

ACT

Supplement to the Sierra Leone Gazette Vol. CXLIX, No. 46
dated 3rd May, 2018

THE SIERRA LEONE SOCIAL HEALTH INSURANCE ACT, 2017

ARRANGEMENT OF SECTIONS

Sections

PART I - PRELIMINARY

1. Interpretation.

PART II - ESTABLISHMENT OF THE SIERRA LEONE SOCIAL HEALTH INSURANCE AUTHORITY

2. Establishment of Sierra Leone Social Health Insurance Authority.
3. Board of Authority.
4. Tenure of members.
5. Meetings of Board.
6. Disclosure of interest.
7. Immunity of members of Board, etc.
8. Committees of Board.
9. Functions of Board.
10. Remuneration of members.
11. Filling of vacancies.

PART III - OBJECTS AND FUNCTIONS OF AUTHORITY

12. Objects of Authority.
13. Functions of Authority.
14. Powers of Authority.

PART IV - ADMINISTRATIVE PROVISIONS

15. Appointment of Director - General.
16. Functions of Director-General.
17. Appointment of Deputy Director-General.
18. Functions of Deputy Director-General.
19. Other staff of Authority.
20. Secondment of public officers

21. Protection of officers

PART V - HEALTH INSURANCE SCHEME

22. Establishment of Sierra Leone Social Health Insurance Scheme.
23. Membership of Scheme.
24. Benefits under Scheme.
25. Coverage of Scheme.
26. Contribution to Scheme.
27. Persons exempted from paying contributions under Scheme.

PART VI - HEALTH CARE PROVIDERS

28. Accreditation of health care providers.
29. Accreditation of pharmacies.
30. List of medicines and tariff.

PART VII - FINANCIAL PROVISIONS

31. Establishment of Scheme Fund.
32. Exemption from tax.
33. Funds of Scheme.
34. Bank Account.
35. Investments.
36. Accounts and audit of Authority.
37. Financial year of Authority.
38. Annual report.

PART VIII - MISCELLANEOUS PROVISIONS

39. Appeals.
40. Offences.
41. Recovery of unpaid contributions.
42. Protection of contributions.
43. Quality assurance.
44. Monitoring mechanism.
45. Actuarial review.
46. Exemption from liability.
47. Regulations.

SCHEDULE

SIGNED this 15th day of February, 2018.

DR. ERNEST BAI KOROMA,
President.

LS

No. 9



Sierra Leone

2018

The Sierra Leone Social Health Insurance Act, 2017.

Short title.

Being an Act to provide for the establishment of the Sierra Leone Social Health Insurance Scheme, to provide for health care insurance services throughout Sierra Leone and to provide 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-
- "Authority" means the body established under section 2
- "benefit" means the health insurance services under this Act;
- "beneficiary" means a person entitled to benefit under this Act;
- "Board" means the governing body established under section 3
- "contribution" means" the amount paid to the Scheme Fund by a member
- "Director-General" means the Director-General appointed under section 15
- "employer" means -
- (a) the owner of an establishment or the person who or the authority which has the ultimate control over the affairs of an establishment and where such affairs are entrusted to a manager, managing director or managing agent, such manager, director or agent;
 - (b) in any other case, the person with whom the worker entered into a contract of service or apprenticeship and who is responsible for the paying of his remuneration.

"establishment" means any office, shop, factory, mine, plantation or any other place where persons are employed on remuneration for work or business of any kind, including an establishment of the Government;

"Fund" means the Social Health Insurance Scheme Fund established under section 31;

"Government" means the Government of the Republic of Sierra Leone;

"Minister" means the Minister responsible for labour and social security;

"National Social Security and Insurance Trust" means the National Social Security and Insurance Trust established by the National Social Security and Insurance Trust Act, 2001 (Act No. 5 of 2001);

"quality assurance" means review and assurance of quality of health care service, quality assessment and corrective action to a deficiency;

"Scheme" means the Sierra Leone Social Health Insurance Scheme referred to under section 22.

"worker" means any person who is-

- (a) employed for remuneration in any kind of work, whether manual or otherwise, in or in connection with the work of an establishment and who gets his remuneration directly or indirectly from the employer, and includes any person employed by or through a contractor in or in connection with the normal work of an establishment and -

- (b) is employed in Sierra Leone but not as a member of the crew of any ship; or
- (c) being a permanent resident of Sierra Leone is employed as a member of the crew of a ship, the owners of which have an office or agent in Sierra Leone.

