

CHAPTER 11.07

MILLENNIUM HEIGHTS MEDICAL COMPLEX ACT

Revised Edition

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• Act • Subsidiary Legislation •

ACT

(Act No. 1 of 2015 and 31 of 2019)

Act 1 of 2015 .. in force 22 January 2018 (S.I. 4/2018)

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CHAPTER 11.07 MILLENNIUM HEIGHTS MEDICAL COMPLEX ACT

An Act to establish the Millennium Heights Medical Complex and provide for the administration and management of the medical complex and for related matters.

Commencement [22 January 2018]

PRELIMINARY

1. Short title and commencement

(1) This Act may be cited as the Millennium Heights Medical Complex Act.

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

2. Interpretation

In this Act —

“**appropriate Service Commission**” means —

- (a) the Public Service Commission;
- (b) the Teaching Service Commission; or

(c) the Judicial and Legal Services Commission;

(Inserted by Act 31 of 2019)

"Board" means the Millennium Heights Medical Complex Board referred to in section 3;

"Chief Executive Officer" means the person appointed under section 24;

"direction" means a direction in writing;

"Director of Administration" means the person appointed under section 27;

"Director of Finance and Budgeting" means the person appointed under section 25;

"fees" includes any charges prescribed to be paid by or in respect of patients accessing services from the medical complex whether in-patients or out-patients, including charges for treatment, nursing, accommodation, attendance, food, dressings, drugs, medicines or other supplies or services of whatever kind rendered to a patient by the medical complex, but does not include fees payable to members of the medical staff who are not officers of the Board;

"financial year" means the period of twelve months ending on 31 March in any year or such other period of twelve months as may be determined by the Board with the approval of the Minister;

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

"medical complex" means the Millennium Heights Medical Complex established under section 3;

"medical practitioner" means a person registered under legislation in force in Saint Lucia as a General Practitioner, Specialist Practitioner or a Temporary Practitioner for the purpose of practising medicine in Saint Lucia;

"medical staff" includes a person who provides diagnosis or treatment as a professional —

- (a) health practitioner registered under the Health Practitioners Act;
- (b) nurse registered under the Registration of Nurses and Midwives Act; or
- (c) pharmacist registered under the Pharmacy Act;

and appointed under section 31 to practice in the medical complex;

"member" means a member of the Board;

"Minister" means the Minister responsible for health;

"National Mental Wellness Centre" means the hospital or psychiatric facility for the care and treatment of persons suffering from a mental health disorder;

"officer of the medical complex" means a person employed by the Board under Part 2;

"Owen King EU Hospital" means the Victoria Hospital preserved and continued under section 57;

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

"prescribed" means prescribed by Regulations;

"regulations" means Regulations made under section 54;

"rules" means rules made by the Board under section 53;

"Secretary" means the Secretary appointed under section 18(1);

“Turning Point Rehabilitation Centre” means the drug and alcohol detoxification and rehabilitation centre which provides in-patient detoxification and rehabilitation services.

PART 1

MILLENNIUM HEIGHTS MEDICAL COMPLEX

3. Establishment of the Millennium Heights Medical Complex

(1) There is established a body to be known as the Millennium Heights Medical Complex.

(2) The Millennium Heights Medical Complex consists of —

- (a) the Owen King EU Hospital;
- (b) the National Mental Wellness Centre;
- (c) the Turning Point Rehabilitation Centre; and
- (d) any hospital declared to be part of the Millennium Heights Medical Complex by the Minister, by notice published in the *Gazette*.

(3) The Millennium Heights Medical Complex is a body corporate in which all funds for the management of the medical complex are vested and to which section 19 of the Interpretation Act applies.

(4) The Millennium Heights Medical Complex is administered by a Board.

4. Constitution of the Board

(1) Subject to subsections (2) and (3), the Board consists of not less than 8 persons or more than 10 persons.

(2) The Board consists of members appointed by the Minister to include —

- (a) persons possessing special qualifications, substantial experience or proven capacity in one or more of the fields of finance, human resource management, medicine, law, science and quality and risk management;
- (b) a representative of the Ministry responsible for health;
- (c) a representative of a recognised trade union representing the interests of employees of the medical complex;
- (d) a representative of a recognised Consumer Association;
- (e) the Director of Clinical Services;
- (f) the Chief Executive Officer.

(3) The Chief Executive Officer and the Director of Clinical Services shall —

- (a) serve as *ex-officio* non-voting members;
- (b) absent themselves during discussions on matters of compensation, audits, performance appraisal and on any occasion that a conflict of interest may arise under section 26.

(4) The Minister shall designate a person appointed under subsections (2)(a) to (2)(c) to serve as Chairperson and a person to serve as Deputy Chairperson of the Board.

(5) The Minister shall cause to be published in the *Gazette* the names of all members of the Board as first appointed, including the Chairperson and Deputy Chairperson and every change in the membership of the Board.

