

SAINT LUCIA

—
No. 7 of 2003

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

20th January, 2003.

SAINT LUCIA

No. 7 of 2003

AN ACT to provide for the administration and management of the St. Jude Hospital and for related matters.

[ON ORDER]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

PART 1
PRELIMINARY

Short title and commencement

1.— (1) This Act may be cited as the St. Jude Hospital Act, 2003.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

Interpretation

2. For the purposes of this Act —

“attorney-at-law” has the same meaning assigned to it in section 2 of the Legal Profession Act, 2000, No. 31;

“Board” means the St. Jude Hospital Board established under section 3;

“Chairperson” means Chairperson of the Board;

“Deputy Chairperson” means Deputy Chairperson of the Board;

“fees” means all fees payable to the Hospital in respect of any person for medical, surgical and other services performed at the Hospital;

“Hospital” means the St. Jude Hospital;

“Hospital fund” means the Hospital Fund established under section 19;

“member” means member of the Board;

“Minister” means the Minister with responsibility for Health.

PART II

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND STAFF

Establishment of the Board

3. There is established a body to be known as the St. Jude Hospital Board which shall be a body corporate to which, subject to this Act, section 19 of the Interpretation Act 1968 applies.

Constitution of the Board

4.— (1) Subject to subsection (4), the Board shall consist of the following members appointed by the Minister —

- (a) a member appointed after consultation with the union representing the employees of the hospital;
- (b) not less than eight members or more than ten members appointed from among persons of proven capacity in matters relating to industry, law, administration, science, accounting, finance or health.

(2) The Board shall at its first meeting called by the Minister appoint a Chairperson and a Deputy Chairperson from amongst the appointed members and the Board shall appoint a Chairperson and a Deputy Chairperson whenever such vacancy exists.

(3) The names of the Chairperson, Deputy Chairperson and the other members of the Board shall be published in the *Gazette*.

(4) An employee of the hospital pursuant to subsection (1) (a) shall not be eligible for appointment as a member of the Board.

Functions of the Board

5. The functions of the Board are —

- (a) to equip, furnish, maintain, manage, control and operate the Hospital;
- (b) to manage, conduct and supervise the activities of the Hospital;
- (c) to have general supervision of the buildings, premises and grounds of the Hospital;
- (d) to collect all fees payable to the Hospital under this Act;
- (e) to enquire into and adjudicate upon disciplinary charges against members of the staff of the Hospital;
- (f) to make recommendations to the Minister in respect of any matter directly or indirectly affecting the Hospital or the development of the medical or nursing service therein;
- (g) to set fee schedules for outpatient visits, procedures, lab work, reports and any other matter, subject to the approval of the Minister of Finance;
- (h) to employ, discipline and terminate staff as required for the functioning of the hospital;
- (i) generally to carry out the provisions of this Act.

Delegation of function

6.— (1) Subject to subsections (4) and (5), the Board may delegate any of its functions as it thinks expedient for the performance of any of its functions to any committee appointed by the Board or to any of its officers, but all committees so appointed shall include the Chief Executive Officer or his representative.

(2) A committee appointed under subsection (1) shall consist wholly or partly of members of the Board as may be necessary for the proper carrying out of its functions and the Board may co-opt to such committees such specialised personnel as it thinks fit.

(3) A person co-opted to a committee pursuant to sub-section (2) shall not have the right to vote.

(4) Nothing contained in subsection (1) authorises the Board to delegate its power to make regulations or to do any act involving extraordinary expenditure.

(5) A delegation under this section may at any time be revoked by the Board and shall not prevent the discharge by the Board of any function that it has delegated under subsection (1).

Term of office

7.— (1) A member of the Board shall hold office for a period of two years but shall not hold office for a period exceeding six consecutive years.

(2) The Minister may on the recommendation of the Board, revoke the appointment of any member of the Board.

(3) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister, the Chairperson ceases to be Chairperson of the Board.

(4) A member of the Board may at any time resign his or her office by instrument in writing addressed to the Minister; and where the member is not the Chairperson, transmit the resignation through the Chairperson and from the date of the receipt by the Minister of the instrument, the member ceases to be a member of the Board.

Temporary membership

8. The Minister may appoint another person to complete the term of a member who has resigned before completing his or her term.