PART II - ESTABLISHMENT OF THE SIERRA LEONE SOCIAL
HEALTH INSURANCE AUTHORITY

Establishment
of Sierra
Leone Social
Health
Insurance
Authority.

2. (1) There is hereby established a body to be known as the Sierra Leone Social Health Insurance Authority.

(2) The Authority 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 Authority 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 either generally or specially by the Board in that behalf; and
- (b) the Director-General or some other person authorised by the Board in that behalf.

Board of
Authority.

3. (1) The governing body of the Authority shall be a Board in which shall be vested, subject to this Act, the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and the following other members, not below the rank of Director, representing the following institutions—

- (a) Ministry of Labour and Social Security;
- (b) Ministry of Finance and Economic Development;
- (c) Ministry of Health and Sanitation;
- (d) Ministry of Social Welfare, Gender and Children's Affairs;
- (e) Sierra Leone Employers Federation;
- (f) Sierra Leone Labour Congress;
- (g) 2 members, one of whom shall be a woman, representing civil societies working on health matters;
- (h) Sierra Leone Medical and Dental Council;
 - (i) the Nurses and Midwives Board;
 - (j) Pharmacy Board;
- (k) A professional Health Economist appointed by the Minister;
 - (l) the Director General; (ex-officio) and
 - (m) the Secretary to the Board (ex-officio).

(3) The Chairman and other members referred to in paragraphs (g) and (k) of subsection (2) shall be appointed by the President on the recommendation of the Minister, subject to the approval of Parliament.

4. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment once only. Tenure of members.

(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;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (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 every quarter at the offices of the Authority and at such time as the Chairman may determine.

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

(3) A minimum of three 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 in 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 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 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.

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. Disclosure of interest.

(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 Director-General, 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.

Functions of Board.

9. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority.

(2) Notwithstanding the generality of subsection (1), it shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

Remuneration of members.

10. 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 Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 6 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, subject to this Act, 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-OBJECTS AND FUNCTIONS OF AUTHORITY

12. (1) The object for which the Authority is established is to-

Objects of Authority.

- (a) provide accessible and affordable primary health care services for all Sierra Leoneans and residents of Sierra Leone;
- (b) increase access to health care for every Sierra Leonean and residents of Sierra Leone;
- (c) mobilise financial resources, strengthen community empowerment and engagement in promotion of health insurance,
- (d) provide financial protection for the poor and ensure sustainability of the Scheme;

- (e) improve quality of health care services provided under the Scheme.

Functions of Authority.

13. (1) Authority shall be responsible for-

- (a) the development and implementation of procedures and guidelines for provision of accessible and affordable primary health care services for all Sierra Leoneans and residents of Sierra Leone;
- (b) registration of contributors to and beneficiaries of the Scheme;
- (c) determining, in consultations with the Minister, matters relating to contributions to and management of the Scheme;
- (d) proffering advice to the Minister on matters relating to social health insurance policy development and implementation, subject to consultations with the Ministry of Health and Sanitation and upon actuarial review as provided under section 45;
- (e) accreditation of service providers under the Scheme;
- (f) ensuring effective and efficient administration and management of the Scheme in accordance with this Act;
- (g) sensitisation and promotion of, in collaboration with relevant stakeholders, a social health insurance culture through public education throughout Sierra Leone;

- (h) ensuring effective collection of contributions and recovery of any debts due to the Authority;
- (i) prudent investment of monies available for investment under the Scheme and in accordance with this Act;
- (j) undertake actuarial Review of the Scheme as provided under section 45; and
- (k) performing any other function necessary for the attainment of the objectives of the Authority and for proper enforcement and implementation of this Act.

14. (1) The Authority has power to-

Powers of Authority.

- (a) impose such fees or charges as the Minister may, by statutory instrument prescribe, in respect of-
 - (i) access to, use of any of the resources or facility of the Authority;
 - (ii) the provision of programs, services, information or advice by the Authority;
 - (iii) the admission of persons to events and activities conducted by the Authority;
- (b) do all things necessary or expedient to be done for or in connection with the performance of its functions under this Act.

(3) The powers of the Authority may be exercised within or outside Sierra Leone.

PART IV - ADMINISTRATIVE PROVISIONS

Appointment
of Director-
General.

15. (1) The Authority shall have a Director-General who shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.

(2) No person shall be appointed Director-General unless he possess the relevant professional qualifications as may be necessary for the performance of the functions of the Director General under section 16.

