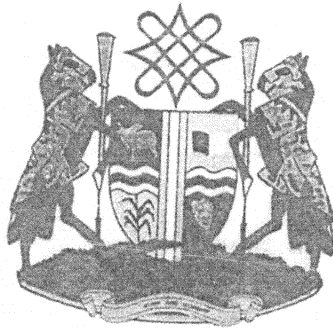


**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF
KADUNA STATE CONTRIBUTORY HEALTH MANAGEMENT
AUTHORITY, 2018**



Kaduna State of Nigeria

Law No.....⁷..... 2018

(16th February 2018)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:

Enactment

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna State Contributory Health Management Authority Law, 2018.

Short Title

2. This Law shall come into operation on the16th..... day ofFebruary..... 2018.

Commencement

3. In this Law, unless the context otherwise requires:

Interpretation

"Accrediting body" means any-body which accredits health care facilities and other relevant institutions in the state, including but not limited to the Ministry of Health and Human Services and the National Health Insurance Scheme;

"Administrative Charge" means percentage deduction from the Kaduna State Contributory Health Fund for the purpose of administering the Authority;

"Aged" means an individual of seventy years of age or above;

"Authority" means the Kaduna State Contributory Health Management Authority established under Section 4 of this Law;

"Basic Health Plan" means an affordable plan providing a prescribed benefit package of healthcare services accessible to all residents of the State;

"Benefit" means a benefit or advantage derived from the Scheme by contributors and children above the age of five years;

"Board" means the Governing Board of the Authority established under Section 5 of this Law;

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

"Commissioner" means the Commissioner responsible for health matters in the State;

"Contribution" means a premium payable to Kaduna State Contributory Health Fund under the scheme;

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

"Employer" means an employer with five or more employees in the private sector, the State and Local Governments 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;

"Health care practitioner" means any health care personnel including doctors, nurses, laboratory scientist, pharmacists, physiotherapist, radiographers and such others as may be recognised by the Authority;

"Health care facility" means any government or private health care facility, hospital, maternity centre, pharmacies and all

other service providers registered by the Authority for the provision of health care services under the Scheme;

"Local Government Chairman" means the Executive Head of a Local Government Council in the State;

"Medical documents" includes prescriptions, laboratory forms, death certificate and other documents generally used in the management of patients;

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

"Member" means a member of the Board and includes the Chairman;

"Provider Payment Mechanism" means payment made by the Authority directly to Healthcare facilities for completed health care services, following approved referrals and/or professional services, including specialist consultation, pharmaceutical care services, laboratory and radiological investigations, under this Scheme;

"Resident" means any person who is ordinarily residing in the State and has been so resident for a continuous period of five years;

"Scheme" means the Contributory Health Management Scheme established under this Law;

"Vulnerable persons" includes pregnant women, children under 18 years of age, the aged, mentally challenged, disabled, and other persons with disabilities as may be recognised by the Authority;

"Wage" means remuneration paid to an employee under his or her contract of service or apprenticeship, as the case may be, whether payable at fixed intervals or not.

PART II
ESTABLISHMENT, POWERS AND COMPOSITION
OF THE GOVERNING BOARD OF THE AUTHORITY

4. (1) There is established an Authority to be known as the Kaduna State Contributory Health Management Authority (hereinafter referred to as "the Authority") Establishment of the Authority
- (2) The Authority:
- (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 any immovable property.
5. There is established for the Authority, a Governing Board to be appointed by the Governor which shall comprise of: Establishment and Composition of the Governing Board
- (i) A Chairman on a part-time basis from the public or private sector;
 - (ii) representative of the Office of the Head of Service not below the rank of a Director;
 - (iii) three (3) representatives of traditional Rulers, one from each senatorial zone of the State,
 - (iv) three (3) other members to represent the three senatorial Districts of the State one of whom shall be a woman to be appointed by the Governor;
 - (v) a representative of a health related Civil Society Organisation,
 - (vi) one representative each of:
 - (a) the Nigeria Employers Consultative Association Kaduna State Branch;
 - (b) the Nigerian Labour Congress, and Trade Union Congress Kaduna State Chapter;