5. Functions and duties of the Board

(1) The Board shall be responsible for the overall management and administration of the medical complex.

(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 or she may reasonably require relating to the administration of this Act.

(3) The Board shall —

- (a) co-ordinate the administration and operation of the medical complex in an efficient manner, to promote the welfare of the patients of the medical complex;
- (b) make available at the medical complex best practices in methods of treatment of the sick and differently abled;
- (c) equip, furnish, maintain, manage, control and operate the medical complex;
- (d) have general supervision of the buildings, premises and grounds of the medical complex;
- (e) subject to the approval of the Minister responsible for finance, set fees for patient visits, procedures, laboratory work, reports and any other matter and collect all fees payable to the medical complex under this Act;
- (f) make recommendations to the Minister on the development of the medical complex and the services in the medical complex;
- (g) establish and determine the functions or duties of its Committees;
- (h) employ, discipline and terminate staff, as required;
- (i) determine, subject to Part 2, the duties of its officers;
- (j) give effect to any directions given by the Minister under section 17; and
- (k) carry out any other function specified in this Act.

6. Delegation of functions

(1) Subject to subsection (2), the Board may by writing delegate any of its functions to —

- (a) any member;
- (b) a Committee;
- (c) the Chief Executive Officer; or
- (d) any of its officers.

(2) Subsection (1) does not authorise the Board to delegate its power to make rules or to do any act involving extraordinary expenditure.

(3) A delegation under this section may —

- (a) be made in respect of any particular matter or class of matters or generally, or may be made subject to such terms and conditions as the Board thinks fit;
- (b) at any time, be revoked by the Board and while in force shall not prevent the discharge by the Board of any function that it has delegated under subsection (1).

(4) A delegate must comply with any written directions of the Board.

7. Powers of the Board

In carrying out its functions, the Board may —

- (a) charge and collect fees associated with the provision of services by the medical complex, as may be prescribed and approved by the Minister responsible for Finance;
- (b) on approval by the Minister, acquire, purchase, take, hold and enjoy and dispose of immovable property of every description;
- (c) enter into contracts;
- (d) hold any property that may by this Act be vested in the medical complex;
- (e) exercise any other powers as are specified by any other written law; and
- (f) do all such things as may in its opinion be necessary or conducive to the proper discharge of its functions.

8. Duration of appointment

(1) Subject to section 11, a member holds office for a period of 3 years from the date of his or her appointment, and is eligible for re-appointment for not more than one consecutive term.

(2) Notwithstanding subsection (1), a person may be appointed to serve as a member for a period of less than 3 years so as to assist in providing continuity of experience as a member.

9. Acting appointment

Where for any reason the Chairperson, Deputy Chairperson or any other member is unable to carry out his or her functions under this Act, the Minister may appoint a member to act in the place of the Chairperson, Deputy Chairperson or other member —

- (a) until the Chairperson, Deputy Chairperson or other member is again able to carry out such functions; or
- (b) until another person is appointed as a Chairperson, Deputy Chairperson or member in accordance with section 4.

10. Leave of absence

The Minister may, on the application of a member in writing grant leave of absence to the member for a period not exceeding 3 months.

11. Revocation of appointment

The Minister may, at any time, revoke the appointment of a member if —

- (a) the member is incapable for any reason of performing his or her functions as a member;
- (b) the member has been absent from 3 consecutive regular meetings of the Board, other than by reason of section 10;
- (c) the member fails to disclose his or her interest in accordance with section 21; or
- (d) the Minister, on reasonable grounds, thinks it expedient to do so.

12. Resignation

(1) A member, other than the Chairperson, may at any time resign his or her office by notice in writing addressed to the Minister and transmitted through the Chairperson and the resignation takes effect on the date the notice is received by the Minister or, if a later date is specified in the resignation, on that later date and the member ceases to be a member of the Board.

(2) The Chairperson may at any time resign his or her office by notice in writing addressed to the Minister and the resignation takes effect on the date the notice is received by the Minister or, if a later date is specified in the resignation, on that later date and the Chairperson ceases to be Chairperson of the Board.

13. Remuneration

The members shall be paid remuneration as may be determined by Cabinet.

14. Seal of the Board

(1) The common seal of the Board shall be kept in the custody of the Chairperson, the Deputy Chairperson or the Secretary to the Board.

(2) The seal of the Board shall not be affixed to any instrument except by the authority of a resolution of the Board and attested by the signature of —

- (a) the Secretary; and
- (b) the Chairperson or in his or her absence, the Deputy Chairperson; or
- (c) one other member of the Board authorised to act in that behalf.

15. Signification of other documents

All documents other than those required by law to be made under seal and all decisions of the Board may be signified under the hand of the Secretary or the Chairperson or in the absence of the Chairperson, shall be signified by the Deputy Chairperson, or any other person authorised to act for that purpose.

