

CHAPTER 54B

ST. JOSEPH HOSPITAL

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SCHEDULE

CHAPTER 54B

ST. JOSEPH HOSPITAL

An Act to provide for the administration and management of the St. Joseph Hospital and for related matters. 1989-30.

[1st January, 1990.] Commence-
ment.

1. This Act may be cited as the *St. Joseph Hospital Act*.

Short title
Cap. 54B.

2. For the purposes of this Act

Interpre-
tation.

"Board" means the St. Joseph Hospital Board established by section 3;

"Chief of Staff" means the medical practitioner for the time being designated as such by the Minister under paragraph 14 of Part II of the *Schedule*;

Schedule.

"Hospital" means the St. Joseph Hospital;

"Hospital Administrator" means a person appointed as such by the Board under paragraph 12(1) of Part II of the *Schedule*.

3. (1) There is established a body to be known as the St. Joseph Hospital Board that shall administer and manage the Hospital in the manner specified in this Act.

Establish-
ment of the
Board.

(2) The Board is a body corporate to which, subject to this Act, section 21 of the *Interpretation Act* applies.

Cap. 1.

(3) Part I of the *Schedule* has effect with respect to the constitution of the Board and otherwise in relation thereto.

Schedule.

4. (1) The functions of the Board are

Functions
of the
Board.

(a) to equip, furnish, maintain, manage, control and operate the Hospital;

(b) to manage, conduct and supervise the activities of the Hospital;

(c) to have general supervision of the buildings, premises and grounds of the Hospital;

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- (d) to collect all fees payable to the Hospital under this Act;
- (e) to enquire into and adjudicate upon disciplinary charges against members of the staff of the Hospital;
- (f) to make recommendations to the Minister in respect of any matter directly or indirectly affecting the Hospital or the development of the medical or nursing service therein; and
- (g) generally to carry out the provisions of this Act.

(2) The Minister may give directions to the Board or any committee appointed by the Board as to the exercise and performance of any of its functions under this Act; and the Board or committee, as the case may be, shall give effect to any such directions.

Delegation
of functions.

5. (1) The Board may delegate such of its functions as it thinks expedient for the purpose of effectively transacting the day to day business of the Board to the Chairman, the Hospital Administrator, any committee appointed by the Board or to any of its officers.

(2) Nothing contained in subsection (1) authorises the Board to delegate its power to make regulations or to do any act involving extraordinary expenditure.

(3) A delegation under this section may at any time be revoked by the Board and shall not prevent the discharge by the Board of any function that it has delegated under subsection (1).

Power to
acquire and
dispose of
property.

6. Subject to section 15, the Board may with the approval of the Minister, purchase, lease or otherwise acquire, hold and dispose of any estate or property of whatever kind.

Power to
employ staff
Schedule.

7. The Board may employ persons of such categories, in such numbers and on such terms and conditions as are specified in Part II of the *Schedule*.

Remunera-
tion of
Members.

8. There shall be paid to members of the Board remuneration at such rates as the Minister determines.

Funds of
the Hospital.

9. (1) The funds of the Hospital comprise

- (a) moneys voted for the purpose by Parliament;

- (b) fees or other charges payable for the services rendered by the Hospital; and
- (c) such moneys as may become available to the Board from any source other than the source mentioned at paragraph (a) or (b) that is approved by the Minister.

(2) The funds of the Hospital are to be applied towards the Administration of this Act.

(3) The Board may not, except with the approval of the Minister,

- (a) invest the funds of the Hospital in securities; or
- (b) sell any of the securities so invested.

10. (1) The Board shall keep proper accounts and records of the transactions relating to the activities of the Board.

Accounts,
audit and
the Auditor-
General.

(2) The accounts of the Board shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(3) The Auditor-General may at any time, and must on the direction of the Minister of Finance, carry out an investigation into or a special audit of the accounts of the Board.

(4) The members, officers and servants of the Board shall allow the Auditor-General or the auditor approved pursuant to subsection (2) as the case may be,

- (a) to have access to all books and documents relating to accounts;
- (b) to have access to all cash and securities of the Board; and
- (c) on being requested, to obtain all information within their knowledge that related to the activities of the Board.

11. (1) The Board shall as soon as possible after the end of each financial year and in any case not later than the 30th day of June in each year submit to the Minister a report containing

Annual
report.

- (a) a detailed account of the activities of the Hospital during the preceding financial year, and
- (b) a statement of its audited accounts certified by the auditor.

(2) The Minister shall lay a copy of the report referred to in subsection (1) before Parliament as soon as possible after the receipt of the report.

Estimates. **12.** The Board shall prepare and submit to the Minister each year estimates of revenue and expenditure in respect of its functions for the next ensuing financial year.

Pensions. **13.** (1) The Board shall establish a pension fund for the professional staff and other employees of the Hospital.

Cap. 25. (2) Where a public officer is seconded or temporarily transferred for duty to an office in the Hospital from a pensionable office within the meaning of section 2(1) of the *Pensions Act*, the period during which he serves in the Hospital shall, unless the Governor-General otherwise decides, count for pension under that Act as if the employee had not been so seconded or temporarily transferred.

