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A LAW TO MAKE PROVISIONS FOR THE ESTABLISHMENT OF
THE BENUE STATE HEALTH MANAGEMENT AGENCY AND
INSTITUTE, BENUE HEALTH INSURANCE SCHEME FOR ALL
RESIDENTS OF THE STATE AND FOR PURPOSES CONNECTED
THEREWITH

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BENUE STATE OF NIGERIA

No. 8 of 2018

A LAW TO MAKE PROVISIONS FOR THE ESTABLISHMENT OF THE BENUE STATE HEALTH MANAGEMENT AGENCY AND INSTITUTE, BENUE HEALTH INSURANCE SCHEME FOR ALL RESIDENTS OF THE STATE AND FOR PURPOSES CONNECTED THEREWITH

(9th October, 2018)

*Date of
Commencement*

ENACTED by the House of Assembly of Benue State as follows-

1. This Law may be cited as BENUE STATE HEALTH MANAGEMENT AGENCY LAW, 2018 and shall come into force on the 9th day of October, 2018.
2. In this Law-

*Short title and
Commencement.*

"Administrative Charge" means 10% of the funds from the Benue State Health Plan; Private Health Plans and the Formal Sector Plan;

Definition.

"Agency" means the Benue State Health Management Agency established under this Law;

"Benefit" means a benefit or advantage of any kind whatsoever derived from the Scheme;

"Benue State Health Insurance Fund (BNSHEIF)" means the sole, risk-pooling account into which ALL funds for health insurance in Benue State shall be paid and the fund shall be managed by the Agency;

"Board" means the Governing Board established under this Law for the Agency;

"Capitation" means a payment to a health care provider in respect of covered services to be provided to an insured person registered with the health care provider, whether the person uses the services or not;

"CBHP" means Community Based Health Plan -registered under this Law to provide health care services through Health Care Providers approved by the Agency;

"Commissioner" means the commissioner charged with the responsibility of matters relating to health in the state;

"Contribution" means a premium, payable to the Agency by participants and any other funds under this Law;

"CSOs" means Civil Society Organizations;

"Employee" means any person who is ordinarily resident in Benue State and is employed in the public service or private sector or an apprenticeship with an employer whether the contract is express or implied, oral or in writing;

"Employer" means an employer with five or more employees which includes the Federal, State and Local Government or any Extra-Ministerial Department or a person with whom an employee has entered into a contract of service or apprenticeship and who is responsible for the payment of the wages or salaries of the employee including the lawful representative, successor or assignee of that person;

"Health Care Documents" includes all prescriptions, laboratory forms, excuse duty, death certificate and other documents used in the management of patient under the Scheme covered by this Law;

"Health Care Practitioner" means any health care personnel such as doctors, nurses, laboratory scientists, pharmacists, physiotherapists, radiographers and other healthcare practitioners as may be defined by the Agency;

"Health Care Provider" means any government or private health care facility, hospital, maternity centre, community pharmacies and all other service providers registered by the Agency for the provision of prescribed health services for insured persons and their dependants under this Scheme;

"HMO" means a Health Maintenance Organization registered under Section 29 of this Law to ensure health care services are adequately provided by Health Care Providers approved by the Agency;

"Insured Person" means any person and eligible dependant who pays the required contribution under this Scheme;

"Local Government Chairman" means the political head of a Local Government or Development Area Council;

"LFN" means Laws of the Federation of Nigeria.

"Medical Practitioner" means a person with a degree registered with the Medical and Dental Council of Nigeria;

"Member of the Board" means any person, including the chairman who serves on the Board;

"MHA" means a Mutual Health Association registered under Section 28 of this Law to provide health care services through health care providers approved by the Agency;

"NGOs" means Non-Governmental Organizations;

"NHIS" means National Health Insurance Scheme as defined in the NHIS Act CAP. N42. Laws of the Federal Republic of Nigeria;

"Provider Payment Mechanism" means the method by which payments are made to the service providers of the Agency; it could be by capitation, fee for service, per diem, or case payment;

"Resident" means any person who resides in Benue State;

"SCRAM" means State Committee on Registration, Accreditation and Monitoring;

"State" means Benue State of Nigeria;

"Third Party Administrators (TPAs)" means an organization registered under section 28 of this law to process claims or certain aspect of beneficiaries' health plans for the Agency. It could be HMOs, CSOs, NGOs etc.

"Vulnerable" refers to the following categories of people: pregnant women, children under 5, the aged (75 years and above), physically challenged, poor and others falling within the group as defined by the Agency;

"Wage" means remuneration in money paid to an employee under his or her contract of service or apprenticeship, as the case may be; and whether agreed to be paid at fixed or determined intervals of times.

3. (1) There is hereby established a body to be known as the Benue State Health Management Agency (in this Law referred to as "the Agency").
- (2) The Agency-
 - (a) shall be a body corporate with perpetual succession and a common seal;
 - (b) may sue and be sued in its corporate name;
 - (c) may acquire, hold or dispose of any moveable or immoveable property for the purpose of its function under this Law.
- (3) The principal objectives of the Agency shall be to promote, regulate, supervise and ensure the effective administration of the Benue Health Insurance Scheme.
- (4) The Agency shall be a parastatal under the supervision of the Ministry

*Establishment
of the Benue
State Health
Management
Agency.*

of Health and Human Services and where there is no Board, the Ministry of Health and Human Services shall carry out the functions of the Board.