16. Fixed address

(1) The medical complex shall at all times have a fixed address.

(2) The address for service of a notice, order or other document on the Board shall be published in the *Gazette*.

17. Policy directions, request for information and reporting

(1) The Minister may give general directions as to the policy to be followed by the Board in the performance of its functions and exercise of its powers, as appear to the Minister to be necessary in the public interest.

(2) The Minister may at any time request the Board to provide him or her with information concerning any matter relating to the functions of the Board or medical complex or that the Minister considers to be in the public interest and the Board shall provide the information requested within 14 days of such request or within such other period as may be specified by the Minister.

(3) The Board shall ensure that all documentation relating to the functions and powers of the Board are made available to the Minister upon its dissolution or merger.

18. Secretary to the Board

(1) The Board shall appoint an officer of the medical complex to serve as Secretary to the Board, on such terms and conditions as the Board may determine.

(2) The Secretary to the Board shall perform such duties as are normally assigned to and consistent with the post of a Corporate Secretary, in particular, the Secretary shall —

- (a) make preparations for and attend meetings of the Board;
- (b) prepare and keep minutes of meetings of the Board; and
- (c) assist the Board in all respects and in such manner as the Board may from time to time require in the discharge of its functions.

(3) The Secretary shall not be a member of the Board.

19. Establishment of committees

(1) Notwithstanding section 5(3)(g), and subject to sections 35 and 36, the Board may establish a Staffing and Compensation Committee or such other standing or special Committees as it thinks fit to assist it in the discharge of its functions under this Act and may refer or assign to a Committee any matter for consideration, inquiry or management by the Board.

(2) A Committee established under subsection (1) may —

- (a) include the Chief Executive Officer or his or her representative; or
- (b) consist wholly or partly of members as may be necessary for the proper discharge of its functions.

(3) The Board may co-opt to a Committee such specialised personnel as it thinks fit.

(4) A person co-opted to a Committee under subsection (3) shall not have the right to vote.

20. Meetings of the Board

(1) The Board shall meet at least once in each month and at any other period as may be necessary or expedient for the discharge of its functions.

(2) The Chairperson may at any time call a special meeting of the Board —

- (a) where a written request for that purpose is addressed to him or her by any 3 members of the Board;
- (b) where a direction to that effect is addressed to him or her by the Minister; or
- (c) at his or her own discretion.

(3) Meetings of the Board shall be held at the place, day, and time the Chairperson, or $\frac{2}{3}$ majority of the other voting members acting together, determine, and due notice of the place, day and time must be given to each member in writing at least 48 hours before the time the meeting is to be held.

(4) The Chairperson may convene a meeting of the Board by video, teleconference or other electronic means with the concurrence of a $\frac{2}{3}$ majority of the voting members.

(5) A member is deemed to be present at a meeting of the Board where the member participates by teleconference or other electronic means and all members participating in the meeting are able to communicate with each other.

(6) At every meeting of the Board the Chairperson or in the absence of the Chairperson, the Deputy Chairperson shall preside.

(7) The quorum for meetings of the Board is $\frac{2}{3}$ majority of the voting members, and if a quorum is present, the Board is not disqualified for the transaction of business

or the validity of any proceedings of the Board by reason of a vacancy among its members or any defect in the appointment of a member.

(8) A decision of the Board shall be adopted by a majority of the votes of members present and voting, and in the event of an equality of votes, the Chairperson or Deputy Chairperson presiding at the meeting shall have a casting vote.

(9) Whenever, in the judgment of the Chairperson, there arises a situation where any action contemplated by the Board requiring the approval of the Board should not be postponed until the next meeting of the Board and cannot await the calling of a special meeting of the Board under subsection (2) —

- (a) the Chairperson shall —
 - (i) request the members to vote without meeting,
 - (ii) present to each member by rapid means of communication a motion embodying the proposed action;
- (b) each member shall as soon as possible, notify the Chairperson of his or her decision or recommendation on the proposed action;
- (c) the Chairperson shall cause the results of the vote to be recorded, and shall notify all members of the results and of the status of the decision or recommendation;
- (d) the decision or recommendation in writing signed by all the members entitled to receive notice of a meeting of the Board, shall be valid and effectual as if it had been passed by a meeting of the Board duly convened and held and may consist of several documents in the like form each signed by one or more members;
- (e) a decision made under paragraph (d) must be ratified by, and recorded in the minutes of the next meeting of the Board.

(10) Notwithstanding subsection (9)(c) and (d), if any member so requests, the matter on which a decision is required shall be referred for consideration by the Board at its next meeting.

(11) The Board may co-opt any one or more persons to attend a meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(12) 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 Chairperson or Deputy Chairperson, as the case may be.

