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PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**



REPORT OF THE COMMITTEE ON HEALTH

ON THE

**GHANA HEALTH SERVICE AND TEACHING
HOSPITALS (AMENDMENT) BILL, 2019**

JUNE, 2019

REPORT OF THE HEALTH COMMITTEE ON THE GHANA HEALTH SERVICE AND TEACHING HOSPITALS (AMENDMENT) BILL, 2019

1.0 INTRODUCTION

1.1 On Tuesday, 26th February, 2019, the Ghana Health Service and Teaching Hospitals (Amendment) Bill, 2019 was introduced in Parliament and read the first time. In accordance with Article 106 of the Constitution and Order 178 of the Standing Orders of the House, the Bill was referred to the Health Committee for consideration and report.

2.0 DELIBERATIONS

2.1 During the consideration of the Referral, the Committee met with the Honourable Minister for Health, Mr. Kwaku Agyeman-Manu, other Officials of the Ministry of Health, Officials of the Ghana Health Service and the Teaching Hospitals. Also in attendance were interested groups and organisations as well as representatives of some institutions who submitted Memoranda on the Bill. The invitation extended to the groups and organisations/institutions was to afford them the opportunity to provide explanation to the issues/concerns/proposed amendments they raised in their Memoranda. The following are some of the interest groups or stakeholders who joined in the deliberations:

- i. Representatives of the Ghana Medical Association (GMA)

- ii. Representatives of the Ghana Federation of Allied Health Professions (GFAHP)
- iii. Representatives of the University of Ghana School of Biomedical and Allied Health Sciences
- iv. Representatives of the Faculty of Allied Health Sciences of the Kwame Nkrumah University of Science and Technology
- v. Representatives of the Association of Health Service Administrators, Ghana (AHSAG)
- vi. Representatives of the Health Service Workers Union of the Trades Union Congress (TUC), Ghana
- vii. Representatives of the Deans of Medical Schools in Public Universities in Ghana
- viii. Representatives of the Ghana Association of Certified Registered Anesthetists
- ix. Representatives of the Ghana Federation of Disability Organisation (GFD)

3.0 ACKNOWLEDGEMENT

3.1 The Committee is grateful to the Minister for Health, Officials of the Ministry of Health and the Ghana Health Service for their assistance during the deliberations. The Committee also expresses appreciation to the interested groups or stakeholders who participated in the deliberations.

4.0 REFERENCE DOCUMENTS

4.1 The Committee referred to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of Parliament
- iii. The Ghana Health Service and Teaching Hospitals Act, 1996 (Act 525)
- iv. The Health Professions Regulatory Bodies Act, 2013 (Act 857)

5.0 BACKGROUND

5.1 The Ghana Health Service and Teaching Hospitals Act, 1996 (Act 525) was enacted in December, 1996 to establish the Ghana Health Service and provide for its functions and membership, the administration and management of institutions in the Health Service including state-owned hospitals and other health facilities. It also sought to provide a legislative framework to govern the operations of teaching hospitals in Ghana. The Law is in three parts and contains fifty-eight (58) sections in all. Part one (1) has to do with the establishment of the Ghana Health Service, part two (2), the teaching hospitals and part three (3), financial and miscellaneous provisions. The membership of the board is provided for in subsection (1) of section 37 of Act 525 and it is contained in part two (2) of the Law.

5.2 Currently, the membership of the governing board of a teaching hospital as stipulated in subsection (1) of section 37 of Act 525 is as follows:

- a. the chairman who shall not be an employee of the hospital,
- b. the chief administrator of the hospital,
- c. the dean of the relevant medical school,
- d. the medical director of the hospital,
- e. the director of administration of the hospital,
- f. the director of nursing services of the hospital,
- g. the director of finance of the hospital,
- h. the director of pharmacy of the hospital,
- i. the dean of the dental school, where applicable and
- j. three other persons who by their qualifications and experience, can contribute to the work of the board, at least of whom is a women.

5.3 The composition of the board of a teaching hospital as provided in the Law, clearly does not promote good corporate governance for the reason that, eight (8) out of the twelve (12) members of the governing body are also members of the management team of the teaching hospital. This arrangement is at variance with the key principles of corporate governance and also poses a huge challenge to the governance of the teaching hospitals in the Country. Since some members of the board of the teaching hospitals are also members of the management team of such facilities as by law established, decision-

making might be adversely affected and the position of the board on certain matters might be compromised. Members of the management team can take a decision at the management level and vote to support the same issue at the board level for their own benefit. One cannot be a judge in his own course.

- 5.4 Good corporate governance among other considerations, requires the need for a clear distinction of the functions of "governance" from "management". It also requires a well-structured governance architecture which will provide clear policy guidance and direction for implementation by the management team of the teaching hospitals. It is therefore imperative to separate the membership of the board of the teaching hospital from the management team of the teaching Hospital by making an amendment to the subsection (1) of section 37 of the Law, to achieve good corporate governance.