4. The Agency shall be responsible for-

*Functions
of the
Agency.*

- (a) ensuring the effective implementation of the policies and procedures of the health scheme;
- (b) issuing appropriate regulations and guidelines, as approved by the Board, to maintain the viability of the scheme;
- (c) the management of the scheme in accordance with the provisions of this Law;
- (d) the implementation of the minimum benefit package as defined under the National Health Act;
- (e) the definition of benefit packages to be provided under the Health Plans as provided in Section 14 of this Law;
- (f) registering NHIS accredited Health Maintenance Organizations, State Accredited Health Care facilities and other relevant institutions;
- (g) classifying healthcare facilities and providers in a manner that shall help improve health outcomes in the State as required under the National Health Act;
- (h) determining the percentage of the premiums from private health plans that shall be payable as a cross subsidy to the Fund for the purpose of financing the Health Equity plan for the poor and vulnerable;
- (i) approving format of contracts for the TPAs and all Health Care Providers;
- (j) carrying out public awareness and education on the Care Providers;
- (k) promoting the development of Mutual Health Associations for wider participation in the Scheme;
- (l) determining, after due consideration. Provider Payment Mechanisms due to Health Care Providers, by the Health Maintenance Organizations in line with similar schemes;
- (m) exchanging information and data with the National Health Insurance Scheme, State Health Management Information System, relevant financial institutions Development Partners, NGOs; and other relevant bodies;
- (n) ensuring human resource development in the Agency;
- (o)

- carr
- ying out such other activities as are necessary or expedient for the purpose of achieving the objectives of the Agency under this Law;
- (p) receive and investigate complaints of impropriety leveled against any TPA, Health Care Provider (HCP) and other relevant institutions and ensure appropriate sanctions are given.
5. (1) There shall be appointed by the Governor, on the recommendation of the Commissioner, an Executive Secretary for the Agency. *Appointment of the Executive Secretary & other staff of the Agency.*
- (2) The Executive secretary shall-
- (a) be a person of integrity with relevant qualifications and experience;
- (b) be the Accounting Officer of the Agency and be responsible to the Board.
- (3) The Executive Secretary shall hold office-
- (a) for a period of four (4) years in the first instance and may be re-appointed for a further term of four (4) years only; and
- (b) on such terms and conditions as may be specified in the letter of employment. *Tenure of the Executive Secretary*
- (4) The Executive Secretary shall, subject to the general direction of the Board, be responsible for the - *Duties of the Executive Secretary*
- (a) day-to-day administration of the Agency;
- (b) general direction and control of all other employees of the Agency.
- (5) The Board shall-
- (a) appoint, for the Agency, such other managers and other employees as may, in the opinion of the Board, be required to assist the Board in the discharge of any of its functions under this Law; and
- (b) pay to such persons so appointed such remuneration and allowances as the Board may approve. *Appointment of other staff of the Agency.*
6. (1) There is hereby established the Benue State Health Management Agency Governing Board (in this Law referred to as "the Board") which shall, subject to this Law, have general control of the Agency.
- (2) The Board shall be gender sensitive and shall consist of the following with the approval of the Governor –
- (a) Chairman of the Board who shall be appointed on a part-time basis by the Governor on the recommendation of the Commissioner.
- (b) One representative each of-

- (i) the State Ministry of Health who shall be a health personnel not below the rank of a Director;
 - (ii) Head of-Service
 - (iii) Benue State Primary Healthcare Board not below the rank of a Director;
 - (iv) the Ministry of Finance not below the rank of a Director;
 - (v) Benue State Planning Commission not below the rank of a Director
 - (vi) Benue State Chamber of Commerce, Industry, Mines and Agriculture,
 - (vii) the Nigerian Labour Congress, Benue State Chapter;
 - (viii) the Health Care Provider Association of Nigeria;
 - (ix) A Civil Society as nominated by coalition of Benue State Civil Societies;
 - (x) the National Health Insurance Scheme;
 - (xi) Benue State Traditional Council;
- (c) the Executive Secretary of the Agency;
- (d) two other members of the Board shall be persons of proven integrity to be appointed by the Governor on the recommendation of the Commissioner.
- (3) The Chairman so appointed shall be a person of integrity with relevant qualifications and a minimum of ten (10) years professional experience.
7. (1) A member of the Board shall hold office for a term of four (4) years in the first instance and may be re-appointed for a further term of four (4) years only. *Tenure of office of members of the board*
- (2) The members of the Board shall be paid such remunerations and allowances as the State Government may, from time to time, determine.
8. (1) A member of the Board shall cease to hold office if he-
- a) becomes of unsound mind;
 - b) becomes bankrupt;
 - c) is convicted of a felony or of any offence involving dishonesty; or
 - d) is guilty of serious misconduct in relation to his duties.
- (2) A member of the Board may be removed from office by the Governor, if he is satisfied that it is not in the interest of the Agency or the interest of the public that the member should continue in office. *Resignation of a member of the Board*
9. A member of the Board may resign his appointment by notice, in writing under his hand, addressed to the Governor and the resignation shall take effect only on acknowledgement by the Governor.

10. Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest. *Vacancy in membership*
11. The Board shall have the power to- *Power of the Board*
- a) determine the organizational structure of the Agency;
 - b) approve for the Agency all the paid schemes and private health plans of Health Maintenance Organizations;
 - c) determine the overall policies of the Scheme, including the financial and operative procedures of the Scheme;
 - d) ensure the effective implementation of the policies and procedures of the Scheme;
 - e) regulate and supervise the Scheme established under this Law;
 - f) establish standards, rules and guidelines for the management of the Scheme under this Law;
 - g) engage, license, regulate, terminate and supervise Third Party Administrators and other institutions relating to Health Plans as the Agency may from time to time determine;
 - h) rigorously monitor the activities of the TPAs engaged;
 - i) develop a targeting mechanism to identify the vulnerable who will benefit from the Health Equity Plan as approved under Section 14(i)(a) of this Law;
 - j) issue guidelines and approval for the administration and release of funds under this Scheme;
 - k) approve other Health Plans as presented and put forward to the Agency from time to time; *Power of the Board*
 - l) approve the recommendation of the Agency relating to research, consultancy and training in respect of the Scheme;
 - m) ensure the maintenance of a State Data Bank in respect of all the matters concerning the Agency;
 - n) perform such other duties which, in the opinion of the Board, are necessary or expedient for the discharge of its functions under this Law;
 - o) determine the remuneration and allowances of all staff of the Agency subject to approval of State Executive Council; and
 - p) determine the level of Co-Payment for all schemes of the Agency.
12. There shall be for the Board of the Agency, a Legal Adviser who shall- *Legal Adviser*
- (a) be appointed by the Board;
 - (b) be responsible to the Executive Secretary and the Board;
 - (c) possess professional skills and cognate experience;
 - (d) be in-charge of legal affairs;
 - (e) perform such other duties as may be assigned, from time to time, by the Board or the Executive Secretary.
13. There is hereby established a Benue Health Insurance Scheme (in this law referred to as the “Scheme”) which shall be mandatory for all residents of Benue State, covering all employees in the public and private sectors, including the self-employed and the unemployed. *Establishment of Benue Health Insurance Scheme.*

14. (1) The Benue State Health Insurance Scheme shall comprise initially of three components-

*Components of
the Benue
Health
Insurance
Scheme.*

- (a) the Benue State Equity Health Plan (BNEHP)- which shall be a plan for vulnerable groups as defined in Section 2 of this Law. Other criteria for eligibility into the Health plan shall be as approved by the Board. The only point of entry shall be public Primary Health Care Centers who shall refer if necessary to designated secondary and tertiary health facilities;
- (b) the Format Health Plan - which shall be a contributory plan for all public and private formal sector employees wherein the employer and employees shall make contributions as determined by the Board;
- (c) the Benue State Private Health Plan (PHP) - which shall consist of the informal health plan and a variety of packages providing healthcare services in direct proportion to the contribution; and
- (d) any other component as may be developed by the Agency with the approval of the Board.

(2) (a) The Scheme shall be compulsory and shall apply to any resident of the State who is to fulfil all conditions as determined by the Agency from time to time.

(b) It shall be mandatory for any resident in the State to provide proof of Health Insurance before accessing any social service in the State.

(3) All residents in the formal or informal sector already covered by an existing health insurance scheme shall provide evidence of same to the Agency.

15. The objectives of the Scheme are to-

*Objectives of the
Benue Health
Insurance
Scheme.*

- a. ensure that every resident of Benue State has ready access to health care services;
- b. ensure that all residents of Benue State have financial protection, physical access to quality and affordable health care services;
- c. protect families from the financial hardship of huge medical bills;
- d. limit the rise in the cost of healthcare services;
- e. ensure that the vulnerable shall be guaranteed the basic minimum package as defined under the National Health Act.
- f. ensure equitable distribution of health care costs across different income groups;
- g. maintain high standard of health care delivery services within the Health Sector;
- h. ensure efficiency in health care service delivery;
- i. improve and harness private sector participation in the

