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SCHEDULES

No.



2017

Sierra Leone

A BILL ENTITLED

THE COMMUNITY HEALTH PRACTITIONERS ACT, 2017. Short title.

Being an Act to establish the Community Health Practitioners' Board for the purpose of regulating all professional community health service providers in the performance of their duties and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“**Acceptable qualification**” means a degree, diploma or other certificates specified in the first schedule to this Act;

“**Anesthetic Community Health Officer (ACHO)**” means a Community Health Officer who has done post-basic training in anesthesia from a recognized institution and certified by the Board to perform anesthesia in Sierra Leone;

“**Board**” means the Community Health Practitioners Board of Sierra Leone established by section 2;

“**community health**” means the branch of medicine which is concerned with the health of the whole population and the prevention and treatment of diseases from which the community suffers and is carried out through community diagnosis, conducting baseline survey, collecting of baseline data and situation analysis.

“**Community Health Practitioner**” means a community health professional practicing community health at all levels of the rural and urban communities in Sierra Leone and includes CHO’s and CHA’s;

“**Community Health Worker**” means a community member who is selected by the community and trained to provide basic essential health services and information at community level on a voluntary basis.

“**Community Health Professional**” means a person who has acquired relevant practical and theoretical knowledge and skills from the School of Community Health and Clinical Studies, Njala University, Bo Campus, formerly known as ‘Paramedical School’ or from an approved community health training institution. In this Act Community Health professionals include:

- (a) Community Health Officers (CHOs)
- (b) Community Health technicians (CHTs)
- (c) Community Health Assistants (CHAs)

Accordingly, CHOs, CHTs, and CHAs who enhance their performance academically or otherwise remain to be Community Health Professionals; hence protected and guided by this Act.

“**Community Health Officer (CHO)**” means a community health professional who qualifies with a Bachelors degree in community health or has a plus Certificate or Higher Diploma in Community Health and a Masters Degree in Community Health related subject.

“**Community Health Technician (CHT)**” means a community health professional who qualifies with a Higher Diploma’

“**Community Health Assistant (CHA)**” means a community health professional who qualifies with an ordinary ‘Diploma’

“**Clinician**” means a Community Health professional engaged in the diagnosis and treatment of community diseases.

“**Clinic**” means a place where people get medical help.

“**community health center (CHC)**” means a network of clinics staffed by a group of Community Health professionals and nurses providing health care services to people in certain areas headed by a community health officer. It has a catchment population of 10000 to 30000 or more within a five to 10 mile radius.

“**community health post (CHP)**” means a network of clinics headed by a Community Health Assistant with a catchment population between 5,000 to 10,000 within a three mile radius.

“**Disciplinary Committee**” means the Community Health Practitioners disciplinary Committee established under section 43;

Dental Assistant Community Health Officer (DA-CHO) means a Community Health Officer who has done post-basic training in dentistry and oral health from a recognized institution and certified by the Board to perform minor dental health procedures in Sierra Leone.

“**Investigating Panel**” means the Community Health Practitioners Investigating Panel established under section 45;

“**Member**” means a member of the Board and includes the chairman;

Mental Health Community Health Officer (MHCHO) means a Community Health Officer who has done post-basic training in Mental Health from a recognized institution and certified by the Board to practice and provide mental health services in Sierra Leone.

“**Minister**” means the Minister of Health and Sanitation and “Ministry” shall be construed accordingly;

Ophthalmic Community Health Officer (OCHO) means a Community Health officer who has done post-basic training in ophthalmology from a recognized institution and certified by the Board to provide minor ophthalmic treatment and procedures in Sierra Leone.

“**Profession**” means the community health profession in Sierra Leone;

“**Registrar**” means the Registrar appointed under section 12;

“**Register**” means the document in which Community Health Officers (CHOs) Community Health Technicians (CHTs) and Community Health Assistants (CHA) are registered or recorded to denote their membership into the profession.