6.0 OBJECT

- 6.1 The object of the Bill is to amend the Ghana Health Service and Teaching Hospitals Act, 1996 (Act 525) to provide for a new membership for the governing boards of teaching hospitals and for related matters.

7.0 PROVISIONS OF THE BILL

7.1 The Bill amends subsection (1) of section 37 of Act 525 and provides for a new membership of the governing board of a teaching hospital as follows:

- i. a chairman with considerable experience in management and administration who is not a Minister or Deputy Minister of State,
- ii. a person with considerable in finance and risk management,
- iii. a legal practitioner of not less than ten (10) years standing at the Bar,
- iv. a medical practitioner of not less than ten years standing as a clinician who is not a staff of the teaching hospital
- v. a registered pharmacist of not less than ten (10) years standing as a pharmacist who is not a staff of the teaching hospital
- vi. a registered nurse or midwife of not less than ten (10) years standing as nurse or midwife who is not a staff of a Teaching Hospital
- vii. two (2) representatives with considerable experience in medical education and research nominated by the university council who are not members of staff of a teaching hospital
- viii. a private business person with considerable experience in private sector entrepreneurship

- ix. a representative of civil society organisations with considerable experience in community resource mobilisation and
- x. the chief executive officer or a person responsible for the execution of the policies and decisions of the Board as well as the day-to-day administration of the Teaching Hospital.

8.0 ISSUES/CONCERNS/PROPOSED AMENDMENTS BY INTEREST GROUPS/OGANISATIONS/INSTITUTIONS

Ghana Medical Association

8.1 The Ghana Medical Association (GMA) proposed the following:

- i. That the Regional Director of Health Services in the regions where there are teaching hospitals should be made a member of the governing Board of the Teaching Hospital.
- ii. That the Dean of the Medical School should be maintained as a member of the Board.
- iii. That the Medical Officer who is being proposed to sit on the Board should be appointed by the Ghana Medical Association and should have a Managerial Background.

Ghana Federation of Allied Health Professions

8.2 The Ghana Federation of Allied Health Professions (GFAHP) argued that apart from the medical and dental practice, pharmacy, nursing

and midwifery, allied health professionals constitute eighteen (18) different legally registered health professional bodies, whose members played key roles in the effective management of the health sector of Ghana. The Federation also informed the Committee, in stakeholder meetings held in Koforidua and Sogakofe in 2017 and 2018 respectively, it was unanimously agreed allied health professionals be included in the governing structure of the Teaching Hospitals Board. They argued further that the exclusion of an allied health professional on the Board will frown on the principle of fairness in the representation of the Board Membership.

- 8.3 The Federation, after raising the issues afore, proposed the following:
- i. Provision should be made in the Bill to include on the Board Membership, two registered Allied Health Practitioners of not less than ten years standing as allied health professionals who are not staff of a Teaching Hospital.
 - ii. Explanation should be provided for the term or the word "medical" in paragraph (g), line 3, because according to them, it can be interpreted to exclude allied health.

**University of Ghana School of Biomedical
and Allied Health Sciences**

- 8.4 Representatives of the University of Ghana School of Biomedical and Allied Health Sciences raised issues similar to that of the Ghana Federation of Allied Health Professions. They argued that the exclusion

of allied health professionals on the Board Membership frowns on the principle of fairness and added that the allied health professionals constitute the largest group of professionals in the health sector.

8.5 The Representatives of the University of Ghana School of Biomedical and Allied Health Sciences, after arguing their case out, proposed the following amendments:

- i. Provision should be made in the Bill to include on the Board, a registered Allied Health Professional of not less than ten years standing as an allied health practitioner, who is not a staff of a teaching hospital
- ii. Paragraph (g) should be modified to read, "two representatives of considerable experience in health-related education and research, who are not members of staff of a teaching hospital".

Faculty of Allied Health Sciences of the Kwame Nkrumah University of Science and Technology

8.6 Those who represented the Faculty of Allied Health Sciences of the Kwame Nkrumah University of Science and Technology (KNUST), proposed the following:

- i. That an allied health practitioner be included on the Board of the teaching hospitals.
- ii. That paragraph (g) should be amended to include the Dean of the Faculty on the Board.

8.7 The Representatives of the Faculty specifically wanted paragraph (g) to read, "two representatives of considerable experience in medical and allied health education and research, who are not staff of a teaching hospital, nominated by the University Council". They argued the Faculty was responsible for the training of allied health professionals and added that such professionals contribute immensely to the delivery of quality health care. They also argued, over the years, the Faculty has had difficulties in relating with the teaching hospitals in the training of allied health professionals and attempts made to deal with the issue proved futile. According to the Representatives of the Faculty, such issues arose because of their non-representation on the Board and the lack of appreciation of the role of allied health professionals in healthcare delivery. They were of the conviction the inclusion of both professional and academic representatives of allied health professionals on the Board, would enhance effective training and harmonization of the activities of the Faculty with that of the teaching hospital at KNUST.

