a Certificate of Registration.

Certificate of
registration

(2) In any legal proceedings arising from the contravention of section 3 of this Law, production of a valid Certificate of Registration issued under subsection (1) above shall be *prima facie* proof of registration of the Health Institution. Conversely, the *non-production* of a Certificate of Registration shall be *prima-facie* of non registration of the Health Institution. The burden of proof shall rest on any person alleging the contrary.

(3) A Certificate of Registration shall be in the Form prescribed in the Third Schedule to this Law and when issued, such Certificate of Registration shall be displayed in a prominent place accessible to all patients and intending patients in a Health Institution.

8.(1) The State Executive Council may, upon the advice of the Joint Inspectorate, increase or reduce any fee prescribed in the Fourth Schedule to this Law.

Power of
State
Executive
Council to
alter fees

(2) The fees so reduced or increased shall be approved by a resolution of the House of Assembly.

9.(1) Every Health Institution shall be registered upon the submission of an application in the prescribed Form and payment of the registration fee stipulated in the Second Column of the Fourth Schedule to this Law.

Registration
and renewal
of
registration

(2) The registration of every Health Institution shall be renewed annually upon the payment of the renewal fees stipulated in the Third Column of the Fourth Schedule to this Law.

- 10(1) Subject to the provisions of this Law, every hospital, Nursing Homes or Medical Practitioner's Consulting Room shall be under the direct control and supervision of a registered medical practitioner (hereinafter referred to as the Medical Practitioner in-charge).
- (2) Every Dental centre shall be under the direct control and supervision of a registered Dental Practitioner (hereinafter referred to as the Dental Practitioner in-charge)
- (3) Every other Health Institution shall be under the direct control of a properly qualified and registered Health Professional, such as Midwife, Optician, Radiographer, etc (hereinafter referred to as the Midwife in-charge, Optician in-charge, Radiographer in-charge etc, as the case may be).
- (4) The registered Health Professional in-charge shall be responsible for the implementation of the provisions of this Law in the Health Institution concerned: Provided that in the case of Hospitals, etc established by private individuals, the Medical Practitioner in-charge must be one fully registered by the Medical and Dental Council of Nigeria and is eligible to engage in private Medical Practice in accordance with any Laws and Regulations applicable in the meantime.
- (5) Every Health centre, Dispensary, Maternity Home, Convalescent Home or Physiotherapy Centre, shall be under the supervision of a registered Medical Practitioner who shall visit the institution for the purpose of supervision at least once a month: Provided that no Medical Practitioner shall supervise more than twenty Maternity Homes and Health Centres.
- (6) Any change of a Medical Practitioner supervising a Health Institution under subsection (5) above shall immediately be notified to the Commissioner in writing.

Control of hospitals, nursing homes dental centres and other health institutions

- 11(1) Where more than one Medical Practitioner is connected with a Hospital, Nursing Home or Medical Practitioner's Consulting Room etc, one of such Medical Practitioners shall be designated as the medical practitioner in-charge.
- (2) Where more than one dental practitioner is connected with a Dental Centre, one of such Dental Practitioners shall be designated as the Dental Practitioner in-charge.

One Health Professional to be in charge if there are more than one connected to a health institution

- (3) Where more than one Midwife is connected with a Maternity Home or where more than one Optician is connected with an Optical centre, one of such Health Professionals shall be designated as the Midwife in-charge or Optician in-charge (as the case may be) of the Health Institution.
 - (4) Where two or more colleagues of a particular health profession are connected with a Health Institution mentioned in this law, one of such Health Professional Colleagues shall be, designated as the Professional in-charge;
Provided that nothing in this section shall prevent a suitably qualified and registered Medical Practitioner from being directly in charge of a radiographic centre, but no Medical Practitioner shall be in charge or in direct control of more than one Health Institution, except as provided under subsection (5) below.
 - (5) Notwithstanding the provisions in subsection (4) of this section, a Medical Practitioner may be in-charge of more than one additional Out-patient Clinic provided that the original Health Institution and the additional Out-patient Clinic are not both in urban areas, and that specified visiting times or days are allocated to the Out-patient Clinic if there is no fulltime doctor assigned to the out-patient clinic.
 - (6) Any change of a Medical Practitioner in-charge or other health professional in-charge of a Health Institution shall be immediately notified to the Commissioner in writing.
- 12(1) No Health Institution shall be built unless the site of the proposed Institution and the building plans have been approved by the Commissioner.
- (2) No existing building shall be used as a Health Institution unless the site, the building plans and the building have been approved by the Commissioner.
 - (3) No premises shall be registered as a Health Institution unless –
 - (a) the site is suitable and accessible by road to the general public;