Duties of Secretary

9. The duties of the Secretary of the Board shall be performed by a person appointed by the Board for that purpose.

Meetings of the Board

10.— (1) The Board shall meet at least every three months and at any other time as may be necessary or expedient for the performance of its functions under this Act.

(2) The meetings referred to in subsection (1) shall be held at such place and time and on such days as the Chairperson or in his or her absence the Deputy Chairperson may determine.

(3) The Chairperson may at any time summon a special meeting of the Board where —

- (a) a written request for that purpose is addressed to him or her by any three members of the Board; or
- (b) a direction to that effect is addressed to him or her by the Minister.

(4) Subject to subsections (5) and (6), a meeting of the Board shall be presided over by the Chairperson or in his or her absence by the Deputy Chairperson.

(5) At any meeting of the Board, in case of the absence or inability to act of both the Chairperson and the Deputy Chairperson, the members of the Board present shall elect one of their number to preside at that meeting.

(6) At any meeting of the Board where the Deputy Chairperson is presiding as Chairperson, the other members of the Board present shall elect one of their number to preside as Deputy Chairperson.

(7) The quorum at a meeting of the Board shall be a simple majority.

(8) Decisions of the Board are by a majority of votes and where the voting is equal the Chairperson has, in addition to his or her original vote, a casting vote.

(9) Minutes of the proceedings of each meeting of the Board shall be kept in such manner as the Board may determine and shall be confirmed by the Board as soon as is practicable thereafter at a subsequent meeting.

(10) Subject to this section, the Board has the power to regulate its own proceedings.

(11) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the nomination or appointment of a member.

Power to appoint staff

11.— (1) Members of the Staff of the Hospital shall be appointed by the Board in accordance with this Act upon such terms and conditions as the Board approves.

(2) The Staff of the Hospital comprises —

- (a) a Chief Executive Officer;
- (b) the Medical Director;
- (c) the Nursing Director; and
- (d) such number of doctors, nurses and other employees as the Board, may determine.

(3) The Hospital Chief Executive Officer, the Medical Director, the Nursing Director, all other employees and all persons employed by the Board, shall in the performance of the duties required by them by or under this Act, act under the general superintendence and direction of the Board.

(4) The Board may organise the Hospital into such divisions as it considers proper for the provision of effective care to patients.

Hospital Chief Executive Officer

12.— (1) The Hospital Chief Executive Officer shall be appointed by the Board with the prior approval of the Minister.

(2) The Hospital Chief Executive Officer shall not hold any other appointment or engage in any other occupation which in the opinion of the Board, is likely to interfere with the proper performance of his or her functions under this Act or is prejudicial to the interests of the Hospital.

Functions of Hospital Chief Executive Officer

- 13.** The functions of the Hospital Chief Executive Officer are to —
- (a) be the administrative head of the Hospital;
 - (b) attend meetings of the Board;
 - (c) supervise the discipline, and conduct of the professional staff of the Hospital;
 - (d) supervise the discipline, work and conduct of the other employees of the Hospital;
 - (e) generally to be responsible for the internal organisation and administration of the Hospital;
 - (f) any other duties assigned to the Officer under his or her contract of employment.

Medical Director

14. The Board shall appoint, after consultation with the Minister, a Medical Director.

Functions of Medical Director

- 15.** The functions of the Medical Director are to —
- (a) monitor the quality of medical care at the Hospital;
 - (b) ensure continuing improvement in all aspects of medical care;
 - (c) advise the Hospital Chief Executive Officer on priorities in the Hospital budget;
 - (d) advise the Hospital Chief Executive Officer on the employment and allocation of medical staff to departments of the Hospital;
 - (e) advise the Hospital Chief Executive Officer on all aspects of hospital administration affecting the well-being of patients; and
 - (f) perform any other duties as may be specified by the Board.

Nursing Director

16. The Board shall appoint, after consultation with the Minister, a Nursing Director.

Functions of Nursing Director

- 17.** The functions of the Nursing Director are to —
- (a) direct and delegate the management of professional and ancillary nursing personnel;
 - (b) coordinate activities of various nursing units, promoting and maintaining harmonious relationships among nursing personnel, medical staff, patients and the public;
 - (c) analyse and evaluate nursing and related services rendered to improve the quality of patient care;
 - (d) advise the Hospital Chief Executive Officer -
 - (i) on the employment and allocation of nursing staff towards the Hospital; and
 - (ii) on all aspects of hospital administration affecting the well-being of patients;
 - (e) perform any other duties specified by the Board.