- (vii) one representative each (not below the rank of a Director) of the Ministries responsible for:
 - (a) Health matters;
 - (b) Planning and Budget
 - (c) Justice;
 - (d) Finance;
 - (viii) the Director-General of the Authority;
 - (ix) the Secretary/Legal Adviser of the Authority who shall serve as the Secretary to the Board.
6. (1) The Chairman and members other than ex-officio members of the Board shall hold office for a period of four (4) years subject to re-appointment for another four (4) years. Tenure
- (2) The members of the Board shall be paid such remunerations and allowances as the Governor may determined. Remuneration
7. (1) A member of the Board shall cease to hold office if: Cessation of Membership
- (a) he becomes of unsound mind;
 - (b) he becomes bankrupt;
 - (c) he is convicted of a felony or any offence involving dishonesty; or
 - (d) he is found guilty of serious misconduct in the performance of 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 Authority or the interest of the public that the member should continue in office.

8. 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 the acceptance by the Governor. Resignation of a Member
9. Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to complete the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest. Vacancy of the Board

**PART III
OBJECTIVES, FUNCTIONS AND POWERS
OF THE AUTHORITY**

10. The principal objectives of the Authority shall be to: Objectives of the Scheme
- (i) ensure that all residents of the State have access to effective, quality and affordable health care services;
 - (ii) protect families from the financial hardship of huge medical bills;
 - (iii) limit the inflationary effects of the rise in the cost of healthcare services;
 - (iv) ensure equitable distribution of health care costs across different income groups;
 - (v) ensure the provision of high standard of health care delivery to the beneficiaries;
 - (vi) ensure efficiency in health care service delivery to the beneficiaries;
 - (vii) improve and harness private sector participation in the provision of health care services;
 - (viii) ensure adequate distribution of health facilities under the scheme within the State;
 - (ix) ensure the availability of alternative sources of funding to the health sector for improved services.

11. (1) The Board shall have the power to:

Powers of the Board

- (a) determine the organisational structure of the Authority;
- (b) approve for the Authority all third party administrators;
- (c) determine and ensure the implementation of the overall policies of the Scheme including the financial and operational procedures of the Authority;
- (d) supervise and ensure effective implementation of the Scheme;
- (e) issue guidelines for the administration and release of funds under the Scheme;
- (f) approve the recommendation of the Authority relating to research, consultancy and training in respect of the Scheme;
- (g) ensure the maintenance of a data bank on all Scheme matters;
- (h) determine the remuneration and allowances of all staff of the Authority;
- (i) determine the level of Co-Payment for all Schemes of the Authority;
- (j) develop a targeting mechanism to identify the vulnerable who will benefit from the premium subsidy from the equity contribution of the State;
- (k) perform such other duties which, in the opinion of the Board, are necessary or expedient for the discharge of its functions under this Law.

12. The Authority shall be responsible for:

Functions of the Authority

- (a) ensuring the effective implementation of the policies and procedures of the 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) engage, register, and supervise other bodies participating in the Scheme as the Authority may from time to time determine;
- (e) carrying out public awareness and education on the Scheme;
- (f) determining after due consideration, payment mechanisms due to health care facilities;
- (g) coordinating research and statistics;
- (h) establishing quality assurance in the services provided by the stakeholders;
- (i) the collection and analysis of reports from the relevant stakeholders;
- (j) exchanging information and data with the National Health Insurance Scheme, State Health Management Information System, relevant financial institutions, development partners, Non Governmental Organisations (NGOS); and other relevant bodies;
- (k) ensuring manpower development in the Authority;
- (l) defining and implementing minimum benefit package as defined under the National Health Act 2014 and the Scheme;
- (m) carrying out such other activities as are necessary or expedient for the purpose of achieving the objectives of the Authority under this Law;