“**Roll**” means the document in which Community Health Assistants are enrolled or recorded to denote their membership of the profession;

“**Registration certificate**” means a registration certificate issued under section 22;

“**Student**” means a person receiving basic training in the profession covered by this Act in an approved training school;

“**Surgical Assistant Community Health Officer (SA-CHO)**” means a Community Health Officer who has done post-basic training in surgery from a recognized institution and certified by the board to conduct minor life saving surgical procedures in Sierra Leone.

“**Sierra Leone Association of Community Health Officers (SLACHO)**” means the community health professional Association which is a non-profit organization seeking to further the interests of all Community Health Professionals and the public interest. For a person to be registered as Community Health Professional by the Board, he/she must be a registered member of SLACHO.

PART–II ESTABLISHMENT OF THE COMMUNITY HEALTH
PRACTITIONERS’ BOARD

Establishment
of Commun-
ity Health
Practitioners’
Board.

2. (1) There is hereby established a body to be known as the Community Health Practitioners’ Board.

(2) The Board shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable and of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Board shall have a common seal the use of which shall be authenticated by the signature of–

- (a) the Chairman or other member of the Board authorised generally or specifically by the Board in that behalf; and
- (b) the Secretary or other officer of the Board authorised by the Board in that behalf.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Board and to be sealed with the common seal of the Board authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone.

Composition
of Board.

3. (1) The Board shall consist of–

- (a) The Chief Community Health Officer , who shall be the Chairman;
- (b) Registrar – who shall be a senior community health officer and Public Officer appointed

by the Sierra Leone Health Service Commission. The Registrar shall maintain and have control over the secretariat of the Board to deliver on its mandate.

- (c) The Chairman–Sierra Leone Association of Community Health Officers;
- (d) Dean of Studies the Head of Department of the Community Health and Clinical Studies of Njala University
- (e) The Head of Department – Department of Community Health and Clinical Studies, Njala University
- (f) The Chief Medical Officer or his representative
- (g) The Sierra Leone Association of Community Health Officers’ Legal advisor
- (h) Retired Senior Community Health Officer– Northern Province
- (i) Retired Senior Community Health Officer– Southern Province
- (j) Retired Senior Community Health Officer– Western Area
- (k) Retired Senior Community Health Officer– Eastern Province

(2) The Chairman of the Board shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament.

Tenure of members.

4. (1) The Chairman and other members of the Board shall hold office for a period of three years and shall be eligible for re-appointment once only.

(2) A person shall cease to be a member of the Board on any of the following grounds—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty; sexual of domestic violence
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of Board.

5. (1) The Board shall meet for the dispatch of its business at least once a month at the offices of the Board and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of four members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be five (5).

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board.

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest. 6. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

Immunity of members of Board, etc. 7. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

Committees of Board. 8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Chairman, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

Remuneration of members. 9. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 5 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Board for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

10. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months— Filling of vacancies.

(a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of the member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III—FUNCTIONS OF COMMUNITY HEALTH PRACTITIONERS BOARD

11. (1) The object for which the Board is established is to consider all matters pertaining to Community Health Practice to enable these health service providers perform their duties with guidance and integrity. With a view to regulating and monitoring the Community Health Practitioners Board. Functions of Community Health Practitioners Board.

(2) Without prejudice to the generality of subsection (1) the Board shall have responsibility to—

(a) determine the standards of knowledge and skill of persons seeking to enter the profession of community health and improve those standards from time to time as circumstances permit;

(b) secure in accordance with the provisions of this Act the establishment and maintenance of a register of persons as members of the profession and the publication from time to time of lists of those persons;

- (c) manage the conduct of examinations for Community Health Practitioners, award licence to successful candidates and prescribe fees;
- (d) control and supervise the community health practice;
- (e) provide such policy guidance and advice as will secure the efficient implementation of the functions of the Board and enhance the overall performance of the Community Health Practice;
- (f) regulate the conduct and standards of the Community Health professional;
- (g) certify qualifications of Community Health Profession by examinations;
- (h) supervise the registration of Community Health Officers and the enrolment of Community Health Assistants and the publication of such registration and enrolment in the Sierra Leone Gazette;
- (i) advise and make recommendation to government on matters relating to community health profession and practice;
- (k) Partner with the Teaching Education Commission to ensure the accreditation form an Institution offering Community Health training;
- (l) perform other functions conferred on the Board by this Act.