PART III
FINANCIAL PROVISIONS

Remuneration of Members

18. There shall be paid to members of the Board remuneration at such rates as the Minister determines in accordance with existing regulations as approved by Cabinet for payment of stipends to Statutory Boards.

Funds of the Hospital

- 19.** There is hereby established a fund to be known as the Hospital Fund which shall consist of —
- (a) such sums as may from time to time be paid to its account out of moneys voted by Parliament;
 - (b) fees or other charges payable for the services rendered by the Hospital;
 - (c) such sums as may from time to time be borrowed by the Board; and
 - (d) such sums as may become available from any other source approved by the Board.

Borrowing powers

20. — (1) Subject to subsection (2), the Board may borrow money for all or any of the following purposes —

- (a) the financing for repair of buildings and equipment;
- (b) the financing of the purchasing of equipment; and
- (c) meeting any of its obligations or fulfilling its functions under this Act.

(2) The power conferred on the Board by subsection (1) is exercisable on approval by the Minister as to —

- (a) the amount and source of the loan; and
- (b) the terms on which the loan may be affected;

and an approval given for the purpose of this section may be either general or limited to a particular borrowing and may be either unconditional or subject to conditions.

Application and investment of funds

21.— (1) The funds of the Hospital shall be applied towards discharging the obligations and performing any of the functions of the Hospital under this Act and for connected purposes.

(2) The Hospital may, with the approval of the Minister, invest any of its funds not required to be expended in meeting its obligations or in the performance of its functions.

(3) The Minister may require that any balance standing to the credit of the Hospital at the end of the financial year, after full allowance has been made for the matters under subsection (1), be paid into the Hospital fund.

Accounts and audit

22.— (1) The Board shall keep proper accounts and records of the transactions relating to the activities of the Hospital.

(2) The accounts of the Hospital shall be audited annually by an independent auditor appointed by the Board.

(3) The Director of Audit shall, on the direction of the Minister, carry out at any time an investigation into, or audit of, the accounts of the Hospital.

(4) The members, officers and other staff of the Board shall give the Director of Audit or other person appointed to audit the accounts of the Hospital under subsections (2) and (3), as the case may be —

- (a) access to all books, documents, cash and securities of the Hospital; and
- (b) on being requested, all information within their knowledge that relates to the activities of the Hospital.

Annual report

23.— (1) The Board shall as soon as possible but not later than four months after the end of each financial year submit to the Minister a report containing —

- (a) a detailed account of the activities of the Hospital during the preceding year; and
- (b) a statement of its audited accounts certified by the auditor.

(2) The Minister shall cause a copy of the report mentioned in subsection (1) to be laid before Parliament.

Estimates

24. The Board shall prepare and submit to the Minister not later than four months after the end of each financial year estimates of revenue and expenditure in respect of its functions for the next ensuing financial year.

Transfer of staff

25.— (1) The Public Service Commission may approve the secondment of —

- (a) a Public officer to any office in the service of the Board; or
- (b) an employee of the Board to an office in the public service.

(2) Where a transfer and appointment has been approved under subsection (1) arrangements shall be made by the Government or the Board to pay to the Government or the Board as the case may be, such contribution as may be provided for in regulations by the Cabinet of Ministers in respect of pensions and gratuities, and any such regulations may make provision in different classes of cases.

Recovery of fees

- 26.** — (1) The Hospital shall be entitled to recover fees —
- (a) from National Insurance covered patients served at the Hospital;
 - (b) from government, for care given to paupers, government officers, nurses who serve outside the Hospital, prisoners, firemen, police officers and any other person given free care by the government;
 - (c) with the aid of an attorney-at-law —
 - (i) from insurance companies where the insured was at fault for the injury caused; and
 - (ii) from persons who have the ability to pay for care given by the Hospital.

(2) Notwithstanding anything to the contrary contained in the Crown Proceedings Ordinance, Cap. 13, any proceedings for the recovery of fees under this Act, may be brought by and in the name of the Hospital Chief Executive Officer, and such proceedings shall not be invalidated or lapse by reason of any change as to the holder of the Hospital Chief Executive Officer.