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

21. Disclosure of interest

(1) A member of the Board or Committee who is directly or indirectly interested in a transaction, arrangement or contract made or proposed to be made by the Board or Committee or any other matter whatsoever in which the Board or Committee is concerned —

- (a) shall disclose the nature of his or her interest at the first meeting of the Board or Committee at which he or she is present, after the relevant facts have come to his or her knowledge; and
- (b) shall not take part in any deliberation or decision of the Board or Committee with respect to the transaction, arrangement, contract or other matter.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting and after the disclosure, that member shall not be present or take part in any discussion or decision on the transaction, arrangement or contract.

(3) A member of the Board or Committee is treated as having an indirect interest in any transaction, arrangement or contract with the Board or Committee or in which the Board or Committee is interested if the member is a director, shareholder, trustee, agent or employee of the company or undertaking that is a party to the transaction, arrangement or contract or proposed transaction arrangement or contract with the Board or Committee or where his or her immediate relative or cohabitant holds an interest in that company or undertaking.

(4) For the purpose of this section, a general notice given to the Board or Committee by a member to the effect that —

- (a) he or she is a member of or is otherwise associated with a company or undertaking and is to be regarded as interested in any transaction, arrangement or contract which may after the date of the notice be made with that company or undertaking; or
- (b) he or she is in any way interested in a matter which is being dealt with by the Board or Committee,

is deemed to be a sufficient disclosure of interest in relation to any transaction, arrangement, contract or matter referred to in subsection (1).

(5) A member of the Board or Committee who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

(6) Notwithstanding subsection (5), a member of the Board or Committee who fails to comply with this section is liable to revocation of his or her appointment from the Board or Committee.

(7) In this section —

“**cohabitant**” in relation to a member of the Board, means a person who, ordinarily lives with the member in the same dwelling house;

“**immediate relative**” in relation to a member of the Board or Committee, means the spouse, parent, child, stepchild, brother or sister of the member of the Board or Committee or the parent, child, stepchild, brother or sister of the spouse of the member of the Board or Committee.

22. Validity of actions of the Board

Any act done or proceeding taken under this Act by the Board is presumed to be valid despite any omission, defect or irregularity which does not affect the merits of the act or proceedings taken under this Act.

PART 2 SENIOR MANAGEMENT, OTHER STAFF AND ADMINISTRATION

23. Prohibition relating to certain offices

(1) Where in this Part an officer is stated to be “a full-time officer of the medical complex”, he or she shall devote the whole of his or her professional time to the service of the Board and while holding an office with the Board under this Act shall not without the prior approval of the Board engage in any business, profession or employment, whether remunerated or not, otherwise than in pursuance of the duties of that office.

(2) Approval must only be given in exceptional and compelling circumstances.

24. Chief Executive Officer

(1) Subject to subsection (2), the Board shall appoint a suitably qualified and experienced person to serve as the Chief Executive Officer.

(2) The Chief Executive Officer shall be appointed to hold office for a period not exceeding 3 years, as a full-time officer of the medical complex, and shall receive such emoluments and be subject to such terms and conditions of service as may from time to time be determined by the Board with the approval of Cabinet and shall be eligible for reappointment.

(3) The Chief Executive Officer shall —

- (a) be responsible to the Board for the implementation of the policy and the day to day management of all operations at the medical complex;
- (b) be the administrative head of the medical complex;
- (c) coordinate organizational emergency planning;
- (d) serve as chairperson of the management team;
- (e) attend all meetings of the Board;
- (f) supervise the discipline, and conduct of the professional staff of the medical complex;
- (g) supervise the discipline, work and conduct of the other officers of the medical complex, other than the professional staff referred to in paragraph (f);
- (h) make recommendations to the Board regarding the improvements of management systems and human resource development at the medical complex;
- (i) generally be responsible for the recruitment of staff, in accordance with sections 25 to 27;
- (j) generally be responsible for the internal organisation and administration of the medical complex and to do all things necessary or convenient to be done for or in connection with the performance of his or her duties; and
- (k) perform any other duties assigned to the Chief Executive Officer under his or her contract of employment.

(4) The Chief Executive Officer shall act, contract and sign instruments and documents on behalf of the medical complex, in accordance with policies determined and directions given by the Board and may pursuant to resolutions of, and to the extent considered appropriate by the Board, delegate such powers to other officers or employees of the Board.

25. Director of Finance and Budgeting

(1) The Board, after consultation with the Chief Executive Officer, shall appoint a Director of Finance and Budgeting who shall be a full-time officer of the medical complex and be responsible to the Board through the Chief Executive Officer for —

- (a) the efficient management of the financial administration of the medical complex; and
- (b) directing and coordinating of the financial processes and systems in accordance with the policies established by the Board.