PART IV – ADMINISTRATIVE PROVISIONS

12. (1) The Board shall have a Registrar who shall be appointed pursuant to paragraph (b) of sub-section (1) of Section 3 of Registrar. upon such terms and conditions as the Board shall after consultation with the Sierra Leone Health Service Commission determine.

13. (1) The Registrar shall be responsible to the Board for the performance of the following functions— Functions of Registrar.

- (a) to provide overall leadership in the conduct and management of the day-to-day business or activities of the Board;
- (b) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Board;
- (c) to monitor and supervise the preparation of the annual budgets and reports of the Board for review and approval;
- (d) to oversee the work and discipline of the other staff of the Board;
- (e) to carry out such other functions as may be assigned by the Board;

(2) It shall be the duty of the Registrar in accordance with the directions of the Board.

- (a) to correct any entry in the register which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made;

- (b) to make from time to time, all necessary alteration to the registered particulars of the registered persons;
- (c) to remove from the register the name of any registered person who has died or has been declared insane or for other reasons has ceased to be a member of the profession;

Where the Registrar—

- (i) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply within three months from the date of posting it; and
- (ii) upon the expiration of that period, sends in like manner to the person in question a second letter and receives no reply within three months from the date of posting it, the Registrar may remove the particulars relating to the person in question from the register but the Board may direct the Registrar to restore to the register any particulars removed there from under this section.
- (d) cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Act comes into force;
- (e) in each year after that in which a register is first published under paragraph (d), cause to be printed, published and put on sale as

aforesaid, either a corrected edition of the register or a list of alterations made to the register since it was last printed; and

- (f) cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Board, and it shall be the duty of the Board to keep the register and lists so deposited at all reasonable times for inspection by members of the public.

(3) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year or documents purporting to be prints of an edition or a register so published in the current year, shall, without prejudice to any other mode of proof, be admissible in any proceedings as evidence that any person specified in the document, or documents read together, as being registered, is so registered or that any person not so specified was not so registered.

14. (1) The Board shall have, in addition to the Registrar, a secretariat consisting of technical and administrative staff, as may be required for the efficient performance of the functions of the Board.

Other Staff of Board.

15. Public officers may at the instance of the Board, be seconded or otherwise render assistance to the Board but the Board may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Board.

Secondment of public officers.

16. The Board may make rules and regulations for the discharge of the functions of the Board and the Secretariat. Provided that such rules and regulations should be laid before Parliament for ratification.

Regulation.

PART V – FINANCIAL PROVISIONS

17. (1) The activities of the Board shall be financed by funds consisting of –

Funds of board.

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Board;
- (b) all moneys given to the Board by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Board;
- (c) all returns on investment, if any;
- (d) foreign aid and assistance from donor agencies; and
- (e) all other moneys which may, from time to time, accrue to the Board.

(2) The funds of the Board shall be applied only for the purposes of the approved budget of the Board.

Accounts and
audit of
Board.

18. (1) The Board shall keep proper books of account in relation to the activities, property and finances of the Board in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Board a financial statement which shall include—

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of any funds;

(2) The accounts of the Board kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Board and to require such information and explanation thereon as he may think fit.

(4) The Board shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Board.

(5) The Auditor-General or the auditor appointed by him/her shall submit to the Board a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to —

- (a) any irregularities in the accounts;
- (b) any matter likely to adversely affect the operations of the Board; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Board.

19. The financial year of the Board shall be the same as the financial year of the Government.

Financial
year of Board.

20. (1) The Board shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

Annual
report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 19 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Board shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI—REGISTRATION

Preparation and maintenance of Register.

21. (1) There shall be a register of names, addresses, approved qualifications and such other particulars, as may be specified of all persons who are entitled in accordance with the provisions of this Act to be registered as members of the profession and who apply in the specified manner to be so registered.

(2) It shall be the duty of the Registrar to prepare and maintain in accordance with rules made by the Board the register mentioned in subsection (1).