- provision of healthcare services;
- j. ensure adequate distribution of health facilities within the State;
 - k. ensure appropriate patronage at all level of the health care delivery system;
 - l. ensure the availability of alternate sources of funding to the health sector for improved services;
 - m. (in cases where residents do not have available medical services and other health service) take such measures as are necessary to plan, organize and develop medical services and other health services commensurate with the needs of the residents.
16. A Health Care Provider or TPA shall not by reason of a resident's medical history, refuse treatment or coverage.
17. (1) Employment in the Agency shall be approved service for Pension purposes of the Pension Law.
- (2) Employees of the Agency shall be entitled to pensions and other retirement benefits.
- (3) Nothing in subsections (1) and (2) of this Section or in this Law shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office
- 18.(1) The Board shall appoint for the Agency, a licensed Actuary on such terms and conditions as the Board may, from time to time, determine.
- (2) The Agency shall review the services package and evaluate it actuarially every three years, including the rates of contributions payable for the service and make appropriate recommendations to the Board.
- (3) If having regard to the review and evaluation carried out by the Actuary under subsection (2) of this Section, the Board considers that the rates of contributions have not retained their value in relation to the general level of earning in Nigeria, the Board shall in consultation with the Actuary, modify the rates to the extent considered appropriate and bring the new rates to the notice of the persons affected by the modification.
- The Board shall appoint for the Agency Auditors, pension consultants, etc. as it shall determine from time to time.
19. (1) There is hereby established the Benue State Health Insurance Fund (hereinafter referred to as "the Fund").
- (2) The Fund shall consist of-
- a) the initial take-off Grant from the Benue State Government;

*Prohibiting
TPA's coverage
based on
patient's Medical
History.*

*Establishment and
Management of
Benue State Health
fund.*

- b) formal Sector Fund; comprising of contributions from public and private sector employers and employees;
- c) contributions from the informal sector;
- d) equity Fund: comprising of contributions of not less than 1% (one percent) of the Consolidated Revenue Fund of the State: Funds from NHIS for pregnant women, children under-five (5) years and other relevant programs; funds from NHIS gateway of the Basic Healthcare Provision Fund for guaranteeing a minimum health package; donations or Grants-in-Aid from private Organizations, philanthropists, international donor organizations and Non-Governmental Organizations from time to time;
- e) such money as be due from Health Maintenance organizations and subsidy remittance from Private Plans;
- f) fines and commissions charged by the Agency;
- g) other appropriations earmarked by the Federal. State and Local Government purposely for the implementation of the scheme;
- h) funds as may be approved from the Benue State Primary HealthCare Board (PHCB), from the National Primary Healthcare Development Agency (NPHCDA) for fort the CBHP. BNSHP. FSHP and other relevant programs;
- i) dividends and interests on investments and stocks; and
- j) all other money which may, from time to time, accrue to the Agency.

20.(1) The Board shall approve the disbursement of funds to the healthcare providers from the established fund either through the participating TPAs, CBHP and MHA with the recommendation of the Agency.

*Disbursement
of the fund.*

(2) The Agency shall, on the approval of the Governing Board, apply the proceeds from the administrative charges at its disposal for;

- a. the achievement of the objectives of the Agency under this Law;
- b. the cost of administration of the Agency;
- c. the payment of fees, allowances and benefits of members of the Board;
- d. the payment of salaries, allowances and benefits of officers and employees of the Agency; and
- e. the maintenance of any property vested in the Agency or under its administration.

(3) The Agency shall invest any money not immediately required by it in Federal Government securities or in such other securities as the Board may, with the approval of the Commissioner of Health and Human Services from time to time, determine; and the proceeds from such investments shall be ploughed back to the Agency's Fund.

21.(1) The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

*Power to
accept Gift*

- (2) The Agency shall not accept any gift if the conditions attached by the person or organization offering the gift are inconsistent with the objectives and functions of the Agency under this Law
- 22.(1) The Board shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Agency during the next succeeding year and when prepared, they shall be submitted to the Accountant-General of the State through the Ministry of Health. *Annual Estimates*
- (2) The Board shall cause to be kept proper accounts of the Agency and proper records in relation thereto-and when certified by the Board, the accounts shall be audited by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the State. *Account and audit.*
- 23.(1) The "Board shall not later than six (6) months immediately following the end of a year - *Annual Report.*
- (a) submit to the governor, a-report on the activities and the administration of the Agency during the immediate preceding year and shall include in the report the audited accounts of the Agency and the auditor's-report on the accounts; and
- (b) present and publish the .audited annual accounts, auditor's report on the accounts and reports on the activities of the Agency to Annual Meeting comprising all Stakeholders and on the State Government Website.
- 24.(1) The Agency shall be exempted from the payment of tax on any income accruing from investment made by the Board for the Agency or otherwise. *Exemption from tax*
- (2) The provisions of any enactment relating to the taxation of companies or trust funds shall however not apply to the Agency.
- 25.(1) The Benue State Health Insurance Fund (BNSHEIF) shall be administered through carefully selected and approved Banks as advised by the Accountant-General-of the State, for the pooling of all contributions derived from either the public or private sector (formal or informal) into dedicated accounts. *Payment of Contribution under the Insurance Scheme*
- (2) An employer who has a minimum of five (5) employees shall; together with every person in his employment, pay contributions, at such rate and in such manner as may be determined, from time to time, in the Operational Guidelines of the Agency. *Contribution Rate is as stated in the Operation Guidelines.*
- (3) A registered employer under the Agency shall cause to be deducted from an employee's wages the approved amount of contribution payable by the employee and shall not by reason of the employer's liability for any contribution (or penalty thereon) made under this Law, reduce, whether directly or indirectly, the remuneration or

allowances of the employee in respect of whom the contribution is payable under this Law.

