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Third Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to establish the National Health Services
Accreditation Authority of Trinidad and Tobago

THE NATIONAL HEALTH SERVICES ACCREDITATION
AUTHORITY BILL, 2013

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to provide for the National Health Services Accreditation Authority of Trinidad and Tobago which will be responsible, *inter alia*, for the accreditation of health care facilities and services in Trinidad and Tobago.

PART I

PRELIMINARY

Clause 1 of the Bill contains the short title.

Clause 2 would require the Bill to be given effect to by Proclamation.

Clause 3 would define words and phrases used in the Bill.

Clause 4 would bind the State.

PART II

ESTABLISHMENT OF THE AUTHORITY

Clause 5 seeks to provide for the establishment and incorporation as a body corporate the Health Services Accreditation Authority of Trinidad and Tobago (“the Authority”).

Clause 6 would provide for the appointment and composition of the Board of the Council (“the Board”).

Clause 7 seeks to provide for the functions of the Authority.

Clause 8 would provide for the powers of the Board.

Clause 9 seeks to provide for the tenure of office of members of the Board.

Clause 10 seeks to provide for the circumstances under which the Minister may remove a member of the Board.

Clause 11 would provide for the remuneration of members of the Board.

Clause 12 would provide for matters relating to meetings of the Board.

Clause 13 would provide for the the appointment of committees by the Board to which it may delegate any of its functions.

Under clause 14, members of the Board or a committee of the Board would be required to disclose any interest they may have in a matter that is receiving the consideration of the Board.

PART III

STAFF

Clause 15 would provide for the appointment of an executive director.

Clause 16 seeks to empower the Board to appoint staff for the Authority.

Clause 17 seeks to authorize the secondment of personnel from the Public Service or any Commission, authority or body to the service of the Authority.

PART IV

ACCREDITATION

Clause 18 would provide for the procedure for the accreditation of a health care facility or health care service.

Clause 19 seeks to provide for the survey of an accredited health care facility and service.

Clause 20 would specify the consequences of failure by an accredited health care facility to implement the recommendations of a survey report.

Clause 21 seeks to empower the Executive Director to appoint inspectors to conduct surveys of health care facilities.

Clause 22 would require the Authority to keep separate registers of all secondary and tertiary health care facilities and lists of all accredited health care facilities and services.

Clause 23 seeks to provide for the process of appeals from decisions of the Authority.

PART V

FINANCE

Clause 24 seeks to make provision for the source of the funding of the Authority.

Clause 25 would apply section 116 of the Constitution to the accounts of the Authority.

Clause 26 seeks to provide for the exemptions applicable to the Authority.

Clause 27 seeks to stipulate the period of the financial year of the Board.

PART VI
MISCELLANEOUS

Clause 28 would penalize a breach of confidentiality by a member or employee of the Authority.

Clause 29 would empower the Minister to make Regulations.

Clause 30 would require the Authority to prepare an annual report of its work which must be submitted to the Minister and Parliament.

THE NATIONAL HEALTH SERVICES ACCREDITATION
AUTHORITY BILL, 2013

Arrangement of Clauses

PART I

PRELIMINARY

Clause

1. Short title
2. Commencement
3. Interpretation
4. Act binds the State

PART II

ESTABLISHMENT OF THE AUTHORITY

5. Establishment and incorporation of Authority
6. Appointment of Board
7. Functions of the Authority
8. Powers of the Board
9. Tenure of members
10. Removal of member
11. Remuneration of members
12. Meetings
13. Appointment and delegation to committees
14. Declaration of interest

PART III

STAFF

15. Executive Director
16. Other staff
17. Secondment from and to the service of the Authority

PART IV

ACCREDITATION

- 18. Accreditation
- 19. Survey of accredited health care facility and service
- 20. Failure to comply
- 21. Designation of inspectors
- 22. Lists
- 23. Objections

PART V

FINANCE

- 24. Funds of the Authority
- 25. Accounts and audit
- 26. Exemptions
- 27. Financial year

PART VI

MISCELLANEOUS

- 28. Confidentiality
- 29. Regulations
- 30. Report

BILL

AN ACT to establish the National Health Services
Accreditation Authority of Trinidad and Tobago

[, 2013]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

PART I **PRELIMINARY**

1. This Act may be cited as the National Health Short title
Services Accreditation Authority of Trinidad and
Tobago Act, 2013.