(3) A proceeding referred to in subsection (2) shall not be dismissed by reason only of the failure of the Hospital Chief Executive Officer to appear in person or by counsel or solicitor provided he or she be represented by some person authorised by him or her in that behalf for the time being present in court.

- (4) Nothing in this section shall be construed so as to —
- (a) prejudice or affect the right of the Attorney-General to institute civil proceedings on behalf of the Crown by virtue of section 13 of the Crown Proceedings Ordinance, CAP. 13; or
 - (b) prejudice or interfere with the rights, duties or liabilities of the Crown under the Crown Proceedings Ordinance, CAP. 13.

PART IV
MISCELLANEOUS

Remuneration of staff

27. The Board may employ staff at such remuneration as it deems fit taking into consideration the following —

- (a) market forces;
- (b) competition;
- (c) efficiency;
- (d) performance based awards; and
- (e) any remuneration prescribed by law.

Discipline

28.— (1) Subject to section 6 (2), a competent committee appointed by the Board may suspend or recommend the termination of member of the staff in accordance with any regulations made by the Board for the purpose of creating disciplinary offences with corresponding prescribed penalties.

(2) Subsection (1) shall not apply to members of staff seconded by the Government.

(3) The committee under subsection (1) shall forthwith upon any such suspension or recommendation for termination, report the same and the circumstances thereof in writing to the Chairperson who shall within seven days summon a meeting of the Board to enquire into and adjudicate upon the matter.

Protection of acts of Board

29. Any act done or proceeding taken under this Act by the Board shall not be questioned on the ground of any omission, defect or irregularity which does not affect the merits of the act or proceedings taken under this Act.

Protection of member

30. An action, suit, prosecution or other proceeding shall not be brought or instituted personally against any member in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Conflict of interest

31. The Board may require any member to sign a statement that a member shall be required to withdraw from the meeting for any period during which any matter of direct personal interest to such member or

person is to be discussed and the member shall withdraw if such a circumstance arises.

Exemptions

32. The Board shall be exempted from liability for any tax, duty, levy or any other similar charges.

Regulations

33. The Minister may, after consultation with the Board, make Regulations —

- (a) with respect to the fees to be charged for the services of the Hospital;
- (b) with respect to the services to be provided by the Hospital;
- (c) governing admission into, treatment at, and the discharge from the Hospital of any person or class of persons;
- (d) creating disciplinary offences with corresponding penalties;
- (e) prescribing the circumstances in which members of staff of the Hospital may receive traveling and subsistence allowance and fixing the rates of such allowances;
- (f) prescribing the manner in which documents, cheques and instruments of any description may be signed or executed on behalf of the Hospital;
- (g) providing for the establishment of a pension fund;
- (h) generally to give effect to this Act.

Board may receive gifts and legacies

34. The Board may receive in its corporate name any estate or any property whether by way of device, bequests or legacy or in any other name whatsoever.

PART V
TRANSITION AND SAVINGS

Transition

35. — (1) Upon the commencement of this Act —

- (a) all land and other property of every kind, vested immediately before the commencement of this Act in the Hospital are hereby vested in the Board;

(b) all rights, privileges and all the liabilities and other obligations to which, immediately before the commencement of this Act the Hospital was entitled or subject to, are hereby transferred and conferred or imposed upon the Board for the purposes of this Act.

(2) A person employed by the Hospital who transfers to the employment of the Board shall —

- (a) be treated as if the person's employment in the service of the Hospital was employment in the service of the Board;
- (b) be employed under terms and conditions no less favourable than when they were employed in the service of the Hospital.

(3) A reference in any deed, contract, hypothecary obligation, bond or security, or other document to the Hospital shall upon commencement of this Act be construed as a reference to the Board.

Saving

36. Nothing in this Act shall affect the rights or claims of any person appointed to any office at the Hospital or the pension or gratuity of any person who prior to the coming into operation of this Act would have been entitled to such a pension or gratuity and such person shall be deemed to have been appointed under this Act and all such rights and claims to such pension or gratuity shall be preserved and settled in accordance with the provisions of the Pensions Act No. 9 of 1967 and any other relevant laws.

Passed in the House of Assembly this 12th day of November, 2002.

MATTHEW ROBERTS,
Speaker of the House of Assembly.

Passed in the Senate this 3rd day of October, 2002.

HILFORD DETERVILLE,
President of the Senate.