PART IV
ADMINISTRATIVE STRUCTURE AND CONTROL

13. (1) There shall be a Director-General for the Authority who shall be appointed by the Governor. Appointment of the
General Manager
- (2) The Director-General shall:
- (a) be the Chief Executive and Accounting Officer of the Authority;
 - (b) be a person of proven integrity with relevant qualifications and not less than ten (10) years post qualification experience;
 - (c) hold office:
 - (i) for a period of five (5) years in the first instance and may be re-appointed for a further term of five (5) years only; and
 - (ii) on such terms and conditions as may be specified in his letter of appointment.
- (3) The Director-General shall, subject to the general direction of the Board, be responsible for the:
- (a) day-to-day administration of the Authority; and
 - (b) general direction and control of all other employees of the Authority.
14. (1) There shall be appointed for the Authority, a Secretary/Legal Adviser who shall be a legal practitioner with no less than 10 years post qualification experience and shall also serve as the Secretary to the Board. Secretary/Legal Adviser
- (2) The Secretary/Legal Adviser shall be responsible for:
- (a) The administration of the Secretariat and Legal Unit of the Authority;

- (b) Keeping the books and records of proceedings of the Board; and
- (c) Generally performing all other duties affecting the Authority as may be specifically assigned to him by the Board or the Authority.

15. (1) Service in the Authority shall be approved service for purposes of Pensions for officers and persons employed by the Authority shall be entitled to pension and other retirement benefits under the Pensions Reform Law, 2016. Pensions
- (2) Nothing in subsection (1) 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.

16. (1) The Authority shall appoint for the Authority, a licensed Actuary on such terms and conditions as the Authority may, from time to time, Approve. Appointment of Consultants for the Authority
- (2) The Actuary shall review the benefit package and evaluate it actuarially, including the rates of contributions payable for the service and make appropriate recommendations to the Authority.
- (3) If having regard to the review and evaluation carried out by the Actuary under subsection (2) of this Section, the Authority considers that the rates of contributions have not retained their value in relation to the general level of earning in the State, the Authority 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.

PART V
ESTABLISHMENT OF THE CONTRIBUTORY HEALTH FUND

17. (1) There is established a Contributory Health Fund (hereinafter referred to as 'the Fund') to be managed by independent fund managers appointed by the Governor on the recommendation of the Authority. Establishment of Contributory Health Fund and Appointment of Fund

- (2) The fund shall consist of:
- (a) the initial take-off grant from the State;
 - (b) equity contribution of not less than 1% per annum of the Consolidated Revenue of the State on behalf of vulnerable persons;
 - (c) contributions from employers and employees in public and private sector organizations, members in the informal sector and students in tertiary institutions;
 - (d) fund from National Health Insurance Scheme for pregnant women, children under-five (5) years and other vulnerable persons;
 - (e) donations or grants-in-aid from private organisations, philanthropists, international donor organisations and Non-Governmental Organisations;
 - (f) other appropriations earmarked by the National, State and Local Governments purposely for the implementation of the Scheme;
 - (g) fines and commissions charged by the Authority;
 - (h) dividends and interests on investments; and
 - (i) all other money which may, from time to time, accrue to the Authority.

18. The Fund Manager shall be responsible for the following:

Functions of the Fund
Manager

- (a) invest any money not immediately required by it in Government Securities or in such other Securities as the Board may from time to time determine;
- (b) General administration and management of the fund derived from either formal or informal, public or private sectors into dedicated account;
- (c) Advise the Board on matters relating to the fund;

- (d) Develop strategies for protection and growth of the fund;
- (e) Report to the Board on the operation of the fund; and
- (f) Any other function as may be determined by the Authority.

19. The fund manager shall be paid such remuneration and allowances as the Governor may determine. Remuneration of Fund Manager

20. (1) The Board shall determine the procedure for disbursement of funds to the healthcare facilities from the fund. Disbursement of Fund

(2) The Board shall make available to the Authority not more than ten percents (10%) of the funds accruing to the Fund as administrative charges.

(3) The Authority shall on approval of the Board, from time to time, apply the proceeds from the administrative charges at its disposal:

(a) for and in connection with the objectives of the Authority under this Law;

(b) to defray the cost of administration of the Authority;

(c) for the payment of fees, allowances and benefits of members of the Board;

(d) for the payment of salaries, allowances and benefits of employees of the Authority;

21. (1) The Authority may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to Accept Gift

(2) The Authority shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the objectives and functions of the Authority.