- Commencement **2.** This Act comes into force on such date as the President may appoint by Proclamation.
- Interpretation **3.** In this Act, unless the context otherwise requires—
- “Authority” means the National Health Services Accreditation Authority of Trinidad and Tobago established under section 5;
- “Board” means the Board of the National Health Services Accreditation Authority of Trinidad and Tobago established under section 6;
- “Chairman” means the Chairman of the Board appointed under section 6(1)(a);
- “Deputy Chairman” means the Deputy Chairman of the Board appointed under section 6(3);
- “Executive Director” means the person appointed under section 15;
- Chap. 29:05 “health care facility” has the meaning assigned to it in section 2 of the Regional Health Authorities Act and includes institutions licensed under the Private Hospitals Act, medical laboratories and dental clinics;
- Chap. 29:03 “member” means a member of the Board;
- “Minister” means the Minister to whom responsibility for health is assigned;
- “Ministry” means the Ministry with responsibility for health;
- “Survey Instrument” means the accreditation standards and the assessment instrument adopted by the Authority.

4. This Act binds the State.

Act binds the State

PART II

ESTABLISHMENT OF THE AUTHORITY

5. (1) There is hereby established, as a body ^{Establishment and incorporation of Authority} corporate, the National Health Services Accreditation Authority of Trinidad and Tobago whose purpose is to carry out accreditation activities with respect to the standards of and the quality of care provided by health care facilities.

(2) The Authority shall have an official seal which shall be authenticated by the signatures of—

- (a) the Chairman; and
- (b) the Executive Director,

and shall be judicially noticed.

(3) The seal shall be placed on instruments valued five hundred thousand dollars and over.

6. (1) The Authority shall be managed by a Board ^{Appointment of Board} which shall be appointed by the Minister and shall comprise the following members:

- (a) a Chairman being a person who—
 - (i) does not have a pecuniary interest in any health care facility; and
 - (ii) has knowledge of and experience in the delivery of health care services;
- (b) one officer employed in the Ministry;
- (c) two officers employed in a Regional Health Authority;
- (d) one representative of the association representative of private hospitals or any other body representative of private hospitals;

- (e) a representative of the Tobago House of Assembly;
- (f) one person with qualifications and experience in each of the following disciplines:
 - (i) medicine;
 - (ii) nursing;
 - (iii) pharmacy;
 - (iv) dentistry; and
 - (v) law.

(2) Notwithstanding any other law to the contrary, the Authority shall be the principal body in Trinidad and Tobago for conducting and advising on the accreditation of all health care facilities and services in Trinidad and Tobago.

(3) The Minister shall appoint a member as Deputy Chairman of the Board.

(4) The Chairman may resign his office by letter addressed to the Minister.

(5) The names of all members of the Board as first constituted and every change in the membership of the Board thereafter shall be published in the *Gazette*.

Functions of the
Authority

7. The functions of the Authority are to—

- (a) develop and approve—
 - (i) accreditation standards for health care facilities and services; and
 - (ii) survey instruments for measuring compliance with the standards;
- (b) regularly conduct accreditation surveys of health care facilities and services;

- (c) confer accreditation status on health care facilities and services based on consistent and transparent decision-making methodology;
- (d) promote concepts of continuous quality improvement in compliance with approved accreditation standards;
- (e) compile and maintain a database on the status of health care facilities and services in Trinidad and Tobago;
- (f) provide to health care facilities, upon request, information on accreditation and accreditation standards and compliance with standards;
- (g) educate and consult with health care organizations, managers and health professionals on quality and the best practices in health care; and
- (h) undertake such other activities as are conducive to the performance of its functions.

8. (1) The Board may—

Powers of the Board

- (a) confer accreditation status on health care facilities and services based on a consistent, transparent decision-making methodology;
- (b) approve strategic and management plans for the Authority; and
- (c) collaborate with recognized international health accreditation agencies and regional health care agencies, recognize awards obtained elsewhere, determine the equivalence of these awards and their acceptability in Trinidad and Tobago and offer accreditation services to regional health care facilities.