(2) The Director of Finance and Budgeting shall —

- (a) be responsible for the receipt, accounting for and disbursement of moneys and with the custody or delivery of stores, or other property belonging to the Board;
- (b) exercise proper supervision of the accounts of the Board;
- (c) maintain control over the management of the assets of the medical complex and the incurring of liabilities;

- (d) ensure the due observance of all rules and regulations, and of all orders and instructions prescribed for his or her guidance;
- (e) ensure that the medical complex complies with the laws of Saint Lucia and best practices; and
- (f) perform any other duty as may be specified by the Board and under his or her contract of employment.

26. Director of Clinical Services

(1) The Board, after consultation with the Chief Executive Officer, shall appoint a Director of Clinical Services for the medical complex, who shall be a medical practitioner and a full-time officer of the medical complex.

(2) The Director of Clinical Services shall be responsible to the Chief Executive Officer for the clinical organization of the medical complex and for the supervision of the clinical care given to all patients of the hospitals in accordance with the policies established by the Board.

(3) The Director of Clinical Services shall —

- (a) ensure and monitor the quality of medical care at the medical complex;
- (b) ensure the achievement of continuing quality improvement in all aspects of medical care at the medical complex;
- (c) advise the Chief Executive Officer on —
 - (i) the priorities in the budget of the medical complex, and
 - (ii) the employment and allocation of medical staff to clinical departments of the medical complex; and
- (d) perform any other duties as may be specified by the Board and under his or her contract of employment.

27. Director of Administration

(1) The Board, after consultation with the Chief Executive Officer, shall appoint a Director of Administration for the medical complex, who shall be a full-time officer of the medical complex.

(2) The Director of Administration shall be responsible to the Chief Executive Officer for the administrative organization of the medical complex and for the supervision of the support services given to all patients of the medical complex in accordance with the policies established by the Board.

(3) The Director of Administration shall be a member of the Staffing and Compensation Committee.

(4) The Director of Administration shall —

- (a) advise the Chief Executive Officer —
 - (i) on priorities in the budget of the medical complex,
 - (ii) on the employment and allocation of medical staff to departments of the medical complex, and
 - (iii) on all aspects of the medical complex administration affecting the well-being of patients; and
- (b) perform any other duties as may be specified by the Board and under his or her contract of employment.

28. Absence of Chief Executive Officer

(1) During the absence or disability of the Chief Executive Officer or during any vacancy in the office of the Chief Executive Officer, unless otherwise directed by the Board, the Director of Administration shall exercise the powers and duties of that office.

(2) The Board shall make provision for the simultaneous absence or disability of the Chief Executive Officer and the Director of Administration.

29. Other officers of the medical complex

(1) Subject to section 33, the Chief Executive Officer may with the approval of the Board, appoint at the remuneration, terms and conditions approved by the Board, an internal auditor and such other officers and staff necessary for the due performance of the functions of the medical complex.

(2) The internal auditor shall report to the Board.

(3) Every person appointed under this section shall perform such duties as may be assigned to him or her by the Chief Executive Officer.

30. Nursing and other personnel

The Chief Executive Officer, in consultation with the Director of Clinical Services or any other responsible officer, may with the approval of the Board, appoint such nursing personnel, laboratory technicians, dispensers, supervisors, auxiliary medical staff and other officers to perform services at the medical complex.

31. Medical staff

(1) The Board, after consultation with the Chief Executive Officer and the Staffing and Compensation Committee and on the terms and conditions approved by the Minister, may appoint medical staff for the medical complex.

(2) Subject to subsection (3), a person appointed to the medical staff holds office for a maximum of 3 years and is 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, this Act or any other law.

32. Training of medical staff

The Board, on the recommendation of, or in consultation with the Chief Medical Officer, may make arrangements for —

- (a) the training and specialisation of medical staff and registered interns; and
- (b) the training of students enrolled in programmes accredited in the fields of medicine, nursing and allied health services, by an accreditation body recognized under any law in Saint Lucia.

33. Employment of specialists and consultants

The Board may employ, in consultation with the Chief Executive Officer, specialists, consultants and other persons to provide specific services or perform specific tasks that the Board considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Board and the specialists, consultants or other person.

34. Secondment of service and preservation of pension

(1) Subject to subsections (2) and (3), an employee of the Board other than an employee under subsection (2) and (3), shall be employed by the Board on a contractual basis.