(3) Subject to the provisions of this section, the Board shall make rules with respect to the form of keeping of the register and the making of entries therein and in particular –

- (a) regulating applications for registration and providing for evidence to be produced in support of such applications;
- (b) providing for notifications to the Registrar by the person to whom any registered particulars relate, or any changes in those particulars;
- (c) authorising a registered person to have any qualification which is, in relation to the profession, whether an approved qualification or an accepted qualification under subsection (1), registered in relation to his name in addition to or as he may elect, in substitution for any other qualifications registered;

(d) specifying the fees to be paid to the Board in respect of the entry of names on the register, and authorising the Registrar to refuse to enter a name on the register until any fees specified for the entry has been paid; and

(e) specifying anything not under the foregoing paragraphs.

Provided that rules made for the purposes of paragraph (d) of subsection (3) shall not come into force until they are confirmed by the Minister.

22. (1) Subject to section 21 and subsection (3) of section 23, a person shall not be registered under this Act and receive a registration certificate unless—

- (a) he has attended a course of training approved by the Board under section 24 of this Act;
- (b) the course was conducted at an institution so approved, or partly at one of such institutions and partly at another;
- (c) he holds one or more qualifications prescribed in the first schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under subsection (2) of section 27;
- (d) he is of good character; and
- (e) he thereafter pays any prescribed fee.

(2) Subject to subsection (1), a registered person shall be required to pay an annual prescribed retention fee to retain his registration with the Board and any failure to pay the retention fee shall result in temporal withdrawal of the certificate of practice.

(3) The Board shall from time to time publish in the Gazette particulars of the qualifications for the time being accepted as aforesaid.

(4) The qualification specified in the second Schedule of this Act are those accepted for the time being by the Board as the minimum qualification for the purpose of registration on the register established under section 21.

Temporary registration.

23. (1) Notwithstanding the requirements of section 23, a person shall be entitled to be temporarily registered under this Act where he satisfies the Board that-

- (a) he has been selected for employment for a specified period in a capacity in which a registered person under this Act would normally be employed and that he is or intends to be in Sierra Leone temporarily for the purpose of serving for that period in the employment in question;
- (b) he holds or has passed examinations necessary for obtaining some qualification grant outside Sierra Leone which is, for the time being, accepted by the Board for the purpose of this section in respect of the capacity in which, if employed, he is to serve; and
- (c) he pays any fee prescribed for registration.

The Board may, if it thinks fit, give direction that he shall be temporarily registered.

(2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in paragraph (a) of subsection (1) and shall cease-

- (a) on the termination of the period of employment specified to the Board; or
- (b) on the termination of the said employment before the end of the period, whichever first occurs, but nothing in this subsection shall preclude the Board from giving a further direction under subsection (1) in respect of a specified period whose commencement coincides with the termination of another such period.

(3) A person who is temporarily registered shall in relation to the employment mentioned under paragraph (a) of subsection (1), and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in respect of other matters he shall be treated as not so registered.

(4) Where there is doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purposes of subsection (2).

(5) The Registrar, as directed from time to time by the Board, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section

PART VII-TRAINING

24. (1) Subject to subsection (2), the Board may approve for the purposes of section 11:

- (a) any course of training which is intended for persons seeking to become members of the profession under this Act and which the Board Considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of the profession;

Approval of courses.

- (b) any institution either in Sierra Leone or elsewhere, which the Board considers is properly organised and equipped for the whole or any part of the course of training approved by the Board under this section; or
- (c) any qualification which, as a result of examination taken in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the education indicating, in the opinion of the Board, that they have sufficient knowledge and skills to practice the profession.

(2) The Board shall, from time to time, publish in the Gazette a list of qualifications relating to the profession approved by it for the purposes of subsection (1).

(3) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution but before withdrawing such an approval the Board shall-

- (a) give notice that it proposes to do so to persons for whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
- (b) afford each such person an opportunity of making to the Board representations with regard to the proposal; and
- (c) take into consideration any representations made regarding proposals in pursuance of paragraph (b).

(4) In relation to any period during which the approval of the Board under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration immediately before the approval was withdrawn.