22. (1) The Authority shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Authority for the next succeeding year and same shall be submitted to the Commissioner. Annual Estimate Account and Audit
- (2) The Board shall cause to be kept proper accounts of the Authority 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 approved by the Auditor-General of the State.
23. (1) The Board shall not later than six (6) months immediately following the end of a year: Annual Report
- (a) submit to the Commissioner, a report on the activities and the administration of the Authority for the preceding year and shall include in the report the audited accounts of the Authority and the Auditor's report on the accounts; and
- (b) publish the audited annual accounts, Auditor's report on the accounts and reports on the activities of the Authority on the State Government Website.
24. (1) The Kaduna State Contributory Health Fund shall be administered by independent fund managers for the pooling of all contributions derived from either the formal (public or private) and informal sector into dedicated accounts. Payment of Contribution Under the Scheme
- (2) An employer who has a minimum of five 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 Authority.
- (3) A registered employer under the Authority shall cause to be deducted from an employee's wages the approved amount of any 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 Authority shall cause the pooling of contributions derived from the formal and informal sectors to be made directly to the Fund.
- (5) All other funds particularly by independent or private donors shall be paid directly to Fund.
- (6) The Authority shall cause to open accounts with approved Banks for the payment of agreed remittable percentage of the premiums received.
- (7) The Authority shall cause to produce, in a recognized format and subject to guidelines to be issued by it from time to time, performance bond from accredited banks or insurance companies so as to protect remittances given to them; and
- (8) All vulnerable persons are exempted from paying contributions under the scheme.

PART VI
ESTABLISHMENT OF THE KADUNA STATE
CONTRIBUTORY HEALTH SCHEME

25. There is established the Kaduna State Contributory Health Scheme (in this law referred to as the "Scheme") which shall be for all residents of the State. Establishment of the Scheme
26.
 - (1) Subject to such guidelines and regulations as may be issued under this Law, all residents shall be registered under the Scheme as a pre-requisite for eligibility to access any or all benefits available under the Scheme. Registration and Eligibility Under the Scheme
 - (2) All employers (public and private) shall register with the Authority and obtain a Corporate Identification Number (CIN).

27. (1) Engagement of participating health care facilities under the Scheme shall be in accordance with guidelines as may be issued by the Authority.

Registration and Services of
Health Care Facilities

(2) Health care facilities so engaged shall, in consideration for an approved provider payment mechanism (including capitation) deemed fit by the Authority, to the extent and manner prescribed herein, provide services in accordance with:

(a) approved benefit package which shall be actuarially determined from time to time by the Board; and

(b) treatment guidelines issued by the Authority.

28. (1) The Authority may source expert Health care management Service(s) from accredited expert or Organisation which shall be registered with the Authority to perform the following responsibilities:

Expert and Functions

(a) the registration of eligible employees under this Law;

(b) the payment for services rendered by health care providers registered under the Scheme using recommended provider payment mechanism;

(c) rendering to the Authority returns on its activities as may be required by the Board;

(d) contracting only with the health care providers approved under the Scheme for the purpose of rendering health care services as provided by this Law;

(f) establishing a quality assurance system; and

(g) any other role as may be stipulated by the Authority from time to time.

(2) Subject to the provision of sub-section (1) the expert employed shall have the responsibility with particular focus on the formal and informal sector.

29. 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 licensed by the relevant professional regulatory body. Registration of Medical Practitioners with the Scheme
30. 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. Medical Documents to be Duly Issued

**PART VII
DISPUTE RESOLUTION AND LEGAL PROCEEDINGS**

31. (1) Whenever there is a dispute with respect to any matter under this Law, parties shall amicably settle same through Arbitration, Mediation or Conciliation.
- (2) The parties shall by mutual consent appoint a 3-man panel of Arbitrators (herein after referred to as "the Panel"). Arbitration Panel
- (3) The membership of the panel and the applicable arbitral procedure shall be as provided for in the Alternative Dispute Resolution (Adaptation and Application Law, 2013).
32. The State High Court shall have: Jurisdiction
- (a) jurisdiction to try offenders under this Law;
- (b) power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for the offence in this Law.
33. The High Court before which a person is convicted of an offence under this Law may, without prejudice to any civil remedy, order a person to pay into the Fund, the amount of any contributions together with interest and penalty thereon, certified by the Authority to be due and payable at the date of the conviction and such amount shall be paid into the Fund, or to the employee concerned. Payment of Contribution