- (4) The Agency shall cause the pooling of contributions derived from the Private and public sector to be made directly to BNSHEIF.
 - (5) All other funds particularly by independent or private donors shall be paid directly to BNSHEIF through approved banks into dedicated accounts.
 - (6) The Agency shall ensure that stewardship and management of the funds paid into the Benue State Health Insurance Fund (BNSHEIF) conforms to international best practice and is carried out with the primary intention to pool and equalize risk.
 - (7) The Agency shall cause TPAs to establish account with the Benue State Health Insurance Fund (BNSHEIF) approved banks for the agreed remittable percentage of the premiums received for the private health plans under this Law.
 - (8) The Agency shall cause TPAs to produce, in a recognized format and subject to guidelines to be issued by it from time to time, performance/security bond from accredited banks or insurance companies so as to protect contributions collected.
 - (9) The Agency shall, on the advice of the Actuary prescribe what percentages of contributions collected by TPAs and MHAs for private health plans shall be for provider reimbursement, administration, remittance to the Agency.
- 26.(1) Subject to such guidelines and regulations as may be made, under this Law, all residents shall be registered under the Scheme, either through their registered TPAs, CBHPs or MHAs or on an employee's individual basis.
- (2) All employers (public and private) shall register with the Agency and obtain a **Corporate Identification Number (CIN)**. Thereafter employer shall advise their employees to register with TPAs of their choice.
 - (3) No Corporate body shall be able to buy any health plan from TPAs or MHAs without a Corporate Identification Number from the Agency.
- 27.(1) The engagement of participating Health Care Providers under the Scheme shall be in accordance with guidelines as may be issued by the Agency under this Law.
- (2) A health care Provider engaged in subsection (1) shall, in consideration for an approved Provider Payment Mechanism (including Capitation) deemed fit by the Agency, to the extent and manner prescribed herein, provide services in accordance with

*Registration:
Benue State
Residents,
Employers &
Employees.*

*Registration
and Services of
Healthcare
Providers*

- (a) the approved Benefit Package which shall be actuarially
- (b) determined from time to time by the Board; and treatment guidelines.

28.(1) The Agency shall register NHIS accredited Third Party Administrators (TPAs) (in this Law referred to as TPAs), Mutual Health Associations (MHAs) (in this Law referred to as "MHAs") and allied associations,.

*Registration of
Third Party
Administrators
CBHPs. Mutual
Health
Association
and Allied
Associations*

- (2) This Law recognizes the prior existence of contributory Health Insurance Organizations (including TPAs) and prepaid health plans before the commencement of the Scheme. Such organizations operating in the State shall be registered, and monitored by the Agency. All Private Health Plans and Private Medical Insurance Programs in the State shall mandatorily be operated in such manner as stipulated by this law and the Agency for uniformity and to the economic benefit of enrollees/members.
- (3) The registration of an organization under-the Agency shall be in such form and manner as may be determined, from time to time, by the Board, using guidelines which shall include pro-visions requiring the organization ton
 - a) be financially viable before during and after registration;
 - b) have a track record of healthy relationship with private healthcare providers;
 - c) make a complete disclosure of the ownership structure and composition of the organization;
 - d) have current account(s) with one or more banks approved by the Agency;
 - e) comply with relevant insurance requirements through insurance companies accredited by the Agency;
 - f) give an undertaking that the organization shall manage and invest the funds accruing to it from contributions received pursuant to this Law in accordance with the guidelines to be issued, from time to time, by the Agency
 - g) establish/stimulate the development of Mutual Health Associations in their area of operation to serve as platform for collecting contributions into the State pool.
- (4) The invied person reserves the right to choose their HealthCare Provider and TPAs in a division of the State under the State Health Equity Plan.
- (5) Registration of TPA shall be time bound as may be determined from time to time by the Agency, after which the TPA shall present itself for renewal of its registration within the time limits specified by the guidelines.

29.(1)

*Th*Refusal of Registration. ay refuse to register

- (2) Where the Agency refused to register such organization, it

shall forthwith notify the applicant in the prescribed form, specifying the reasons for such refusal. However, such an organization may reapply at a time it has fulfilled all the necessary conditions for registration.

30. The Agency may de-register any organization, if-

Deregistration of Organization.

- a) it discovers after the grant of licence that a statement was made in connection with the application thereof which the applicant knew to be false in any material particular;
- b) the organization is subject to any insolvency proceedings or is to be wound up or otherwise dissolved;
- c) the conduct of affairs of the organization does not conform with the provisions of this Law or any regulations made pursuant to or any directive issued under this Law Any event occurs which renders the organization ineligible to perform its duties; and
- d) the organization is in breach of any condition attached to its licence.

Deregistration of Organization.

31.(1) An Organization referred to in subsection (1) of Section 28 of this Law shall have responsibility for-

Functions of TPAs of Organization.