Conditions
for
registration

- (b) the building is suitable in size, shape and construction, ventilation and lighting (details for wards, theatres, delivery rooms, etc to be specified);
 - (c) the general amenities, including water supply, toilet facilities, facilities for sterilization and disinfection, refuse and sewage disposal systems and precautions against fire outbreaks are satisfactory;
 - (d) the equipment and the staff are suitable and adequate to meet the requirements of such Health Institutions; and
 - (e) the prescribed fee has been paid.
- (4) Every Health Institution with accommodation for in-patients shall have –
- (a) accommodation for out-patients separate from accommodation for in-patients;
 - (b) accessible Dispensary and Dispensary store (optional in the case of a maternity home);
 - (c) adequate facilities for cooking;
 - (d) adequate laundry facilities;
 - (e) separate toilet for males and females;
 - (f) a Sluice room for every 30 in-patient beds or less;
 - (g) separate accommodation for isolation of infectious cases;
 - (h) a Mortuary (not required for Convalescent home, Health Centre and Maternity Home); and
 - (i) a Register in which shall be recorded particulars of every patient admitted.
13. No Health Institution shall be registered unless the Commissioner is satisfied that the following additional conditions are fulfilled –
- (a) for a Hospital or Nursing Home –
 - (i) the Medical Practitioner in-charge and any other Medical Practitioner connected with the Institution are registered with the Medical and Dental Council of Nigeria;
 - (ii) the nursing staff are adequate: Provided that where there is accommodation for in-patients, there shall at all times be available for duty a registered Midwife;
 - (iii) the Matron or other person in-charge of the Nursing staff is a qualified Nurse and/or Midwife registered by the Nursing Council of Nigeria and/or the Midwives Board of Nigeria or the Nursing and Midwifery Council

*Additional
conditions
for
registration
of different
types of
health
institutions*

- of Nigeria; and
- (iv) the Medical Practitioner in-charge and another Medical Practitioner of the Institution resides within 15 kilometres of the Institution.
- (b) for a Dental Centre –
- (i) the Dental Practitioner in-charge and any other Dental Practitioner connected with the dental centre are registered with the Medical and Dental Council of Nigeria;
- (ii) the Dental Practitioner resides within 15 kilometres of the Centre; and
- (iii) the Dental staff are adequate.
- (c) for a Medical Practitioner's Consulting Room not within a Hospital/Nursing Home –
- (i) the Medical Practitioner in-charge is duly registered with the Medical and Dental Council of Nigeria;
- (ii) the medical practitioner resides not farther than 15 kilometres from the consulting room.
- (d) for a Convalescent Home –
- (i) the person in-charge is a qualified Nurse duly registered with the Nursing Council of Nigeria or the Nursing and Midwifery Council of Nigeria;
- (ii) the Nurse in-charge or another registered Nurse connected with the Convalescent Home is resident within 8 kilometres of the Institution;
- (iii) the Nursing staff are adequate; and
- (iv) the supervising Medical Practitioner resides within 15 kilometres of the home.
- (e) for a Health Centre –
- (i) the Nurse or Midwife in-charge is registered by the Nursing Council of Nigeria or the Midwives Board of Nigeria or the Nursing and Midwifery Council of Nigeria. This provision shall apply to a Health Centre consisting only of a Maternity Home of not more than 16 beds, a Dispensary and a Public Health Office. If the Maternity component has more than 16 beds or if the Health Centre provides accommodation for in-patients other than maternity cases; the Health Centre