(5) The offer or withdrawal of any approval under this section shall have effect from such date, after the execution of the instrument signifying the offer or withdrawal of the approval, as the Board may specify in the instrument, and the Board shall:

- (a) as soon as may be, publish a copy of every instrument in the *Gazette*; and
- (b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

25. (1) It shall be the duty of the Board to keep itself informed of the nature of :

Supervision of instruction and examinations.

- (a) the instructions given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as a result of which approved qualifications are granted, and for the purpose of performing that duty the council may appoint, either from among its own members or otherwise, persons to visit approved institutions or attend such examinations.

(2) It shall be the duty of the person appointed under paragraph (b) of subsection (1) to report to the Board on;

- (a) the adequacy of the instructions given to persons attending approved courses of training at institutions visited by him;

- (b) the adequacy of the examinations attended by him; and any other matter relating to the institutions or examinations on which the Board may, either generally or in a particular case, request him to report, but no person shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Board shall, as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examination to which the report relates; requesting that person to make representations to the Board within such time as may be specified in the request, not being more than one month beginning with the date of request.

PART VIII—COMMUNITY HEALTH PRACTITIONERS LICENCING REGIME

Licence for
Community
Health
Practitioners.

26. No person shall undertake any Community Health practice unless the person holds a Community Health Practitioners licence issued by the Board.

Application
for Licence.

27. (1) A person who wishes to undertake any Community health practice shall apply to the Board for a licence.

(2) An application for a licence shall be in writing addressed to the Chairman and shall be accompanied by—

- (a) a certificate or other evidence that the applicant has the approved qualifications as provided in subsection(1) of section 22;
- (b) the particulars of the applicant and other promoters, sponsors, other officers if any; and
- (c) such other information as the Board may require.

28. The fees payable for licences under this part shall be as prescribed by the Board. Licence fees.

29. (1) Upon receipt of an application, the Board shall decide whether or not to grant a licence within 30 days of receipt of the application. Grant of licence.

(2) When determining whether to grant or refuse a licence, the Board shall take into account the following—

- (a) the requirements for the relevant licence;
- (b) the character and fitness of the applicant, promoters, sponsors and other officers if any; and
- (c) if he is convicted and sentenced for an offence involving fraud, dishonest, sexual or domestic violence
- (d) the public interest.

30. The form of a Community health practitioners licence shall be as prescribed by the Board under its powers as set out in section 11. Form of licence.

31. Where the Board refuses an application, it shall inform the applicant in writing stating the reasons for its decision. Refusal of licence.

32. A licence granted under this part shall state the date on which it is granted and the date on which it expires. Duration of licence.

33. (1) A licence granted under this part shall be renewed 30 days of its expiration. Renewal of licence.

(2) An application for renewal of licence shall be made in the same manner as an application for an original licence.

34. (1) Subject to subsections (3), (4) and (5), the Board may suspend or revoke a licence where it is satisfied that the licensee has contravened this act or regulations made under this Act; Suspension or revocation of licence.

- (a) the licensee has contravened a term or condition of his licence;
- (b) the licensee has given information to the Board which is false or misleading in a material particular; or
- (c) it is in the public interest to do so.

(2) Subject to subsections (3), (4) and (5), the Board may of its own notion vary the terms and conditions of a licence for the reasons specified in subsection (1).

(3) Where the Board proposes to vary the terms of a licence or suspend or revoke a licence pursuant to subsections (1) and (2), it shall give notice to the licensee together with the reasons thereof.

(4) The Board shall in a notice issued under subsection (3) require the licensee to show cause in writing, within such time as may be specified in the notice why the licence should not be revoked or varied.

(5) The Board shall after considering the explanation of the licensee, inform in writing of its decisions and reasons thereof.

(6) Where the urgency of a matter so requires, the Board may forthwith suspend or revoke a licence on any ground specified in subsection (1).

(7) Where a licence is suspended or revoked, the licensee shall take necessary steps as may be directed by the Board.

Appeals.

35a. Any person aggrieved by the decision of the Board made pursuant to Section 23, 29, 30, and 34 of this Act may appeal to the High Court within 30 days against the said decision.

b. Any person aggrieved by the decision of the Board made under Section 31 of this Act may appeal against that decision by submitting to the Board a written notice of Appeal containing the grounds thereof within 14 days of the date of that decision.