Functions of
Director-
General.

16. The Director General shall be responsible to the Board for the performance of the following functions-

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

Appointment
of Deputy
Director-
General.

17. (1) The Authority shall have a Deputy Director-General or such number of Deputy Director-Generals, appointed by the President on the recommendation of the Minister, subject to the approval of Parliament.

(2) No person shall be appointed a Deputy Director-General unless he possess the relevant qualifications as may be necessary for the performance of the functions of the Deputy Director-General under section 18.

18. A Deputy Director-General appointed under subsection (1), shall be responsible to the Director-General for the performance of the following functions-

Functions of
Deputy
Director-
General.

- (a) the management of the day-to-day business or activities of the Authority; and
- (b) carrying out such other functions as may be assigned by the Board or necessary for the purposes of the Authority.

19. (1) The Authority shall have, in addition to the Director-General, other Staff including the Secretary to the Board, claims processing officers and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Authority.

Other staff of
Authority.

(2) The Secretary to the Board and the other staff of the Authority shall be appointed by the Authority, subject to such terms and conditions, as the Authority shall, after consultation with the Minister, determine.

(3) The Authority may delegate to the Director-General-

- (a) the power for the appointment of such grade or categories of staff as the Authority may require;
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Authority for and on behalf of the Authority.

Secondment
of public
officers.

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

Protection of
officers
respect

21. No officer or employee of the Authority or any person acting on the directions of an officer or employee of the Authority shall be liable in of any matter or thing done by him in good faith under this Act.

PART V - ESTABLISHMENT OF SIERRA LEONE SOCIAL HEALTH INSURANCE SCHEME

Establishment
of Sierra
Leone Social
Health
Insurance
Scheme.

22. There is hereby established the Sierra Leone Social Health Insurance Scheme to provide accessible and affordable primary health care insurance services for all Sierra Leoneans and residents of Sierra Leone in accordance with this Act.

Membership
of Scheme.

23. (1) Membership of the Scheme shall comprise citizens of Sierra Leone and persons resident of Sierra Leone.

(2) An employer shall ensure every person in his employment is registered as a member of the Scheme.

(3) A person registered as a member of the Scheme under subsection (2) shall be issued with an identity card with a unique Scheme membership number by the Authority.

(4) Membership of the Scheme shall not be a bar to any person joining any other health insurance scheme at his own cost.

(5) Procedures for application and registration of members to the Scheme shall be as the Minister may, by statutory instrument prescribe.

24. (1) A member shall be entitled to benefits under the Scheme if his monthly contributions will have been paid to the Scheme. Benefits under Scheme.

(2) Health care services will be suspended or discontinued for any member who fails to pay contributions as required under this Act:

Provided that if the failure has been caused by the employer who is required to pay the contributions for his employees under this Act, such employee will, upon getting permission from the Director-General, continue to benefit under the Scheme and such employer shall be penalised under paragraph (b) of subsection (2) of section 26.

(3) Entitlement to benefit under the Scheme shall commence after payment of three consecutive contributions as prescribed under this Act.

(4) The Authority shall establish and maintain for each member of the Scheme, a record of his contributions to the Scheme for purposes of ascertaining his entitlement and benefits under this Act.

25. (1) The Scheme shall cover the provision of primary health care services as specified in the Schedule to this Act including in-patient and out-patient care, maternity care (pre-natal and post-natal), the supply of essential drugs and laboratory tests. Coverage of Scheme.

(2) In addition to the services as specified in the Schedule under subsection (1), coverage of the Scheme shall include the following services provided free of charge by the Government -

- (a) immunisation;
- (b) family planning services;
- (c) confirmatory test for HIV and AIDS; and

- (d) treatment of tuberculosis and onchocerciasis.

Contribution
o Scheme.

26. (1) A member of the Scheme shall pay to the Authority, contributions to the Scheme Fund at such times and of such amount as the Minister may by statutory instrument prescribe.

(2) Monies paid in contribution to the Scheme Fund under subsection (1) shall comprise -

- (a) employment contributions from workers in the formal public and private sectors comprising 4% of a worker's basic salary paid by employer and 2% deducted from the worker's salary:

Provided that employers who are bound by contract to pay medical expenses for their workers shall pay the full contribution of 6%;

- (b) contributions from informal workers and self-employed consisting of a flat rate per person, as the Minister shall, by statutory instrument prescribe.