- shall be deemed to be a Hospital and the conditions stipulated for Hospitals and Nursing Homes shall apply to it;
- (ii) there is available at all times a registered Midwife on duty;
 - (iii) the staff are adequate; and
 - (iv) the supervising Medical Practitioner resides not farther than 30 kilometres from the Health Centre:
Provided that only health professionals may operate a Health Centre.
- (f) for a Dispensary –
- (i) the Rural Health Assistant in-charge or other person in-charge is suitably qualified to be in-charge of such institution; and
 - (ii) the supervising Medical Practitioner resides not farther than 30 kilometers from the Dispensary:
Provided that only health Professionals may operate a Dispensary.
- (g) for a Maternity home –
- (i) the Midwife in-charge and any other Midwife connected with the maternity home are registered by the Midwives Board of Nigeria or the Nursing and Midwifery Council of Nigeria:
Provided that no maternity home shall have more than 16 in-patient beds; if any such Institution has more than 16 beds, it shall be deemed to be a Maternity Hospital and the conditions for Hospitals and Nursing Homes shall apply to it;
 - (ii) the staff are adequate;
 - (iii) there is available at all times a registered Midwife on duty; and
 - (iv) there is a supervising Medical Practitioner residing within 30 kilometres of the home.
- (h) for a Physiotherapy centre –
- (a) the person in-charge is a qualified and recognized Physiotherapist
- (i) for a Radiographic Centre –
- (a) the person in-charge is qualified; and

- (3) The Joint Inspectorate or its agent shall inspect Health Institutions at least once in two calendar years. For the purpose of such inspection, a Health Institution shall keep a log book in which will be recorded, such particulars as date of inspection, number of faults found and commendations as the case may be.

16.(1) Where it appears to the Commissioner that any of the provisions of this Law are not being carried into effect in a Health Institution or that a Health Institution is not being conducted in the best interest of the health or well-being of the patients attended therein, the Commissioner may by order –

Power to
cancel or
suspend
registration

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869

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

(b) cancel the registration of such Health Institution:
Provided that no such order of suspension or cancellation shall be made until notice of the conditions upon which such order is to be made has been conveyed in writing to the Medical Practitioner in-charge or the Midwife or other Health Professional in-charge (as the case may be) of the Health Institution; and such Health Professional in-charge shall, within fourteen days of the notice, present his case either personally or in writing to the Commissioner.

(2) When an order for suspension or cancellation of the registration of a Health Institution has been made under the provisions of subsection (1), such Health Institution shall thereupon be closed and no new patients shall be admitted or attended to and the remaining in-patients (if any), shall, at the discretion of the Director of Health Services or his representative who must be a registered Medical Practitioner, be discharged or transferred to another Health Institution or be retained in the Health Institution which has been closed until, in the opinion of the Director of Health Services or his Medical Representative they are fit to be discharged or transferred and such retention of in-patients shall be deemed not to constitute an offence under this Law.

- (i) for a first offence: a fine of ₦50,000 (fifty thousand naira) only in case of an individual or fine of ₦100,000 (one hundred thousand naira) only, in case of a company;
- (ii) for a second offence: a fine of ₦100,000 (one hundred thousand naira) only or imprisonment for 6 months in case of an individual or fine of ₦200,000 (two hundred thousand naira) only in case of a company; and closure of the Institution if the Certificate of Registration is not obtained after three months from the date of second offence.
- (b) for failure to maintain standards –
- (i) warning notice from the Commissioner for rectification within three months;
- (ii) if no rectification after three months, fine and closure of the Institution as in paragraph (a)(ii) above shall apply;
- (c) for the contravention of other provisions of this law –
- (i) ₦20,000 in the case of an individual, and ₦50,000 in the case of a company;
- (ii) in case of continuing offence, ₦10,000 for each day offence is continued by an individual.
- (2) Such Private Health Institution shall be re-opened as soon as the individual or company operating the Institution obtains the Certificate of Registration referred to in Section (18)(1)(a); or carries out the rectification referred to in Section (18)(1)(b).
19. The Commissioner may make regulations in respect of the establishment, conduct, supervision and inspection of health institutions, the conditions for registration and generally for the carrying into effect 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; accommodation and equipment for operating theatres, laboratories, sterilization and disinfection, pharmacies and other similar