PART IX—PRIVILEGES OF REGISTRATION AND
OFFENCES OF NON-REGISTRATION

36. Community Health Practitioners who—

Private
practice.

- (a) are registered and paid up members of the profession;
- (b) have served a minimum of 10 years in health practice;
- (c) have complied with the provisions of section 27.

shall be eligible for application to establish private practice from the Board.

37. A certificate required by any written law from any class of persons for whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Act.

Validity of
certificates.

38. (1) Subject to the provisions of this Act, no un-registered person shall be entitled to hold any appointment in any public or private establishment, body or institution, if the holding of such appointment involves the performance by him in Sierra Leone of any act pertaining to community health for gain.

Non-
appointment
of un-
registered
persons.

(2) Nothing in this section or any other provisions of this Act shall prevent a person from holding any appointment referred to in subsection (1) while he is undergoing training for the purpose of becoming qualified for registration under this Act under the supervision of persons who are registered in accordance with this Act.

Un-registered persons prohibited from professing registration.

39. Any person, not being registered in accordance with this Act, who holds himself out to be so registered or use any name, title, description or symbol calculated to lead any person to infer that he is so registered, shall be guilty of an offence and liable on conviction to a fine not exceeding Le 10,000,000 or a term of imprisonment not exceeding twelve months or to both punishment, and on conviction for a second or any subsequent offence, to imprisonment to a term not exceeding two years or both such fine and imprisonment.

Recovery of fees.

40. No remuneration shall be recovered by legal proceedings in respect of any act pertaining to the profession of a registered person when performed by a person who is prohibited from performing such act for gain.

Offences.

41. (1) Any person who for the purpose of procuring the registration of any name, qualification or other matters;

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in a material particular;

shall be guilty of an offence.

(2) It shall be an offence for the Registrar or any person employed by the Board to willfully make any falsification in any matter relating to any register maintained under this Act and, on conviction, shall be liable to a fine not exceeding (Thirty million Leones) or to a term of imprisonment not exceeding two years or to both fine and imprisonment.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the connivance of or to be attributed to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, shall be deemed to be guilty of that offence and shall be liable to be prosecuted against and punished accordingly.

42. In any criminal proceedings against any person upon a charge of having performed an act that constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered unless he proves the contrary. Burden of proof.

PART X—DISCIPLINE

43. (1) There shall be established a body to be known as the Community Health Practitioners Disciplinary Committee which shall be charged with the duty of considering and determining any case referred to it by the investigating panel established under section (45). Establishment of Community Health Practitioners disciplinary Committee.

(2) The Disciplinary Committee shall consist of a Chairman and four other members appointed from among the Board but not including the Chairman of the Board.

(3) The provisions of the Second Schedule to this Act shall, in so far as is applicable to the Disciplinary Committee and the Investigating Panel respectively has effect with respect to those bodies.

44. (1) At any meeting of the Disciplinary Committee, three members shall form a quorum. Disciplinary Committee proceedings.

(2) The Chairman of the Disciplinary Committee shall preside at every meeting of the Committee and in his absence members present, shall appoint one of their members to act on his behalf.

(3) Any question proposed for decision by the Disciplinary Committee shall be determined by the majority of the members present and voting at a meeting of the Disciplinary Committee at which a quorum is present.

(4) At all meetings of the Disciplinary Committee each member present shall have one vote on a question proposed for decision by the Disciplinary Committee and, in the event of an equality of votes, the chairman shall have in addition to a deliberative vote, a casting vote.

(5) For the purpose of advising the Disciplinary Committee on any question of law arising in proceedings before it, there shall in such proceedings be an assessor, who shall be a Law Officer of not less than 7 years standing to the Disciplinary Committee who shall be appointed by the Board on the recommendation of the Attorney-General who shall be a legal practitioner of not less than seven years standing.