(3) Where

(a) a public officer is transferred to any office in the service of the Hospital; or

Cap. 25. (b) an employee of the Hospital is transferred to an office in the public service, the *Pensions Act* shall apply to him as if his service with the Hospital were other public service within the meaning of that Act; and the *Pensions Regulations, 1947* shall apply to him accordingly as if the Hospital were a Scheduled Government within the meaning of regulation 9(1) of those regulations.

Regulations. **14.** The Board may, with the approval of the Minister, make regulations

(a) with respect to the fees to be charged for the services of the Hospital;

(b) with respect to the services to be provided by the Hospital;

(c) governing admission into, treatment at, and the discharge from the Hospital of any person or class of persons;

(d) prescribing the manner in which documents, cheques and instruments of any description may be signed or executed on behalf of the Hospital;

(e) prescribing the circumstances in which members of staff of the Hospital may receive travelling and subsistence allowance and fixing the rates of such allowances;

(f) providing for the establishment of a pension fund; and

(g) generally to give effect to this Act.

15. The Board may receive in its corporate name any estate or any property whether by way of devise, bequests or legacy or in any other name whatsoever.

Board may receive gifts and legacies.

SCHEDULE

PART I

(Section 3)

THE CONSTITUTION AND PROCEDURE OF THE ST. JOSEPH HOSPITAL BOARD

1. (1) The Board comprises the following members:

- (a) the Hospital Administrator *ex officio*;
- (b) the Dean of the Faculty of Medical Science of the University of the West Indies (Cave Hill Campus) *ex officio*;
- (c) the Chief of Staff;
- (d) a member of the Medical staff of the Hospital other than the Chief of Staff appointed by the Minister by instrument in writing;
- (e) the Chief Medical Officer *ex officio*; and
- (f) seven other persons appointed by the Minister by instrument in writing.

Constitution of the Board.

(2) No person who is a member of the House of Assembly shall be qualified to be nominated or appointed as a member of the Board.

(3) The Minister shall appoint a Chairman and a Deputy Chairman from amongst the appointed members.

(4) The names of the Chairman, Deputy Chairman and the other members of the Board shall be published in the *Official Gazette*.

2. (1) A member of the Board holds office for three years but is eligible for re-appointment.

Tenure.

(2) The Minister may, if he thinks it expedient, revoke the appointment of any member of the Board.

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(3) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister, the Chairman ceases to be Chairman of the Board.

(4) A member of the Board may at any time resign his office by instrument in writing addressed to the Minister; and where the member is not the Chairman, transmit the resignation through the Chairman and from the date of the receipt by the Minister of the instrument, the member ceases to be a member of the Board.

Temporary membership.

3. The Minister may appoint a person to act temporarily in the place of any member of the Board in the case of the absence or inability to act of the member.

Duties of Secretary.

4. The duties of the Secretary of the Board shall be performed by a person appointed by the Board for the purpose.

Meetings.

5. (1) The Board shall meet as such times as may be necessary or expedient for the performance of its functions under this Act.

(2) The meetings referred to in paragraph (1) shall be held at such places and times and on such days as the Board shall determine but there shall not be an interval greater than two months between one meeting of the Board and the next meeting.

(3) The Chairman may at any time summon a special meeting of the Board and shall summon a special meeting to be convened within seven days of

(a) a written request for that purpose addressed to him by any three members of the Board; or

(b) a direction to that effect addressed to him by the Minister.

(4) The Chairman or in his absence the Deputy Chairman, shall preside at a meeting of the Board.

(5) At any meeting of the Board, in case of the absence or inability to act of both the Chairman and the Deputy Chairman, the members of the Board present shall elect one of their number to preside at that meeting.

(6) At any meeting of the Board where the Deputy Chairman is presiding as Chairman, the other members of the Board present shall elect one of their number to preside as Deputy Chairman.

(7) The Matron of the Hospital or her nominee shall be entitled to attend any meeting of the Board but shall not be counted in a quorum or be entitled to vote.

(8) The decisions of the Board shall be by a majority of votes and in addition to an original vote in any case in which voting is equal, the Chairman or in his absence the Deputy Chairman, or other member presiding at that meeting, has a second or casting vote.

(9) The Board may require any member or other person at any meeting to withdraw therefrom for any period during which any matter of direct personal interest to such member or person is to be discussed.

(10) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

6. (1) The Board may

Committees.

(a) appoint such committees consisting wholly or partly of members of the Board as are necessary for the proper carrying out of its function;

(b) co-opt to such committees such specialised personnel as it thinks fit.

(2) A person co-opted to a committee pursuant to sub-paragraph (b) shall not have the right to vote.

7. The quorum of the Board shall be a simple majority.

Quorum.

8. (1) Minutes in proper form of each meeting of the Board shall be kept by the Secretary to the Board and shall be confirmed by the Chairman or the Deputy Chairman as the case may be, as soon as practicable thereafter at a subsequent meeting.

Minutes.