Tenure of members **9.** (1) The appointment of a member shall be for a period of two years and a member is eligible for reappointment.

(2) The appointment of a member shall be by instrument in writing.

(3) A member, other than the Chairman, may resign his office by letter addressed to the Chairman who shall immediately cause it to be forwarded to the Minister.

(4) The resignation of a member shall take effect from the date of receipt of his letter of resignation by the Chairman, and in the case of the Chairman, the Minister.

Removal of member **10.** The Minister may remove a member from office upon being satisfied that the member—

(a) is a bankrupt;

(b) is incapable of performing the duties of a member;

(c) has neglected his duties or has engaged in conduct that would bring his office into disrepute;

(d) has been absent, without the leave of the Board, from three consecutive meetings of the Board; or

(e) has been convicted of an indictable offence or an offence under this Act.

Remuneration of members **11.** The Authority shall pay to members such remuneration and allowances as the Minister may approve.

Meetings **12.** (1) The Board shall meet at least once every month.

(2) The Chairman shall preside at meetings of the Board and, in the absence of the Chairman, the Deputy Chairman shall preside.

(3) In the absence of both the Chairman and Deputy Chairman at a meeting, the members present shall elect one of their number to preside at the meeting.

(4) The quorum of a meeting of the Board shall be seven members.

(5) The minutes of each meeting of the Board shall be kept in proper form and be confirmed at the next meeting.

(6) A copy of the confirmed minutes shall be transmitted to the Minister within seven days of the confirmation.

13. (1) Subject to subsection (3), the Board may appoint such committees as it considers necessary. Appointment and delegation to committees

(2) Membership of a committee may include or consist only of persons who are not members.

(3) Committees appointed under subsection (1) shall include a Finance Committee, an Accreditation Committee, a Human Resources Committee and an Audit Committee.

14. A member of the Board or a committee of the Board who has a direct or indirect interest in a contract or proposed contract or a matter under consideration by the Board or committee shall disclose the fact of his interest at the meeting of the Board or committee and shall not participate in the consideration of, or vote on, any question relating to the contract or matter. Declaration of interest

PART III

STAFF

15. (1) Subject to subsection (2), the Board shall, with the approval of the Minister, appoint a suitably qualified person as Executive Director on such terms and conditions as the Minister may approve. Executive Director

(2) The Executive Director shall be appointed for a term not exceeding three years and shall be eligible for reappointment.

Other staff

16. (1) The Board shall appoint such staff as it considers necessary for the efficient performance of the functions of the Authority.

(2) The staff of the Authority shall be paid such remuneration including allowances and be appointed on such terms and conditions as the Board may determine.

Secondment from
and to the service of
the Authority

17. (1) A public officer or any person in the employ of any public body or authority may, with the approval of the appropriate Service Commission, authority or body and with the consent of the officer or other employed person, be seconded to the service of the Authority.

(2) Where any secondment is effected, the Authority shall make, with the appropriate authority or body, such arrangements as may be necessary to preserve the rights of the officer or other employed person to superannuation benefits for which the officer or other employed person would have been eligible had that officer or other employed person remained in the service from which the transfer on secondment was effected.

(3) A period of secondment under this section shall not exceed five years.

PART IV ACCREDITATION

Accreditation

18. (1) The owner or occupier of a health care facility may apply, in writing, to the Authority for the accreditation of the health care facility or health care service.

(2) The Authority shall cause a health care facility or service which is the subject of an application under subsection (1) to be surveyed by an inspector.

(3) An inspector referred to in subsection (2) shall prepare a survey report on the health care facility or service.

(4) A draft of the survey shall be submitted to the owner or occupier of the health care facility for comment before it is finalized.

(5) The finalized survey report shall be submitted to the Board for its consideration.

(6) Where after considering a survey report, the Board is satisfied that the health care facility or service should be accredited, the Board shall issue an accreditation certificate with respect to the health care facility or service within fourteen days of its decision.

(7) Where after considering a survey report, the Board is not satisfied that the health care facility or service should be accredited, the Board shall notify the owner or occupier of the health care facility of its decision to refuse accreditation and its reasons within fourteen days of its decision.