(6) The Attorney-General shall make rules as to the functions of the Law Officer appointed under this paragraph and in particular such rules shall contain provisions for ensuring-

- (a) that where an Assessor advises the Disciplinary Committee on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears or if the advice is tendered while the Disciplinary Committee is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered;
- (b) that every party or person as aforesaid shall be informed if in any case the Disciplinary Committee does not accept the advice of the Assessor on such a question as aforesaid.

(7) An Assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

45. (1) There shall be an Investigating Panel of the Disciplinary Committee charged with- Investigating panel.

- (a) conducting preliminary investigations into any case where it is alleged that a registered person has misbehaved in his capacity as such, or should for any other reason be the subject of proceedings before the Disciplinary Committee; and
- (b) deciding whether the case should be referred to the Disciplinary Committee.

(2) The Investigating Panel shall be appointed by the Board and shall consist of five members of the Board one of whom shall be the Chairman.

(3) The quorum of the Investigating Panel shall be three.

(4) The Investigating Panel may, at any of its meetings attended by not less than five member make standing orders with respect to the Investigating Panel.

(5) Subject to the provisions of any such standing orders, the Investigating Panel may regulate its own procedure.

46. (1) A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body. Tenure of members of Disciplinary Committee and Investigating panel.

(2) A person may, if otherwise eligible, be a member of both the Disciplinary Committee and Investigating Panel, but no person who has acted as a member of the Investigating Panel with respect to any case shall act as a member of the Disciplinary Committee with respect to that case.

(3) The Disciplinary Committee or Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or (subject to the second Schedule) by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

(4) The Disciplinary Committee and the Investigating Panel may each sit in two or more places.

Penalties
for unprofess
ional conduct.

47. (1) Where-

- (a) a person registered under this Act is convicted by a court or tribunal in Sierra Leone or elsewhere
- (b) a registered person is adjudged by the Disciplinary Committee to be guilty of infamous conduct in a professional respect; or
- (c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently registered;

(2) The Disciplinary Committee may give a direction under subsection (1):

- (a) ordering the Registrar to strike the person's name off the relevant part of the register;
- (b) suspending the person from practice for such period as may be specified in the direction;

- (c) reprimanding the person;
- (d) ordering the person to pay the Board any costs of and incidental to the proceedings incurred by the Board; or
- (e) cautioning the person and postponing for a period not exceeding one year any further action against him on one or more conditions as to his conduct during that period.

any such direction may, where appropriate, include provisions requiring the refund of moneys paid for the handing over of documents or any other thing as the case may require.

(3) In any inquiry under this section, any findings of fact which is shown to have been made in;

- (a) any criminal proceedings in a court in Sierra Leone; or
- (b) any civil proceedings in a court in Sierra Leone,

shall be conclusive evidence of the fact found.

(4) If after due inquiry, the Disciplinary Committee is satisfied that during the period of any postponement under paragraph (e) of subsection (2) a person has not complied with the conditions imposed hereunder, the Disciplinary Committee may, if it thinks fit, impose any one or more of the penalties mentioned in paragraphs (a), (b), (c) or (d) of subsection (2).

(5) A certificate under the hand of the Chairman that any costs have been ordered to be paid by a person under this section shall be conclusive evidence thereof.

Restoration of registration.

48. (1) Where the name of a person has been struck off from the register in pursuance of a direction given under section 39, the Disciplinary Committee may, if it thinks fit, at any time direct the restoration of the person's name to the register.

(2) An application for the restoration of a name to a register under subsection (1) shall not be made to the Disciplinary Committee before the expiration of such period from the date of the striking off (and where he has made such an application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Board by any person on the restoration of his name to a register in pursuance of a direction given under this section the like fees as would be payable by that person on first becoming registered on that register.

49. (1) If it is proved to the satisfaction of the Disciplinary Committee that any entry made in a register has been fraudulently or incorrectly made, the Disciplinary Committee may direct that the entry be struck off the register.

Striking off entries on grounds of fraud or error.

(2) A person may be registered in pursuance of any provisions of this Act notwithstanding that his name had been struck off in pursuance of a direction given under subsection (1), but if it was so struck off on the ground of fraud, he shall not be registered except when an application in that behalf is made to the Disciplinary Committee and on any such application, the Disciplinary Committee may, if it thinks fit, direct that he shall not be registered, or shall not be registered until the expiration of such period as may be specified in the direction.