- (b) receiving the Register of eligible employers and employees under this Law from the Agency;
 - (c) the payment for services rendered by Health Care Providers registered under the Scheme using recommended Provider Payment Mechanism;
 - (d) rendering to the Agency returns on its activities as may be required by the Board;
 - (e) contacting only with the health care providers approved under the Scheme for the purpose of rendering health care services as provided by this Law;
 - (f) ensuring that contributions are kept in accordance with guidelines issued by the Board;
 - (g) establishing a quality assurance system; and
 - (h) any other role as stipulated by the Agency from time to time
- (2) Notwithstanding anything contained in this Law, TPAs and MHAs shall not be involved in the direct delivery of health care services or collection of funds except in private or voluntary Health Plans and shall make appropriate returns to the Fund.

32. Subject to the guidelines and regulations as may be made in accordance with this law, all health care practitioners engaged in the Scheme shall be accredited and registered with the relevant professional regulatory bodies.

Registration of medical Practitioners with the regulatory bodies

33. (1) As from the commencement of this Law, all documents issued by a Health Care Practitioner shall be duly signed, stamped and bear the accredited number of the issuing Health Care Practitioner registered under the Scheme.

Documents to bear name, address and signature of healthcare practitioner.

(2) All medical documents purported to emanate from any Health Care Practitioner engaged in the Scheme shall bear -

- (a) the name;
- (b) the address;
- (c) signature; and
- (d) licensing number of the Health Care Practitioner.

34. The State Primary Health Care Board shall in consultation with the Director, Local Government Health Authority (LGHA) appoint focal persons who shall be senior serving officers in the service of the Local Government Health Authority to coordinate and collaborate with the Agency.

Participation Of Local Gouts-Appointment Of focal Persons.

35.(1)

(2) The parities shall by mutual consent appoint a 3-man panel of arbitrators (hereinafter referred to as "the Panel").

(3) The membership of the panel and the applicable Arbitral procedure shall be as provided for in the Arbitration and Conciliation Law, Laws of Benue State.

When there is a dispute among the parities, the Agency shall constitute a 3-man panel of arbitrators (hereinafter referred to as "the Panel").

36. Any-person who commits an offence under this Law shall be prosecuted by the Attorney-General of the State or such other Legal Practitioner that may be authorized by him so to do.

Prosecution Of Offenders.

37.(1) The State High Court or such other Court or Tribunal as may be set up, shall be vested with-

Jurisdiction.

- (a) jurisdiction to try offenders under this Law; and
- (b) power, notwithstanding anything to the contrary in the Operational Guidelines or any other enactment, to impose the Penalties provided for the offence in this Law or the Operational Guidelines.

38.(1) The High Court or such other court or Tribunal before which a person is convicted of an offence under this Law or the Operational Guideline may, without prejudice to any civil remedy, order a person to pay to the Fund of the Scheme the amount of any contributions together with interest and penalty thereon, certified by the Agency to be due and payable at the date of the conviction and such amount shall be paid into the Fund of the Plan for its credit, where applicable or of the employee concerned.

Payment of Contribution.

(2) Any contribution paid into the Fund of the Scheme under

subsection(1) of this Section shall be remitted to the organization entitled to receive the contribution.

39. Proceedings for air offence under this Law may be commenced at any time after the commission of the offence.

*Commencement
of proceedings*

- 40.(1) Subject to the provisions of this Law. The provisions of the Public Officers Protections Law shall apply in relation to any suit instituted against any officer or employee of the Agency.

*Limitations of
Suit Against the
Agency*

- (2) Notwithstanding anything contained in any other enactment no suit shall lie or be instituted against the Agency. any member of the Board, the Executive Secretary or any other officer or employee of the Agency for anything done in pursuance or execution of this Law or any other enactment or law. or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Law or such enactment or law, duty or authority, in any court unless it is commenced-

- (a) within three (3) months after the act, neglect or default complained of; or.
- (b) in the case of a continuation of damage or injury, within six (6) months next after the ceasing thereof.

- (3) No suit shall be commenced against the Agency, a member of the Board, the Executive Secretary, officers or employee of the Agency before the expiration of a period of one (1) month after written notice of intention to commence the suit shall be served upon the Agency by the intending plaintiff or his agent(s)

- (4) The notice referred to in subsection (3) of this Section shall clearly and explicitly state the cause of action, the particulars of the claims, the name and place of abode of the intended plaintiff and the relief which he claims.

41. A notice, summons or other document required or authorized to be served on the Agency under the provisions of this Law or any other enactment or Operational Guideline may be served by delivering it to the Executive Secretary or by sending it by registered post and addressed to the Executive Secretary at the principal office of the Agency.

*Service of
Documents*

- 42.(1) In any action or suit against the Agency, no execution or attachment or process in the nature thereof shall be issued against the Agency for a period of not less than three (3) months unless notice of intention to execute or attach has been given to the Agency.

*Regulation
on execution
against
property of
the Agency*

- (2) Any sum of money which may be the judgment of any court be

awarded against the Agency shall, subject to any directions given by the court where notice of appeal of the said judgment has not been given, be paid from the general reserve fund of the Agency.