(2) Subject to the approval of the appropriate Service Commission or Statutory Authority, a public officer or an employee of a Statutory Authority, may, be seconded to the service of the Board, with the written consent of such person. *(Amended by Act 31 of 2019)*

(3) Where a secondment referred to in subsection (2) is effected, the rights, of the public officer so seconded, to any pension, gratuity or other allowance for which he or she would have been eligible had he or she remained in the public service, are preserved. *(Amended by Act 31 of 2019)*

(4) Where a public officer is seconded from a pensionable office within the meaning of section 2(1) of the Pensions Act, to perform any service with the Board, such service shall, unless the Governor General otherwise decides, count as pensionable. *(Amended by Act 31 of 2019)*

(5) Where a person who is a public officer, is seconded from a pensionable office within the meaning of section 2(1) of the Pensions Act to perform any service with the Government, such service shall, unless the Governor General otherwise decides, counts as pensionable. *(Amended by Act 31 of 2019)*

(Amended by Act 31 of 2019)

35. Clinical Committee

(1) There is established a Clinical Committee for the medical complex which is a standing committee.

(2) The Clinical Committee is responsible for setting and monitoring clinical standards at the medical complex.

(3) The Clinical Committee consists of —

- (a) a representative of the Owen King EU Hospital;
- (b) a representative of the National Mental Wellness Centre; and
- (c) a representative of the Turning Point Rehabilitation Centre.

(4) The Board shall designate a person appointed under subsection (3) to serve as Chairperson and a person to serve as Deputy Chairperson of the Committee.

(5) Notwithstanding this section, the Minister may make Regulations, after consultation with the Board, to prescribe the procedure and functions of the Clinical Committee.

36. Management Committee

(1) There is established a Management Committee for the medical complex which is a standing committee.

(2) The Management Committee is responsible for establishing and monitoring all administrative systems and processes and for ensuring accountability of the management staff of the medical complex.

(3) The Management Committee consists of —

- (a) a representative of the Owen King EU Hospital;
- (b) a representative of the National Mental Wellness Centre; and
- (c) a representative of the Turning Point Rehabilitation Centre.

(4) The Board shall designate a person appointed under subsection (3) to serve as Chairperson and a person to serve as Deputy Chairperson of the Committee.

(5) Notwithstanding this section, the Minister may make Regulations, after consultation with the Board to prescribe the procedure and functions of the Management Committee.

37. Clinical departments and services

(1) The Board, after consultation with the Clinical Committee or Management Committee, may establish and maintain clinical departments or services as it considers necessary for the proper operation of the medical complex.

(2) Without limiting the generality of subsection (1), the Board may, after consultation with the Clinical Committee or Management Committee, as the case may be, establish and maintain the following departments or services —

- (a) internal medicine;
- (b) surgery;
- (c) obstetrics and gynaecology;
- (d) paediatrics;
- (e) accident and emergency;
- (f) oncology;
- (g) nephrology;
- (h) intensive care;
- (i) pharmacy;
- (j) anaesthesiology;
- (k) pathology and laboratory services;
- (l) physical therapy;
- (m) detoxification unit;
- (n) psychiatry; and
- (o) general rehabilitation.

(3) The Board, after consultation with the Clinical Committee or Management Committee and the Chief Executive Officer, may appoint a member of the medical staff to be the head of any department or service established under subsection (1).

PART 3 FINANCIAL PROVISIONS

38. Funds and resources of the medical complex

The funds and resources of the medical complex consists of —

- (a) such amounts as may be allocated annually or for special purposes by Parliament for the use and operations of the medical complex;
- (b) monies appropriated by Parliament for the purposes of the medical complex;
- (c) monies received by the medical complex by way of rents, fees and other charges for medical services;
- (d) monies borrowed by the medical complex under section 39; and
- (e) monies or other property real or personal received by way of grants, donations, gifts or bequests given to the medical complex or to the Government for the purposes of the medical complex.

39. Borrowing powers

(1) Subject to subsection (2), the Board may borrow monies required by it for the purpose of carrying out its functions under this Act.

(2) Borrowing may be effected only with the prior approval of the Minister and the Minister responsible for finance, including in relation to the amount, the sources of borrowing and any other terms and conditions of such borrowing.

(3) The Board may not pledge its assets as security for any loan without the prior written approval of the Minister responsible for finance.

40. Guarantee of borrowing

(1) With the approval of Parliament, signified by a resolution, the Minister responsible for finance may guarantee any approved borrowing by the medical complex.

(2) A borrowing guaranteed under this section shall in default of payment by the medical complex be charged on the Consolidated Fund.

41. Investment

(1) The Board may, with the approval of the Minister responsible for finance, 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 medical complex.

(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 medical complex shall as soon as practicable or expedient be re-invested by the Board.

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

42. Tax exemption

(1) Subject to subsection (2), the property real or personal appertaining to the medical complex is exempt from payment of any duty, levy and tax including land tax.

(2) This section does not apply to value added tax.

43. Accounts of the medical complex

(1) The Board shall cause proper records of transactions, accounts, activities and financial affairs of the medical complex to be maintained.