Association of Health Service Administrators, Ghana

8.8 The Association of Health Service Administrators, Ghana (AHSAG) exist to among other objectives, promote high ethical standards in hospital administration through effective managerial leadership programmes

for its Members. Representatives of the Association proposed the following:

- i. That paragraph (b) of the Clause should be amended to read, "one person with considerable experience in finance and risk management, who is not a staff of a teaching hospital"
- ii. That paragraph (c) should be amended to read, "a legal practitioner of not less than ten years standing at the Bar, who is not a staff of a teaching hospital"
- iii. That paragraph (g) be amended to provide for one person nominated from the University Council and another person from the Allied Health Professionals Council (AHPC) to make up for the two representatives mentioned.
- iv. That paragraph (h) of the Clause be amend to read, "a representative of a Metropolitan, Municipal or District Assembly (MMDAs) where the teaching hospital is sited or located".
- v. That paragraph (i) be amended to read, "one representative of the Health Service Workers' Union (HSWU) of the TUC, Ghana".
- vi. That the Director of Administration of a teaching hospital be appointed the Secretary to the Board.

Health Services Workers' Union of the Trades Union Congress

- 8.9 The Health Services Workers' Union of the Trades Union Congress (TUC) were of the opinion that there is nothing wrong with the law except that the allied health professionals should be represented on the Board. They gave the reason that the allied health category of health personnel, consists of eighteen (18) professionals and therefore it would be unfair if they do not have a representation on the Board.

Ghana Association of Certified Registered Anesthetists

- 8.10 Most of the amendments proposed by the Ghana Association of Certified Registered Anesthetists in their memorandum, bothered on provisions other than what was contained in the Bill and before the Committee and for that matter were not considered.

9.0 OBSERVATIONS

- 9.1 The views expressed by the various stakeholders in their memoranda as indicated afore, points to the fact that a representation for allied health professionals on the Board of teaching hospitals would be of significance. The Committee is convinced by the arguments canvassed by the stakeholders and for that matter, proposes an amendment to allow for a representation for allied health professionals on the Board. The amendment has it that the representative is supposed to be

nominated by the Allied Health Professionals Council. The amendment made in this regard together with some others, are contained in the Appendix attached to the Report.

- 9.2 The Committee observed that by separating members of management of teaching hospitals from their governing boards, the Bill will invariably ensure efficiency without compromising the quality of healthcare service delivery.
- 9.3 The Committee also observed that the Bill will provide a more structured and informed decision-making chain of command, which is considered vital in ensuring the delivery of quality healthcare outcomes to meet the expectation of the public.

10.0 RECOMMENDATION/CONCLUSION

- 10.1 As mentioned afore, good corporate governance does not allow for the inclusion of management members on governing boards since decision-making by the board may be compromised. Boards exist to give policy direction and guidance to management for implementation and therefore under no circumstance should a member of management be included in the membership of a board, except the chief executive officer.

10.2 The Committee therefore recommends to the House to adopt the Report and also consider the amendments it has proposed to the Bill. The amendments are contained in the Appendix attached to the Report.

Respectfully submitted.



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for

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MICHAEL AMOATENG
CLERK, COMMITTEE ON HEALTH

.....
HON. DR. KWABENA TWUM-NUAMAH
CHAIRMAN, COMMITTEE ON HEALTH

JUNE, 2019

APPENDIX

PROPOSED AMENDMENTS TO THE GHANA HEALTH SERVICE AND TEACHING HOSPITALS (AMENDMENT) BILL, 2019

The Clause – Delete paragraphs (a) to (j) and insert the following:

- “ (a) the following who are not members of staff of a teaching hospital, with considerable experience in management and administration:
- (i) a chairperson who is not a Minister or Deputy Minister of State;
 - (ii) a legal practitioner of not less than ten years standing at the Bar;
 - (iii) a medical practitioner of not less than ten years standing as a clinician;
 - (iv) an allied health professional of not less than ten years experience;
 - (v) a pharmacist of not less ~~not~~ than ten years standing;
 - (vi) a nurse or midwife of not less than ten years standing;
- (b) two representatives who are not members of staff of a teaching hospital nominated by a University Council with considerable experience in health education and research, one of whom is a woman;
- (c) one other person who is not a member of staff of a teaching hospital with considerable experience in finance and risk management;
- (d) a business person in the private sector with considerable experience in private sector entrepreneurship; and
- (e) the Chief Administrator of the teaching hospital, who shall be referred to as the Chief Executive Officer.”