

ACT 387
HOSPITAL FEES ACT, 1971
ARRANGEMENT OF SECTIONS

SECTION

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ACT 387
HOSPITAL FEES ACT, 1971¹

AN ACT to regulate the fees payable in respect of hospital services, and for related matters.

1. Hospital fees

(1) Subject to this Act, a person who receives services at a hospital shall pay for those services the prescribed basic fees.

(2) Except as provided by this Act and the Regulations, a person is not liable to pay fees in respect of services rendered to that person in a hospital.

2. General exemptions from hospital fees

Fees shall not be paid in respect of services rendered in a hospital to

- (a) a person certified in writing by a medical officer as unable to pay those fees on the ground of poverty;
- (b) a person suffering from a prescribed disease or condition;

1. The Act was assented to on 6th October, 1971 and notified in the *Gazette* of 19th July, 1985. This Act may become spent when the National Health Insurance Act, 2003 (Act 650) is fully operational, and when all persons are duly registered under the National Health Insurance Act, 2003 (Act 650).

- (c) a pupil or student receiving full-time education in a recognised institution;
- (d) a prescribed class of persons working or studying within the Health Service;
- (e) a person requested by the medical officer concerned to attend or come to a hospital for admission for the purpose of teaching;
- (f) a person in lawful custody;
- (g) a certified psychiatric patient; or
- (h) any other prescribed class of persons.

3. Exemptions for particular services

(1) Fees shall not be paid in respect of a medical examination or a report

- (a) required by a department of State, or
- (b) in connection with the official duties of an employee of a department of State, or
- (c) in connection with the entry of a person into a department of State or the departure of that person from that department.

(2) Fees shall not be paid by a person receiving medical attention in a hospital in respect of a medical report relating to that person.

(3) Fees shall not be paid by a person in respect of a prescribed laboratory examination carried out on that person during out-patient attendance.

(4) Fees shall not be paid by a person in respect of X-ray films taken for the purposes of tuberculosis control.

(5) Fees shall not be paid by a person, other than a non-resident alien

- (a) in respect of a casualty treatment given which does not involve admission into hospital, or
- (b) in respect of treatment involving splints or any other similar appliances.

4. Exemptions for particular classes of persons

(1) Fees, other than the fees prescribed for accommodation and maintenance, shall not be paid in respect of services rendered in a hospital to

- (a) a person who is not gainfully employed and who is under the age of eighteen years or over the age of sixty-five years;
- (b) a person, other than a non-resident alien, in respect of ante-natal care at a health post, rural health centre or clinic, or any other hospital specified by the Minister by notice published in the *Gazette*;
- (c) a maternity patient who has had four or more childbirths;
- (d) a maternity patient referred to a hospital from a clinic or health centre;
- (e) a maternity patient referred to a hospital by a registered midwife or registered medical practitioner.

(2) Fees in respect of accommodation or maintenance shall not be paid where a person referred to in subsection (1) is exempted from the payment by a provision of section 2.

(3) Despite subsections (1) and (2) where a patient requests for special amenities that patient shall pay the prescribed fees.

5. Increased fees payable in certain cases

Where services are rendered in a hospital to a person who is

- (a) a private patient, or
- (b) a non-resident alien, or
- (c) a member of the diplomatic staff of a country which does not give reciprocal medical coverage to Ghanaian diplomatic staff accredited to that country or Ghanaians resident in that country, or
- (d) the wife or child of a person referred to in paragraph (c),

and that person is liable to pay a fee under this Act, the fee payable shall not be less than the fee that is payable by a Ghanaian diplomat accredited to or resident in the country of that person.

6. Persons liable to pay fees

(1) Subject to subsection (2), the person liable to pay a fee under this Act is the person in respect of whom the service was rendered.

(2) Despite subsection (1), where the entitlement of free medical attention is a term in the conditions of service of a person employed by the Government that person to that extent is not liable for the payment of fees under this Act.

7. Manner of payment of fees

(1) The fees payable under this Act shall be paid to the hospital revenue officer at the hospital where the fees were incurred, on the issue by that officer of a bill specifying the fees to be paid.

(2) The hospital revenue officer shall issue an official receipt to a person making a payment under this Act.

(3) A hospital revenue officer who fails, at the time of receiving a payment under this Act, to issue an official receipt to the person making that payment, commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

8. Recovery of fees

A hospital revenue officer or any other person appointed by the Minister may sue for the recovery of the fees payable under this Act which are unpaid together with the costs properly incurred.

9. Evidence

In proceedings for the recovery of fees payable under this Act, an account signed by the hospital revenue officer setting out the amount of money claimed from the defendant in the proceedings is admissible in evidence without proof of the signature, and is prima facie evidence of the amount of money due.

10. False representations

(1) A person who by a false representation obtains without payment or at a reduced rate of payment a medicine, a surgical appliance, an attendance or treatment at a hospital commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units.

(2) A person who does any of the acts referred to in subsection (1) is liable whether or not that person is prosecuted, to pay for the medicine, surgical appliance, attendance or treatment at the prescribed rates, and in respect of that payment is not entitled to the benefit of an exemption under this Act.

11. Regulations

The Minister may, with the approval of the Cabinet by legislative instrument, make Regulations prescribing anything that is to be prescribed for the purposes of this Act, granting further exemptions in respect of a class of persons or a form of treatment, or otherwise for giving effect to the provisions and purposes of this Act.

12. Interpretation

(1) In this Act, unless the context otherwise requires,

“**department of State**” includes any of the Public Services, the Armed Forces of Ghana, and any other prescribed service;

“**hospital**” means a government-controlled hospital, dispensary, health centre, clinic, mental or psychiatric hospital or any other government medical institution at which medical treatment is available;

“**hospital revenue officer**” means the officer responsible for the collection of fees at a hospital;

“**medical officer concerned**” means a medical officer wholly or partly responsible for the medical care of a patient at a hospital;

“**Minister**” means the Minister responsible for Health;

“**non-resident alien**” means an alien who does not have a resident permit entitling the alien to remain in the Republic for six months or more, or who is not lawfully exempted from having a residence permit;

“**prescribed**” means prescribed by the Regulations;

“**private patient**” means a patient who requests and is prepared to pay for special attention and amenities in lieu of the attention and amenities ordinarily appropriate to the case of that patient;

“Regulations” means Regulations made under section 11;

“special amenities” means the accommodation and maintenance of a patient in a ward designated by the Minister as an amenity ward, in which the patient enjoys personal facilities for washing and toilet and where special diets and other facilities are provided at an extra cost.

(2) Where there is a doubt as to whether an institution at which treatment is available is government-controlled so as to be a “hospital” within the meaning of this Act, the Minister may resolve the doubt by notice published in the *Gazette*.

13. Repeals

*Spent.*²

14. Commencement

*Spent.*³

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2. The section provided as follows:
“The Hospital Fees Decree, 1969 (N.L.C.D. 360) and the Hospital Fees Decree, 1969 (Amendment) Act, 1970 (Act 325) are hereby repealed.”
 3. The section provided that the Act shall be deemed to have come into force on the 1st day of October, 1971.

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