

THE OFFICIAL GAZETTE 2ND DECEMBER, 2004

LEGAL SUPPLEMENT - C

BILL No. 24 of 2004

Thursday 2nd December, 2004

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

2nd December, 2004

The following Bill which will be introduced in the National Assembly is published for general information.

S. E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 24 of 2004

MINISTRY OF HEALTH BILL 2004

ARRANGEMENT OF SECTIONS

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A BILL
Intituled

AN ACT to continue the Ministry with responsibility for Health and for matters connected therewith.

WHEREAS the protection and promotion of the health of the people of Guyana is a responsibility of the Government and of each individual;

WHEREAS the goal of the health and social services system of Guyana is to contribute to improvement in the quality of life and thereby add to the opportunity for the people of Guyana to live a productive life, free from disease and infirmity, and characterised by physical, mental and social well-being;

WHEREAS health needs and the goals of programmes to meet them must be derived from a population based on analysis, and health care resources must be targeted to groups of people with defined needs to achieve programme goals;

WHEREAS national priorities must emphasise the promotion and primary care components of health programmes, with concurrent attention given to their secondary and tertiary counterparts;

WHEREAS the Ministry of Health is to deliver and where necessary oversee the delivery of health care throughout Guyana and to effect plans and policies, monitor quality and evaluate outcomes.

A.D. 2004

Enacted by the Parliament of Guyana:-

Short title and
Commencement

1. This Act may be cited as the Ministry of Health Act 2004 and shall come into operation on such date as the Minister may, by order, appoint.

Interpretation

2. In this Act -

“Chief Medical Officer” means the Chief Medical Officer of the Ministry of Health;

“health facility” means a place in which one or more members of the public, receive health services and includes a health care centre, a health post, a training institution for health professionals, a laboratory, a diagnostic or therapeutic clinic, a nursing home, a place where chronic or extended care services are offered, a hospice, a place where rehabilitation health services are provided, a medical or surgical clinic, an emergency care centre, or any other place that is prescribed;

“Minister” means the Minister of Health;

“Ministry” means the Ministry of Health;

“National Health Plan” means the National Health Plan, as it exists from time to time;

“Permanent Secretary” means the Permanent Secretary

appointed for the Ministry;

“prescribed” means prescribed by the regulations, unless the context otherwise requires;

“regulations” means regulations made under this Act.

Ministry
continued

3. The department of the public service known as the Ministry of Health is continued.

Functions
of Minister.

4 Without prejudice to the generality of the list of duties assigned and gazetted, the Minister shall discharge the following functions –

- (a) oversee the delivery of health care services throughout Guyana and promote the physical and mental well-being of its people;
- (b) advise the government in respect of the health of the people;
- (c) establish policies and principles necessary to ensure optimal health for the people;
- (d) ensure that health services are developed and that they are delivered in a comprehensive, consistent, balanced and equitable manner within the financial resources allocated to the Ministry;
- (e) develop and ensure the implementation of the National Health Plan and other action plans and directives,

including resource requirements for assessing, monitoring and implementing such policies and plans, founded on population based needs for health care programmes, services and facilities;

- (f) initiate , promote, conduct and maintain surveys, research programmes and planning studies into any matter relating to health needs of the people as are necessary or advisable;
- (g) obtain information and statistics for the purposes of the Ministry and disseminate such information within an effective communication network in such manner so as not to disclose the personal information of any person;
- (h) expand and strengthen information, education and communication on health matters;
- (i) encourage and promote technical cooperation with international organisations, the private sector and other non-governmental organisations;
- (j) develop national standards of care and practice, and provide for planning processes for the development of health care services, including enhanced community participation;
- (k) establish rules for the development of budgets and for the periodic reporting of fiscal and operational

performance as part of a health care financing section within the Ministry;

- (l) where regional health authorities are established, enter into service agreement with the authorities and review and approve their health plans;
- (m) approve, after consultation with existing regional health authorities and funding sources global operating budgets and capital budgets of the regional health authorities;
- (n) establish guidelines for special programmes to be carried out by regional health authorities;
- (o) ensure that the health professions are regulated in a consistent and coordinated manner in the public interest, that appropriate standards of practice are developed and maintained, that individuals have access to services provided by health professions of their choice and that they are treated with sensitivity and respect in their dealings with health professionals and the councils and bodies that regulate them;
- (p) regulate hospitals and other health facilities in the public and private sectors;
- (q) enter into agreements for the accreditation of health care professionals, hospitals and health facilities to ensure the

- highest standards of ethical behaviour, medical research and care;
- (r) assess and monitor the performance and compliance of regional health authorities, hospitals, health facilities and health care practitioners in the delivery of health care, treatment and services relative to the National Health Plan and other plans and directives;
 - (s) assess and monitor the financial performance and value for money of regional health authorities, hospitals, health facilities and health care practitioners considerations, where public funds are involved;
 - (t) enter into agreements for facilitating the delivery of health care;
 - (u) enter into agreements to enhance the promotion of good health, disease prevention and the coordination of primary, secondary and tertiary care components of programmes and government wide health policies and plans at the community, regional, national level and international level in accordance with the National Health Plan;
 - (v) promote programmes for training and education; and
 - (w) any other matter relevant to the protection of the health - of the people.