(2) The records and accounts to be maintained under subsection (1) must set out

- (a) separate records and accounts for the Owen King EU Hospital, National Mental Wellness Centre, the Turning Point Rehabilitation Centre and any other institution forming part of the medical complex;
- (b) the income and expenditure of the Owen King EU Hospital, National Mental Wellness Centre, the Turning Point Rehabilitation Centre and any other institution forming part of the medical complex and where an activity can be shown separately for accounting purposes, the income and expenditure arising from the activity;
- (c) any other matter 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.

44. Estimates

(1) The Board shall cause to be prepared and submitted to the Minister, not later than 4 months before the end of each financial year, an annual budget including estimates of revenue and expenditure, in respect of its functions for the next ensuing financial year.

(2) The initial expenditure incurred in the performance of any of the functions of the Board after the coming into effect of this Act shall be defrayed out of moneys appropriated by Parliament.

45. Auditing the accounts of the medical complex

(1) The Board shall, appoint annually an external auditor who shall be responsible for auditing the accounts of the medical complex.

(2) An external auditor appointed under subsection (1) shall not be appointed for more than 2 consecutive years.

(3) An external auditor appointed by the Board has a right of access at all reasonable times to the books, accounts, vouchers and other records of the Board and is entitled to require from officers of the Board such information and explanations as he or she considers necessary for the performance of his or her duties as external auditor.

(4) The Director of Audit may demand the production of financial and accounting records of the medical complex for audit under section 5 of the Finance (Administration) Act.

46. Preparation of annual reports and accounts of the Board

(1) Within 3 months after the end of each financial year the Board shall cause to be prepared, in respect of that year —

- (a) a report setting out the activities of the Board; and
- (b) audited financial statements prepared in accordance with the accounting standards established by the Eastern Caribbean Institute of Chartered Accountants.

(2) Where the standards referred to in subsection (1) are inappropriate or inadequate for any type of accounting method the Director of Audit may provide such instructions as may be necessary.

(3) The external auditor shall prepare a report on the accounts and submit the report to the Board which shall, as soon as practicable, but not later than one month, after its receipt, forward a copy of the report and a copy of the statement of accounts to the Minister.

(4) The external auditor shall include in the report —

- (a) a statement whether, in the opinion of the auditor, the income and expenditure account for the financial year to which the report relates give a true and fair view of the income and expenditure of the Board; and
- (b) a statement whether, in the opinion, of the auditor the balance sheet for the financial year gives a true and fair view of the financial affairs of the Board at the end of that financial year.

(5) A copy of the report and financial statements referred to in subsection (1) shall be submitted by the Minister to be laid in Parliament within one month of the date of receipt of the report and financial statements.

47. Medical complex may receive gifts and legacies

The medical complex 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.

48. Fees to be paid into account of the medical complex

All fees received on account of the medical complex shall be paid into an account managed by the Board.

PART 4 MISCELLANEOUS

49. Inspection of the medical complex and the medical complex premises

(1) Subject to subsection (5) and notwithstanding the provisions of any other law, the Minister may appoint a suitably qualified person as Inspector of the medical complex on such terms and conditions as Cabinet determines.

(2) The name of the Inspector as first appointed and every subsequent appointment must be published in the *Gazette*.

(3) The Inspector shall —

- (a) inspect the medical complex at least once every 6 months in addition to such other times as the Minister considers necessary or appropriate;
- (b) carry out every year a review of the health care system and to furnish a report in writing to the Minister on —
 - (i) the quality of health care given to patients,
 - (ii) what he or she has ascertained pursuant to any inspection carried out by him or her at the medical complex,
 - (iii) the degree and extent of compliance with any standard, regulation and code of practice which may be prescribed, and
 - (iv) such other matters as the Inspector considers appropriate to report on arising from the review by the Inspector.

(4) The Inspector has such powers as are necessary or expedient for the performance of his or her duties under this Act including the power —

- (a) to visit and inspect the medical complex at any time and to be accompanied on such visits by such persons as he or she considers necessary for the performance of his or her duties;
- (b) to require any person in the medical complex to furnish him or her with such information in the possession of the person as he or she may reasonably require for the purposes of his or her duties and to make available to the Inspector any record or other document in his or her power or control which in the opinion of the Inspector, is relevant to his or her duties; and
- (c) to examine and take copies of extracts from any record or other document made available to him or her.

(5) At the request of the Minister, the Permanent Secretary of the Ministry responsible for infrastructure or an officer of that Ministry authorised by him or her 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 the Permanent Secretary of the Ministry responsible for infrastructure, or an officer of that Ministry authorised by him or her in that behalf, shall report to the Minister upon the state of the premises.

(6) The Minister may forward a copy of a report made under this section to the Board.

(7) A person shall not obstruct or interfere with the Inspector or the Permanent Secretary of the Ministry responsible for Infrastructure or any officer of that Ministry authorised by him or her in that behalf, while he or she is exercising any power conferred by him or her under this Act.