43. Any officer or employee of the Agency acting in the course of lawful duty shall be indemnified out of the assets of the Agency, against any liability incurred by him in defending any civil proceeding. *Indemnity of officers*
44. A member of the Board, the Executive Secretary, officer or other employee of the Agency shall-
- (a.) not make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty for his personal gain or otherwise under this law;
- (b) treat as confidential any information which has come obtained by him in the performance of his functions under this law;
- (c) not disclose any information referred to under paragraph (b) of this subsection except when required to do so by an Arbitration or similar panel of the court or in such other circumstances as may be prescribed by the Board
- 45.(1) Contribution payable under the Agency shall be inalienable and shall not be assets for the benefit of Creditors in the event of the bankruptcy or insolvency of a contributor or an organization. *Contribution to be inalienable*
- (2) Notwithstanding any provision in any law or enactment contributions whether by an employer or an employee under this Law shall form part of tax, deductible expenses in the computation of tax payable by an employer or, as the case may be; by an employee under any other relevant law applicable to income tax.
46. Where, under Section 591 of the Companies and allied matters Act an order is made by a court under subsection (3) of that section which includes the transfer to the company of the whole or any part of the undertaking and of the property and liabilities of a transfer or company, the order shall include provisions for the taking over, as from such date as may be specified in the order, of any liability for any contribution which has come due and payable under this law (together with any accrued interest thereon) in respect of the employees concerned in the undertaking, property or liability transferred. *Transfer of liability to contribute to the case of mergers acquisition, etc.*
47. The provisions of the Trustee Investment Act shall not apply to any investment made by the Agency under this law. *Exclusion from application of Cap 449 LFN*
48. The Benue State Government shall collaborate with relevant agencies of Federal Government in the realization of the set *Collaboration with the Federal Government*

objectives of this Law.

49. All Health Providers (institution and individual) shall be required to provide evidence of professional indemnity cover from a list of insurance companies approved by the Board.

50.(1) The Agency shall make regulations and issue guidelines for the

- (a) registration of employers and employees liable to contribute under this Law;
- (b) registration of dependants of employees covered by the scheme;
- (c) registration of health care practitioners practicing under the Scheme;
- (d) compulsory payment of contributions by employers and employees, the rates of those contributions and the deduction by the employers of contributions payable by employees under this Law from any salary, wage or other money payable;
- (e) payment of contributions by self-employed and other persons and rates of such contributions;
- (f) maintenance of the records to be kept for the Agency and the records to be kept by employers in respect of contributions payable under this Law and in respect of their employees;
- (g) methods of receiving contributions under this Law;
- (h) imposition of surcharges in respect of late payment of contributions by employers or employees;
- (i) manner and circumstances in which contributions may be remitted and refunded;
- (j) negotiated fees and charges payable for medical, dental, pharmaceutical and all other services provided under the scheme;
- (k) nature and amount of benefits to be provided under the Scheme, the circumstances and the manner in which the benefits shall be provided;
- (l) nature and amount of capitation and other forms of provider payment under the Scheme, the circumstances and the manner in which health care providers shall receive the payment;
- (m) reduction, suspension or withdrawal of any payment under the Scheme;

*Powers to
make
registrations
and issue
guidelines..*

- (n) submission of returns by employers regarding the employers and their employees;
- (o) procedure for assessment of contributions made under the Scheme;
- (p) any other matter whatsoever for which, in this opinion of the Agency, is necessary or desirable to make regulation and issue guidelines for giving effect to this Law.
- (2) The guidelines issued under subsection (1) (c) of this Section may provide for different levels of contributions to be payable by different classes of persons.
- (3) The Operational Guidelines issued under this law, shall have binding force, the breach of which shall constitute an offence.
51. The Agency through her appointed Officers may enter, inspect and audit any premises, books, Accounts and records of any Hospital, TPA or MHA that has received payments under this Law at any time and may require the hospital or facility to verify in a manner prescribed, any information submitted to the Agency. *Power to Enter, Inspect and Audit.*
52. Where a hospital or health facility fails to keep the books, records and returns required under this Law or any regulations made hereunder, the Agency may withhold payments due to it until the hospital complies with the provisions of this Law and the Regulations made hereunder. *Withholding Payments*
- 53.(1) Any person who produces to an admitting official of a hospital or a medical practitioner or a member of his staff or to a person authorized by Law to provide other health services or a member of his staff, a registration certificate knowing that: *Offenders and Penalties*
- (a) the person named therein is not at the time of the production thereof, covered under this Law;
- (b) the person on behalf of whom and to facilitate whose treatment it is produced is not the person named therein or a dependant of that person;
- (c) commits an offence and- shall on conviction be liable to be sentenced to a maximum period of twelve (12) months imprisonment and pay a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) in addition to the cost of treatment incurred.
- (2) (a) The penalties and or sanctions contained herein and in the Operational guideline shall be imposed by the Agency and the person, organization, HCFs or TPAs against whom the sanctions

or penalties apply, shall comply forthwith;