Power to
make
regulations

- purposes;
- (d) prescribing the number of qualified Nurses and Midwives to be employed in proportion to the number of beds available;
 - (e) regulating the preparation and storage of food and drugs, and, where drugs are dispensed in a Hospital, the number of qualified Pharmacists or Pharmacy Technicians/Assistants to be employed;
 - (f) regulating the arrangements for disinfection and the prevention of the spread of infection;
 - (g) 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;
 - (h) prescribing the records and statistics to be kept and the mode of keeping them, as well as regular returns of such records and statistics to the Commissioner;
 - (i) prescribing the registers and records to be kept in respect of patients as well as bi-annual returns of such records to the Commissioner;
 - (j) prescribing the monthly notification of deaths, births, still-births, miscarriages and abortions and weekly notifications of infectious diseases and notifiable puerperal pyrexia;
 - (k) prescribing the records to be kept when a child is born in a Hospital, Maternity Home or Health Centre and when the child is discharged or removed there from;
20. The Health Institutions Edict No.9 of 1985 and the Health Institutions (Amendment) Edict No. 13 of 1987 are hereby repealed.
21. Until the Commissioner makes Regulations pursuant to the provisions of section 19 of this Law, the Hospital Regulations which are already in place prior to the commencement of this Law shall continue to apply as if made under this Law.

Repeal

Transitional
permission

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- 3. Name
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- 6. Type
- 7. Number
- 8. Search
- 9. Method
- 10. Number
- 11. Number
- 12. Number
- 13. Number
- 14. Number
(a) (b)
(c) (d)

FIRST SCHEDULE

(SECTION 5)

FORM OF APPLICATION FOR REGISTRATION OF A HEALTH
INSTITUTION UNDER THE HEALTH INSTITUTIONS IN IMO STATE
(REGISTRATION AND INSPECTION) LAW 2017

1. Name of Health Institution
2. Location of Health Institution
3. Name of Proprietor or Name and Constitution of Governing Body
.....
4. Medical practitioner or other Health personnel in-charge
.....
(a) Name
- (b) Qualification (with dates)
- (c) Registration In Nigeria:No..... Date.....
5. Supervising Doctors in case of Maternity Homes, etc
.....
(a) Name
- (b) Qualifications (with date)
- (c) Year registered in Nigeria
6. Type of Institution
7. Number of beds
8. Source of assured water supply
9. Method of refuse disposal
10. Number of doctors employed and places of residence
.....
11. Number of Nursing Sisters employed and places of residence
.....
12. Number of Nurses and their qualifications
.....
13. Number of Midwives and their qualifications
.....
14. Number and qualifications of
- (a) Radiographers
- (b) Physiotherapists
- (c) Opticians/Optometrists

Signature of Applicant
Name (printed)
Contact Address

Date

Note: the following must be attached to this application:

1. Site plan of the premises showing the general layout of buildings (3 copies)
2. Building plans showing dimensions, etc and uses of room (3 copies)
3. Photocopy of valid Tax Clearance Certificate
4. Photocopy of Compliance Certificate (if applicable).

SECOND SCHEDULE

(SECTION 6)