19. (1) An accredited health care facility or service shall be surveyed every three years from the date of its first accreditation. Survey of accredited health care facility and service

(2) The Authority may, upon giving at least three days notice, perform a Survey of an accredited health care facility or service if it becomes aware of any serious issues relating to the facility or service.

(3) Where a Survey is carried out under this section the Authority shall provide the health care facility or the owner or occupier of the facility with a copy of the survey report which shall include, if necessary, recommendations to bring the health care facility or service into compliance with the appropriate standard within a specified period.

20. (1) An accredited health care facility that fails to implement the recommendations of a survey report with reasonable justification may be granted an extended period to do so which extension shall not be unjustifiably withheld. Failure to comply

(2) Where an accredited health care facility fails to implement the recommendations of a survey report without reasonable justification, the Authority may withdraw the accreditation award and where the accreditation award is withdrawn, the Authority shall publish the name of the facility and the fact of its non-compliance in—

(a) the *Gazette*; and

(b) two newspapers in daily circulation in Trinidad and Tobago.

Designation of
inspectors

21. (1) The Executive Director shall appoint inspectors for the purpose of conducting a survey.

(2) An inspector appointed under subsection (1) may be actively employed in an accredited institution whether local, regional or international but neither he nor a member of his immediate family shall be appointed to survey a health care facility if—

(a) he is a member;

(b) he was employed at the institution within twelve months prior to his appointment;

(c) he was a patient at the health care facility within three months prior to his appointment;

(d) a member of his immediate family is currently a patient or was a patient at the institution within five months of his appointment; or

(e) he or a member of his immediate family has a pecuniary interest in the health care facility.

Lists

22. (1) The Authority shall keep, in such manner as may be prescribed, separate registers of all secondary and tertiary health care facilities.

(2) The Authority shall prepare a list of all accredited health care facilities and services.

(3) The list referred to in subsection (2) shall be published annually in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago.

23. (1) Where the owner or occupier of a health care facility is aggrieved by a decision of the Authority he may object, in writing, addressed to the Executive Director.

(2) An objection referred to subsection (1) shall be accompanied by evidence that supports the reason for the objection.

(3) The Executive Director shall cause the evidence to be reviewed and forward any recommendations resulting from the review to the Board for its decision.

(4) Where in the view of the Authority there are no grounds for altering its decision or a report on which its decision was based, the Authority shall provide to the owner or occupier of the health care facility, in writing, reasons for dismissing the objection.

(5) Where in the view of the Authority there are grounds for altering its decision or a report on which its decision was based, the Authority shall alter its report or decision accordingly, in favour of the health care facility.

PART V

FINANCE

24. (1) The funds of the Authority shall consist of— Funds of the Authority

- (a) such amounts as may be appropriated by Parliament;
- (b) sums borrowed with the approval of the Minister with responsibility for finance; and
- (c) fees charged by the Authority in accordance with subsection (2)

(2) The Minister may, by Order, prescribe fees that may be charged by the Authority.

Accounts and audit **25.** Section 116 of the Constitution shall apply to the accounts of the Authority.

Exemptions **26.** The Authority shall be exempt from stamp duties, corporation taxes, customs duties, purchase taxes, value added taxes, motor vehicle taxes and all other taxes, charges, levies and imports, on its income or profit or on assets, which it acquires for its own use in carrying out its functions under this Act.

Financial year **27.** The financial year of the Board shall be the twelve-month period ending on 30th September each year.

PART VI MISCELLANEOUS

Confidentiality **28.** A member or an employee of the Authority who, without approval—

(a) communicates or reveals any information or matter connected with or related to the functions of the Authority to a person or body; or

(b) obtains, reproduces or retains possession of any information or matter referred to in paragraph *(a)* which that member or officer or other employee is not authorized to obtain, reproduce or retain in his possession,

commits an offence and is liable, on summary conviction, to a fine of fifty thousand dollars or imprisonment for two years.

Regulations **29.** The Minister may make Regulations to give effect to the purpose of this Act.

Report **30.** An annual report on the work of the Authority shall be submitted to the Minister and shall be laid in Parliament within three months of receipt by him.

No. 7 of 2013

THIRD SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to establish the National Health
Services Accreditation Authority of
Trinidad and Tobago

Received and read the

First time

Second time

Third time