- (b) where an offence under this law or the Operational Guidelines borders on it or-payment of capitation and fee-for-service arid or any such statutory fee or offences bordering on refusal to render healthcare services to the contributors of the fund and the organisation or HCF is desirous of contesting the allegation made against it shall in the case of the:
 - i. TPAs be suspended and the lives warehoused and managed by the Agency pending the determination of the case instituted against it;
 - ii. HCF, be suspended and the lives on its register shall be warehoused and managed by the Agency pending the determination of the allegation made against it;
 - (c) Any TPA and or HCF which is suspended under this law or the Operational Guideline shall not be entitled to receipt of any fund from the Agency until the case is fully determined.
- (3) (a) Any person or organization who connives with a health care practitioner or health care organization to receive cash either for services rendered or not rendered shall on conviction be liable to be sentenced to a maximum period of twelve (12) month s imprisonment and pay a fine of Five Hundred Thousand naira (N500.000.00).
- (b) Any health care practitioner who connives with an individual or organization to give cash either for services rendered or not rendered shall on conviction liable to be sentenced to a maximum period of twelve (12) months imprisonment and pay a fine of Five Hundred Thousand Naira (N500,000.00).
- (c) Any health care organization who connives with an individual or organization to give cash either for services rendered or not rendered shall on conviction liable to pay a fine of Two Million Naira (N2,000,000.00) and shall be disengaged from the Scheme.
- (4) Any member or agent of the Agency who fails, without reasonable cause, to comply with a requirement of an` auditor under subsection (2) of Section 22 of this Law, commits an offence and shall be liable on conviction to a fine not exceeding **One Hundred Thousand Naira (N100,000.00)** or imprisonment for a term not exceeding three (3) months or to both such fine and imprisonment.
- (5) Any person or organization who-
- (a) fails to pay into the account of an organization or association and with the specified period any contribution liable to be paid under this Law; or

- (b) deducts the contribution from the employee's wages and withholds the contribution or refuses or neglects to remit the contribution to the organization or association concerned within the specified time, commits an offence and is liable on conviction-
- (i) in the case of a first offence, to a fine of not less than **Five Hundred Thousand Naira (N500,000.00)** or imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment; and
- (ii) in the case of a second or subsequent offence, to a fine of not less than **One Million Naira (N1,000,000.00)** or imprisonment for a term not exceeding five (5) years but not less than two (2) years or to both such fine and imprisonment.
- (6) Any health care practitioner engaged in the scheme who fails to comply with the provision of subsection (2) of Section 33 above commits an offence and liable on conviction to his disengagement from the scheme.
- (7) Any person who contravenes the provisions of subsection (1) of Section 44 of this Law commits an offence and is liable on conviction to a fine of not less than **Fifty Thousand Naira (N50,000.00)** or imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.
- 54.(1) Where an offence under this Law has been committed by a body or corporate firm or other association of individuals, persons who at the time of the offence-
- a) was an officer of the body corporate, firm or other association; or
- b) was purporting to act in the capacity of an officer or the body corporate, firm or other association, is deemed to have committed an offence and liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the commission or omission constituting the offence took place without knowledge, consent or connivance.
- (2) In this section, "officer" includes-
- (a) in the case of Ministries, Departments and Agencies (MDAs) the accounting officer;
- (b) in the case of a body corporate, a Director, Chief Executive by whatever name called, Manager and Secretary of the body corporate;

Culpability of offences

- (c) in the case of a firm, a partner, manager and secretary of the firm, and
- (d) in the case of any other association of individuals, a person involved in the management of the affairs of the association.

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

1.(1) Subject to this Law and Section 27 of the Interpretation Act, the Agency may make standing orders regulating its proceedings and any of its committees.

(2) The quorum of the Board shall be the Chairman or the member presiding at the meeting and five (5) other members and the quorum of any Committee of the Board shall be determined by the Board.

Quorum

2.(1) The Board shall meet not less than three (3) times in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than seven (7) other members, he shall summon a meeting of the Board to be held within fourteen (14) days from the date on which the notice is

*Meetings if
the Board*

(2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one (1) of the members to preside at the meeting.

Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit; but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

*Power to
Co-opt*

4.(1) The Board may constitute one (1) or more committees to carry out on behalf of the Board such of its functions as it may determine.

*Power to
delegate*

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

5.(1) The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman, the Executive Secretary or of any other person authorized generally or specifically to act for that purpose by the Board.

Miscellaneous

(2) Any contract or instrument, which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Board by the Executive

Secretary or any person generally or specially authorized to for the purpose by the Board.

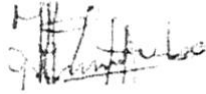
- (3) Any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall unless and until the contrary is proved, be presumed to be so executed.
- (4) The Validity of any proceeding of the Board or of a Committee thereof shall not be adversely affected by any vacancy in the membership of the Board or Committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or committee.

This Printed impression has been carefully compared by me with the Bill which passed the State Legislature and found to be a true and correctly printed copy of the said Bill.



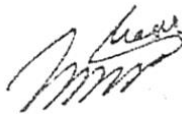
TORESE AGENA, Ph.D.
Clerk of the House.

This printed impression has been endorsed by me to be correct.



HON. TITUS UBA
Speaker Benue State House of Assembly

I assent / withhold ascent this 9th day of October. 2018.



SAMUEL ORTOM
Governor Benue State of Nigeria.