(2) A copy of the minutes of every meeting of the Board shall be submitted to the Minister within seven days thereafter.

9. (1) The seal of the Board shall be authenticated by the signatures of the Chairman or a member authorised to act in that behalf and the Secretary of the Board.

Seal of the Board.

(2) All documents other than those required by law to be under seal and all decisions of the Board may be signified under the hand of the Chairman or a member authorised to act in that behalf and the Secretary of the Board.

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PART II

(Section 7)

THE STAFF OF THE HOSPITAL

10. (1) The Staff of the Hospital comprises a Hospital Administrator, the Chief of Staff and such number of doctors, nurses and other employees as the Board, subject to the approval of the Minister, may determine.

(2) The Hospital Administrator, the Chief of Staff, all other employees and all persons employed by the Board, in the performance of the duties required by them by or under this Act, shall act under the general superintendence and direction of the Board.

11. The Board may organise the Hospital into such divisions as it considers proper for the provision of effective care to patients.

12. (1) The Hospital Administrator shall be appointed by the Board with the prior approval of the Minister.

(2) The Hospital Administrator may terminate his appointment by giving three months' notice to the Board.

(3) The Hospital Administrator shall not hold any other appointment or engage in any other occupation which in the opinion of the Board, is likely to interfere with the proper performance of his functions under this Act or is prejudicial to the interests of the Hospital.

Functions of
Hospital
Adminis-
trator.

13. The functions of the Hospital Administrator are to

- (a) attend meetings of the Board;
- (b) be the administrative head of the Hospital;
- (c) supervise the discipline, and conduct of the professional staff of the Hospital;
- (d) supervise the discipline, work and conduct of the other employees of the Hospital; and
- (e) generally to be responsible for the internal organisation and administration of the Hospital.

Chief of
Staff.

14. The Minister shall, on the recommendation of the Board, designate by notice a medical practitioner from the medical staff of the Hospital as Chief of Staff.

Functions
of Chief
of Staff.

15. The functions of the Chief of Staff are to:

- (a) monitor the quality of medical care at the Hospital;

- (b) ensure continuing improvement in all aspects of medical care;
- (c) advise the Hospital Administrator on priorities in the Hospital budget;
- (d) advise the Hospital Administrator on the employment and allocation of medical staff to departments of the Hospital;
- (e) advise the Hospital Administrator on all aspects of hospital administration affecting the well-being of patients; and
- (f) perform any other duties as may be specified by the Board.

16. (1) The doctors and nurses and other professional staff, in this *Schedule* referred to as the professional staff, shall be appointed by the Board. Appointment of professional staff.

(2) On first appointment a member of the professional staff shall be required to serve a probationary period of one year unless the Board, with the prior approval of the Minister, dispenses with the requirement to serve a probationary period.

(3) Where a member of the professional staff is appointed in the first instance for a probationary period, the Board at the expiration thereof, may, on the recommendation of the Hospital Administrator, appoint the member to a post on the permanent staff of the Hospital.

(4) The appointment to the permanent staff of the Hospital of any member of the professional staff who was in the first instance appointed for a probationary period shall be deemed to have taken effect from the date of the appointment of the member on probation.

(5) The appointment to the permanent staff of the Hospital of a member of the professional staff who is serving the probationary period mentioned in sub-paragraph (2) may be terminated by one month's notice given by either party.

(6) A notice given under sub-paragraph (5) shall be transmitted through the Hospital Administrator.

(7) A member of the professional staff who is employed by the Board on a whole time basis shall not hold any other appointment or engage in any other occupation which, in the opinion of the Board, may interfere with the proper performance of his duties as such member of the professional staff or is prejudicial to the interest of the Hospital.

17. The Board may employ staff at such remuneration as it thinks fit but
- (a) no salary in excess of such amount as the Minister determines and notifies in writing to the Board shall be assigned to any post without the prior approval of the Minister;

Remuneration of all staff.

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- (b) no appointment whether permanent or temporary shall be made to any post to which a salary is assigned by the Minister under paragraph (a) without the prior approval of the Minister; and
- (c) except with the prior approval of the Minister, no person may be dismissed from any post specified in paragraph (b).
- Discipline. 18. (1) The Hospital Administrator may suspend a member of the professional staff for
- (a) gross neglect of duty; or
- (b) misconduct calculated to injure the reputation of the Hospital.
- (2) The Hospital Administrator shall forthwith upon any such suspension, report the same and the circumstances thereof in writing to the Chairman who shall within seven days of the receipt by him of the Hospital Administrator's report, summon a meeting of the Board to enquire into and adjudicate upon the matter.
- Termination of appointment under contract . 19. Notwithstanding sub-paragraph (2) of paragraph 11 and sub-paragraph (5) of paragraph 16, where the Hospital Administrator or any member of the professional staff is appointed and employed under a written contract of service, the terms of such contract in relation to the termination thereof shall have effect in substitution for those paragraphs.
- Other members of the staff. 20. Members of the staff of the Hospital other than the Hospital Administrator and the professional staff shall be appointed by the Board upon such terms and conditions as the Minister approves.