(8) A person who contravenes subsection (7) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

50. Confidentiality

(1) Every member and officer of the medical complex —

- (a) shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his or her knowledge in the performance of his or her duties;
- (b) except for the purpose of the performance of his or her duties or his or her functions or under legal obligation, shall not at any time, communicate any confidential matter to any person nor permit, unless under legal obligation, any person to have access to any records in the possession, custody or under the control of the Board;
- (c) shall not disclose to any person any material information relating to the affairs of the medical complex or any other person, firm, company or organisation which information he or she has acquired in the performance of his or her duties; and
- (d) shall not disclose any confidential patient information.

(2) Every member and officer of the medical complex shall be required to take an oath of secrecy in the form approved by the Board.

(3) Notwithstanding this section, every member or officer of the medical complex shall disclose information to facilitate access to and retrieval of clinical data to provide safer and more timely, efficient, effective and equitable patient-centered care in a manner approved by the Board.

(4) A member and officer of the medical complex who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.

51. Recovery of fees

Any recovery of fees under this Act may be initiated by the Chief Executive Officer, after consultation with the Board and such action is not invalidated or does not lapse by reason of any change as to the holder of the post of Chief Executive Officer.

52. Protection of members of the Board and officers of the medical complex

(1) A civil action, suit or other proceeding shall not be brought or instituted personally against any member of the Board or officer of the medical complex in respect of any act or omission done in good faith in the due performance of his or her functions.

(2) A civil action, suit or other proceeding shall not be brought or instituted against the medical complex unless —

- (a) the civil action, suit or other proceeding is filed within 12 months from the date of the act or omission complained of; and
- (b) notice of intended action has been given one month before the civil action, suit or other proceeding is brought or instituted.

(3) The notice under subsection (2)(b) must —

- (a) be in writing;
- (b) specify the grounds of action;
- (c) be served on the medical complex.

53. Medical complex rules

(1) The Minister shall, in consultation with the Board, make medical complex rules

- (a) governing the professional conduct of a clinical practitioner, based on the code of conduct of his or her professional body and respective Council;
- (b) prescribing the duties to be performed by the various officers and committees of the Board;
- (c) prescribing the composition, procedure and functions of each committee established under this Act;
- (d) as to investigations into all allegations of misconduct by the medical staff or employees of the Board;
- (e) as to the disciplinary action that may be taken following a finding of misconduct;
- (f) establishing and instituting policies for the efficiency, good order and management of the medical complex;
- (g) as to the security of the medical complex;
- (h) regarding —
 - (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,
 - (iv) the control and supervision of clinical work and the use of the facilities of the medical complex in the course of that work, and
 - (v) the upkeep and maintenance of the medical complex and equipment.

(2) The Board shall cause to be supplied a handbook of the policies and rules of the Board to all staff and make the same available for inspection by any person on request being made to the Chief Executive Officer.

(3) Rules made under subsection (1)(h)(i) must not discriminate against patients who cannot pay or allow any patient to be turned away from the medical complex.

54. Regulations

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

- (a) to fix the sums to be charged by way of hospital fees and the category of persons who may be exempt from the payment of such fees;
- (b) prescribing professional and other qualifications required for appointment as officers of the Board;
- (c) prescribing the conditions under which medical and dental and other practitioners are admitted to the medical complex to practice;
- (d) prescribing the conditions under which students and interns are admitted to the medical complex to study;
- (e) prescribing anything which may be or is to be prescribed under this Act;
- (f) generally for the purpose of giving effect to this Act.

55. Application of Public Hospitals (Management) Act to this Act

The Public Hospitals (Management) Act does not apply to this Act.

56. Repeal

(1) The Victoria Hospital Rules are repealed.

(2) The words “and shall be read in conjunction with the Victoria Hospital Rules” which appear in regulation 1 of the Hospital Regulations are repealed.

57. Transitional

(1) The Victoria Hospital is preserved and continues in existence for the purposes of this Act as the Owen King EU Hospital.

(2) The identity, rights and obligations of the Victoria Hospital are not affected by the change of its name.

(3) A reference in any enactment to the Victoria Hospital is upon commencement of this Act construed as a reference to the Owen King EU Hospital.

(4) 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 National Mental Wellness Centre or the Turning Point Rehabilitation Centre is 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 National Mental Wellness Centre and Turning Point Rehabilitation Centre were entitled or subject to, are transferred and conferred or imposed upon by the Board for the purposes of this Act.

(5) Property vested in the Board under subsection (4) shall not be divested without first obtaining the written approval of Cabinet.

(6) A reference in an enactment, deed, contract, hypothecary obligation, bond or security, or other document to the National Mental Wellness Centre or the Turning Point Rehabilitation Centre is upon commencement of this Act construed as a reference to the Board.

CHAPTER 11.07 MILLENNIUM HEIGHTS MEDICAL COMPLEX ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