Delegation

5. (1) The Minister shall preside over and have charge of the Ministry and all its functions.

(2) The Minister is responsible for the administration of this Act.

(3) Where, under this Act, or the regulations or any other law, power to make an agreement, or to give an order to take any action, is granted to or vested in the Minister, he may, in writing, delegate that power to the Permanent Secretary, Chief Medical Officer, or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation.

(4) Any agreement or order made, or action taken, by a person empowered to do so under subsection (3) has the same effect as if made and signed or taken by the Minister.

Permanent
Secretary,
Chief
Medical
Officer

6. (1) The Permanent Secretary shall discharge such functions specified in the letter of appointment and such other functions as are assigned to the Permanent Secretary by the Minister.

(2) A Chief Medical Officer shall be appointed and shall be a public service officer.

(3) No person is qualified to be Chief Medical Officer unless he is a registered medical practitioner of at least five years standing and possesses the qualifications required of the Chief Medical Officer.

(4) The Chief Medical Officer shall -

- (a) keep himself informed in respect of matters related to health issues;
- (b) monitor the health of the people and provide the Ministry of Health with information and analyses on health issues;
- (c) advise the Minister on health issues and on the need for policies and practices respecting those issues;
- (d) interface with public health institutions outside of Guyana;
- (e) in addition to the duties set out in paragraphs (a) to (d), perform such other duties and functions as are assigned to him by the Minister, or as may be prescribed under this Act or the regulations or any other law;
- (f) report in writing on matters referred to in paragraphs (b) and (c), in such manner as may be prescribed, to the Minister.

Protection
from
liability.

7 (1) No action or other proceeding for damages shall be instituted against the Permanent Secretary, Chief Medical Officer, or any officer or employee of the Ministry or anyone acting under the authority of the Minister, the Permanent Secretary or the Chief Medical Officer for any act done or omission made in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in execution in good faith of the person's duty.

(2) Subsection (1), shall not relieve the Ministry from liability for injury

caused by negligence by a person mentioned in subsection (1) and the Ministry shall be liable for such damage in the same manner as if subsection (1) were non-existent.

Grants and financial arrangements.

8 The Government through the Minister may make grants or other financial arrangements for the enhancement of health care to such persons and organisations and on such terms and conditions as may be determined.

Advisory bodies.

9 The Minister may appoint such person or persons to perform such advisory functions as are considered necessary to assist the Minister in the discharge of the Minister's functions and such person or persons may, in addition to advising Minister, discharge such functions as approved by the Minister, subject to such limitations, conditions and requirements as the Minister may approve.

Annual report.

10 The Minister, after the end of each year shall prepare an annual report and submit it to the National Assembly if the assembly is sitting if not, within fifteen days of the commencement of the next sitting.

Regulations.

11. The Minister may make regulations -

- (a) to give effect, if necessary, to the functions and powers set out in section 4; and
- (b) prescribing anything required by this Act to be prescribed.

EXPLANATORY MEMORANDUM

This Bill seeks to continue the Ministry with responsibility for health to ensure the coordination and effective integration of all parts of the health and social services system and its responsiveness to the people in the country. The Ministry shall deliver and where necessary oversee the delivery of health throughout the country and effect plans and policies, monitor qualities and evaluate outcomes, relating to the health of the people.

For the Ministry to achieve its goals the Minister shall preside over the Ministry and all of its functions. The Minister's functions are to oversee the efficient working of the Ministry and to ensure that health services are developed, such services are to be delivered in a comprehensive, consistent, coordinated, balanced and equitable manner within the financial resources allocated to the Ministry. The Minister may enter into agreements for facilitating the delivery of health care in the country.

Clause 5 of the Bill seeks to enable the Minister to delegate the power to make an agreement or to take any action, which is conferred on the Minister under this Act to the Permanent Secretary, Chief Medical Officer or to any officer or officers of the Ministry.

Clause 6 provides for a Chief Medical Officer to be appointed to the Ministry and one of the Chief Medical Officer's functions is to monitor the health of the people in the country and provide the Ministry with information and analyses on health issues.

Clause 8 provides for enabling the Minister to make grants or other financial arrangements for the enhancement of health care to such persons and on such terms as may be determined.

Finally Clause 10 provides for an annual report prepared by the Minister to be submitted to the National Assembly at the end of each year.

Leslie Hancock
Minister of Health