(3) Any reference in this Act to the striking off from or restoration to a register of the name of a person, shall be construed as including a reference to the striking off from or the restoration to the register of any other registrable particulars relating to that person.

Appeals. 50. (1) Where the Disciplinary Committee-

- (a) makes a finding and imposes a penalty on a registered person under section 47; or
- (b) rejects an application for restoration of a name to a register under section 48; or
- (c) directs the striking off of an entry from a register under section 49,

the Registrar shall give the person to whom the proceedings relate notice in writing thereof and such person may, within 28 days from the date of service on him of the notice, appeal to the High Court.

(2) On any appeal under this section, the Board shall be the respondent.

(3) No direction for the striking off of the name of a registered person from a register under section 47 or 49 shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The High Court, on any appeal under this section may-

- (a) confirm, vary or set aside any finding of fact, penalty imposed or direction given by the Disciplinary Committee;
- (b) confirm the rejection of the Disciplinary Committee of the application for restoration or direct the restoration of the name to the register;

PART XI—MISCELLANEOUS

Miscellaneous. 51. (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Board to act for that purpose.

(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 any generally or specially authorised by the Board for the purpose.

Regulations. 52. (1) The Attorney-General shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee.

(2) Without prejudice to the generality of subsection (1), regulations may provide for-

- (a) securing that notice of the proceedings shall be given at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;
- (b) for determining who in addition to the person aforesaid, shall be a party to the proceedings;
- (c) securing that any party to the proceedings shall if he so requires be entitled to be heard by the Disciplinary Committee;
- (d) enabling any party to the proceedings to be represented by a legal practitioner;

(e) subject to the provisions of paragraph (d) of subsection (2) of section 47, as to the cost of proceedings before the Disciplinary Committee;

(f) for requiring in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, that where the Disciplinary Committee adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matter to which the allegation relates;

(g) publication in the Gazette notice of any direction of the Disciplinary Committee which has taken effect providing that a person's name shall be struck off a register.

MEMORANDUM OF OBJECTS AND REASONS

The concept of Community Health is about the health of the whole population and prevention and treatment of common diseases from which the community suffers. The establishment of an Institute of Health Sciences, the development of a Department of Community Medicine within the University of Sierra Leone and a training programme for Medical Assistants had been recommended since 1973 by the then President His Excellency Dr. Siaka P. Stevens in his inaugural address as Chancellor of the University of Sierra Leone. In 1983 the Paramedical School was established in furtherance of this recommendation and the first set of Community Health Officers (HCOS) and Community Health Assistants (CHAS) were recruited. Since then to date there has been no legal instrument to regularize the status of CHOS and CHAS in the performance of their duties in line with best practice.

This Bill therefore will not only bring CHOS and CHAS in line with other medical professionals such as Doctors, Nurses and Pharmacists but also hold the CHOS and CHAS responsible for all their actions during practice. The Bill further seeks to establish a regulatory board for the practice of Community Health in Sierra Leone. There will also be a clear understanding on the concept of Community Health, Community Health Cadre and the role of Community Health Practitioners in Sierra Leone.

The Bill is divided into eleven parts.

Part One—**PRELIMINARY**

Part Two—**ESTABLISHMENT OF THE COMMUNITY HEALTH PRACTITIONERS BOARD.**

Part Three—**FUNCTIONS OF COMMUNITY HEALTH PRACTITIONERS BOARD.**

Part Four—**ADMINISTRATIVE PROVISIONS.**

PART Five—**FINANCIAL PROVISIONS**

Part Six—**REGISTRATION**

Part Seven—**TRAINING**

Part Eight—**COMMUNITY HEALTH PRACTITIONERS LICENSING REGIME**

Part Nine—~~PREVILDGES OF REGISTRATION AND OFFENCES OF NON-REGISTRATION.~~

Part Ten —~~DISCIPLINE~~

Part Eleven—~~MISCELLANEOUS~~

MADE this day of 2017

HON. MOHAMED L. MANSARAY,

FREETOWN,
SIERRA LEONE
MAY, 2017.