34. Proceedings for an offence under this Law may be commenced at any time after the commission of the offence. Commencement of Proceedings
35. (1) No suit shall be commenced against the Authority, a member of the Board, the Director-General, Officer or Employee of the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent(s). Pre-action Notice
- (2) The notice referred to in subsection (1) of this Section shall clearly and explicitly state the cause of action, the particulars of the claim(s), the name and place of abode of the intending plaintiff and the relief which he claims.
36. A notice, summons or other document required or authorized to be served on the Authority under the provisions of this Law or any other enactment or Law may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Authority. Service of Document
37. A member of the Board, the Director-General, Officer or other employee of the Authority shall: Confidentiality and Non-Disclosure
- (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 than in pursuance of the objectives of this Law;
- (b) treat as confidential any information which has come to his knowledge or 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 in compliance to the lawful orders of a competent court or arbitration panel or in such other circumstances as may be prescribed by the Board.
38. (1) Contributions payable under the Scheme shall be inalienable and shall not be assets for the benefit of Contribution to be Inalienable

creditors in the event of the bankruptcy or insolvency of a contributor or an organisation.

- (2) Notwithstanding anything contained 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.

39. The provisions of the Trustee Investment Act shall not apply to any investment made by the Authority under this Law. Exclusion from Application of Cap 449 LFN
40. The State may collaborate with relevant agencies of the Federal Government in the realization of the objectives of this Law. Collaboration with the Federal Government
41. All health care facilities shall be required to provide evidence of professional indemnity cover from a list of insurance companies approved by the Board. Professional Indemnity for Health Care Facilities
42. (1) The Authority shall make Regulations and issue Guidelines for: Powers to Make Regulations and Issue
- (a) the registration of employers and employees liable for contributions under this Law.
 - (b) the registration of dependants of employees covered by the Scheme;
 - (c) the registration of health care facilities participating in the Scheme;
 - (d) the compulsory payment of contributions by students, employers and employees, the rates of those contributions and the deduction by the employers of contributions payable by employees under this Scheme from any salary, wage or other money payable;
 - (e) the payment of compulsory contributions by informal sector workers and other persons and rates of such contributions;

- (f) the maintenance of the records to be kept for the Authority and the records to be kept by employers in respect of contributions payable under this Law and in respect of their employees;
- (g) the methods of receiving contributions under this Law;
- (h) the imposition of surcharges in respect of late payment of contributions by employers or employees;
- (i) the 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) the nature and amount of benefits to be provided under this Scheme, the circumstances and the manner in which the benefits shall be provided;
- (l) the nature and amount of capitation and other forms of provider payment under this Scheme, the circumstances and the manner in which health care facilities shall receive the payment;
- (m) the reduction, suspension or withdrawal of any payment under this Scheme;
- (n) the submission of returns by employers regarding the employers and their employees;
- (o) the procedure for assessment of contributions made under the Scheme;
- (p) any other matter for which, in the opinion of the Authority, it is necessary or desirable to make Regulations and issue Guidelines for giving effect to this Law.

- (2) The Guidelines issued under subsection (1) (p) of this Section may provide for different levels of contributions to be payable by different classes of persons.
- (3) The Regulations and Guidelines issued under this section shall be published in the State Gazette.
43. The Authority through its appointed Officers may enter, inspect and audit any premises, books, accounts and records of any healthcare facility or 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 Authority. Power to Enter, Inspect and Audit Guidelines
44. Where a healthcare facility or fails to keep the books, records and returns required under this Law or any Regulations made there under the Authority may withhold payments due to it until the healthcare facility complies with the provisions of this Law and the Regulations made here under. Withholding Payments

PART VIII OFFENCES AND PENALTIES

45. (1) Any person who produces to a healthcare facility or a Medical Practitioner or a member of its staff or to a person authorized by this Law to provide other health care services, a registration certificate: Offences and Penalties
- (a) knowing that the person named therein is not at the time of the production thereof covered under this Law;
- (b) knowing that the person on behalf of whom it is produced is not the person named therein or a dependant of that person;
- commits an offence and shall on conviction be liable to imprisonment for a term not less than twelve (12) months or to a fine of not less than Fifty Thousand Naira (₦50,000.00) or both.
- (2) (a) Any person who conspires with a health care practitioner or health care facility to receive cash either for services rendered or not rendered shall

on conviction be liable to imprisonment for a term not less than twelve (12) months or to a fine of not less than Two Hundred and Fifty Thousand Naira (₦250,000.00) or both.