HEALTH INSTITUTIONS IN IMO STATE (REGISTRATION AND
INSPECTION) LAW 2017
APPLICATION FEES

S/N	Institution	Amount
1	Dispensary	20,000
2	Patient medicine shops	20,000
3	Physiotherapy	30,000
4	Radiographic Centre	30,000
5	Optical Centre	30,000
6	Diagnostic lab	30,000
7	Maternity home of less than nine beds	30,000
8	Health Centre	40,000
9	Convalescent home of less than nine beds	40,000
10	Doctor's out-patient's clinic or consulting room not within a registered hospital	40,000
11	Health centre of between nine and sixteen beds	50,000
12	Maternity home of between nine and sixteen beds	50,000
13	Convalescent home of nine beds and above	50,000
14	Hospital or Nursing home of less than eleven beds	100,000
15	Hospital or Nursing home of eleven beds and above	150,000
16	Hospital or Nursing home of eleven beds and above with X – Ray establishment	150,000
17	Pharmacy – Retail shop only	100,000
18	Pharmacy – Manufacturing/whole sale	150,000
19	Pharmacy – Whole sale/retail shop	150,000
20	Comprehensive diagnostic lab	250,000

THIRD SCHEDULE

(SECTION 7)

HEALTH INSTITUTIONS IN IMO STATE (REGISTRATION AND
INSPECTION) LAW 2017
CERTIFICATE OF REGISTRATION

This is to certify that
.....
at
has been registered as a health institution under the health institutions in Imo
State (Registration and inspection) law 2016
Type of institution
No. of beds
Expiry date of Registration (if made under section 14)
Renewal date
Date this day of, 19

H

S/N

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FOURTH SCHEDULE

(SECTIONS 8,9)

HEALTH INSTITUTIONS IN IMO STATE (REGISTRATION AND INSPECTION) LAW 2017 REGISTRATION FEES

S/N	Types Of Health Institution	Registration	Renewal
1.	Dispensary	100,000	50,000
2.	Patient medicine shops	50,000	25,000
3.	Physiotherapy Centre	50,000	25,000
4.	Radiographic Centre	100,000	50,000
5.	Optical Centre	100,000	50,000
6.	Diagnostic lab	100,000	50,000
7.	Maternity home of less than nine beds	100,000	50,000
8.	Health Centre of less than nine beds	100,000	50,000
9.	Convalescent home of less than nine beds	100,000	50,000
10.	Doctor's out-patient's clinic or consulting room not with a registered hospital	100,000	50,000
11.	Health centres of between nine and sixteen beds	150,000	75,000
12.	Maternity home of between nine and sixteen beds	150,000	75,000
13.	Convalescent home between nine beds and sixteen beds.	150,000	75,000
14.	Hospital or Nursing home of less than eleven beds	150,000	75,000
15.	Pharmacy – retail shops only	150,000	75,000
16.	Hospital or Nursing home of eleven bed and above	250,000	125,000
17.	Hospital or nursing home of eleven beds and above with X-Ray equipment	250,000	125,000
18.	Comprehensive diagnostic centre	500,000	250,000
19.	Pharmacy – manufacturing/whole sale	500,000	250,000
20.	Pharmacy – whole sale/retail shops	250,000	125,000
21.	Pharmacy – retail shops only	150,000	75,000

FIFTH SCHEDULE

(SECTION 9 (2))

HEALTH INSTITUTIONS IN IMO STATE (REGISTRATION AND
INSPECTION) LAW 2017
RENEWAL OF REGISTRATION CERTIFICATE

This is to certify that the registration

at

has been renewed for a period of twelve months.

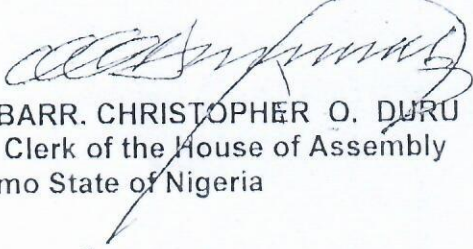
This renewal expires on Day of 20

Original registration No. and date

Renewal registration No.

Dated this day of 20

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.


BARR. CHRISTOPHER O. DURU
Clerk of the House of Assembly
Imo State of Nigeria

Assented to by me this 4th day of MAY, 2017



~~OWELLE ANAYO ROCHAS OKOROCHA, OON
Governor
Imo State of Nigeria~~

Assent withheld by me thisday of, 2017

OWELLE ANAYO ROCHAS OKOROCHA, OON
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2017.



RT. HON. IHIM IHEANACHO CELESTINE
Speaker
Imo State House of Assembly