- (b) Any health care practitioner who connives with an individual to give cash either for services rendered or not rendered shall on conviction be liable to imprisonment for a term not less than twelve (12) months or to a fine of not less than Two Hundred and Fifty Thousand Naira (₦250,000.00) or both.
 - (c) Any person who conspires with an individual or organisation to give cash either for services rendered or not rendered shall on conviction be liable to pay a fine of not less than One Million Naira (₦1,000,000.00) and shall be disengaged from the Scheme.
- (3) Any employer or officer of an Organisation who fails, without reasonable cause, to comply with requirement of an auditor under subsection (2) of Section 22 of this Law, commits an offence and is liable on conviction to a fine not less than ₦100,000.00 or imprisonment for a term not less than three months or to both such fine and imprisonment.
- (4) Any person who:
- (a) fails to pay into the Fund within 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 into the Fund within the specified time, commits an offence and shall be liable on conviction:
 - (c) in the case of a first offence, to a fine of not less than One Million Naira (₦1,000,000.00) or imprisonment for a term not less than two years or to both such fine and imprisonment; and

- (d) in the case of a second or subsequent offence, to a fine of not less than Two Million Naira (₦2,000,000.00) or imprisonment for a term of not less than three years or to both such fine and imprisonment.
 - (5) Any health care practitioner engaged in the Scheme who fails to comply with the provision of Section 31 of this Law, commits an offence and shall be liable on conviction to disengagement from the scheme.
 - (6) Any person who contravenes the provisions of Section 38 of this Law, commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (₦50,000.00) or imprisonment for a term not exceeding two years or to both such fine and imprisonment.
 - (7) Any person who fails to pay health care facility in line with the provider payment mechanism within specified period, commits an offence and shall be liable on conviction:
 - (a) to pay the sum withheld including accrued interest thereon;
 - (b) to pay a fine of not less than twice the amount withheld; and
 - (c) to be delisted as a expert employed upon a second offence.
46. (1) Where an offence under this Law has been committed by a body corporate or firm, a person who at the time of the offence:
- (a) was an officer of the body corporate or firm;
 - (b) was purporting to act in the capacity of an officer of the body corporate or firm, is deemed to have committed the 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 his knowledge, consent or connivance.

Offences by Bodies
Corporate, etc

- (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, or Secretary of the body corporate; and
 - (c) in the case of a firm, a Partner, Manager and Secretary of the firm.

**PART IX
MISCELLANEOUS**

47. (1) The Board may make standing orders regulating its proceedings and those of any of its committees. Standing Orders
- (2) The quorum for meetings of the Board or any of its Committees shall be a simple majority of members including the Chairman and in his absence, the member presiding. Quorum
48. (1) The Board shall meet not less than four (4) 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 other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given. Meetings of 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 of them to preside at the meeting.
49. 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 thinks 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

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

(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.

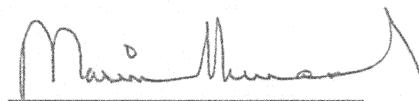
51. (1) The fixing of the seal of the Authority shall be authenticated by the signature of the Director-General, the Secretary/Legal Adviser or of any other person authorized generally or specifically to act for that purpose by the Board. Miscellaneous

(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 Chairman or any person generally or specially authorized for that purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Authority 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.

DATED AT KADUNA this16th..... day of February..... 2018


Nasir Ahmad el-Rufai,
Governor, Kaduna State.

EXPLANATORY NOTE

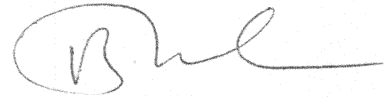
(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to establish the Kaduna State Contributory Health Management Agency with the objective of promoting and implementing the Contributory Health Scheme in the State.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)