(3) An employer who fails or delays to pay his contributions and that of his employee within the prescribed period shall be liable for a penalty equal to 2.5% of the amount and period of delay, calculated on the bases of simple interest.

(4) The amount payable by informal workers under paragraph (b) of subsection (2) may be reviewed from time to time based on actuarial review conducted by the Authority under section 45.

(5) The Authority shall determine the mechanism and procedures for collection of contributions from informal sector members.

27. (1) Subject to this Act, the following categories of persons are exempted from payment of contributions under the Scheme -

Persons exempted from paying contributions under Scheme.

- (a) children under the age of 12;
- (b) person requiring ante-natal care, child delivery and post-natal care;
- (c) persons with mental disorder;
- (d) persons classified as disabled;
- (e) persons classified as indigent under the laws of Sierra Leone;
- (f) Sierra Leoneans who have attained the age of 65 years.

(2) For the purpose of subsidising the Scheme for unpaid contributions under subsection (1), Government shall contribute in financing the Scheme by funds allocated under paragraph (c) of section 33.

(3) The Minister for Finance shall be responsible to ensure the amount required from Government financing under subsection (1) is deposited in the Scheme Fund established under section 31.

PART VI - HEALTH CARE PROVIDERS

28. (1) The Authority shall, in consultation with the Ministry of Health and Sanitation and the Medical and Dental Council, identify and grant accreditation to health care providers from the public and private sectors including faith based facilities for provision of health care services to members of the Scheme.

Accreditation of health care providers.

(2) The Minister shall, in consultation with the Ministry of Health and Sanitation and the Medical and Dental Council, by statutory instrument, prescribe conditions, requirements and procedures for accreditation of health care providers and facilities.

(3) A health care provider accredited under subsection (2) shall be required to enter into a written agreement with the Authority prior to provision of health care services to members of the Scheme.

Accreditation
of
pharmacies.

29. (1) The Authority shall identify and grant accreditation to pharmacies and drug stores for the supply of drugs specified in the list of medicines for health care providers and members of the Scheme.

(2) The Minister shall, after consultation with the Authority, by statutory instrument, prescribe conditions, requirements and procedures for accreditation of pharmacies.

List of
medicines and
tariff.

30. (1) The Authority may, in collaboration with Pharmacy Board, health care providers and accredited pharmacies, subject to approval by the Ministry of Health and Sanitation, develop a National Health Insurance Scheme Medicines List and Medicines Tariff for use by the accredited health care providers under the Scheme.

(2) A Medicines List and Tariff under subsection (1), may be reviewed from time to time by the Authority in collaboration with health care providers and subject to approval by the Ministry of Health and Sanitation, for purposes of addition or deletion of medicines from the list, classification and grouping of medicines and review of medicine prices.

(3) The Minister may, by statutory instrument, make regulations for the purpose of regulating payment mechanism to accredited health care providers and pharmacies.

PART VII - FINANCIAL PROVISIONS

31. (1) There is hereby established a fund to be known as the Social Health Insurance Scheme Fund into which shall be paid, all monies under section 33 and any other monies required to be paid to the Authority under this Act. Establishment
of Scheme
Fund.

(2) There may from time to time be paid out of the Scheme Fund, benefits covered under this Act and expenses of the Authority as authorised under this Act.

(3) The use, disposition, disbursement, administration, investment and the Management of the Scheme Fund shall be governed by the Authority subject to the rules and regulations governing public funds.

(4) All expenses relating to the administration of the Scheme under this Act including salaries of employees shall be a charge on the Scheme Fund.

32. The Scheme Fund shall be exempted from stamp duty and such other taxes as the Minister responsible for Finance may determine. Exemption
from tax.

33. (1) The sources of funds for the Scheme shall consist of - Funds of
Scheme.

- (a) contributions from members of the schemes;
- (b) contributions from employers;
- (c) moneys appropriated from time to time by Parliament for the purposes of the Authority;
- (d) income generated from investments of the Scheme Fund approved under this Act,
- (e) such incomes received for by the Authority by way of donations and grants in aid;

- (f) fines and penalties payable under this Act; and
- (g) any sum which may in any manner that may become payable to or vested in the Authority under this Act.

(2) At the beginning of the operations of the Scheme, the Government shall provide seed money to the Authority for running the Scheme until such time when the financing mechanism under subsection (1) is fully operational.

Bank
Account.

34. The Authority shall establish and maintain bank accounts with such bank or banks into which all monies payable to the Scheme, income from investments and any other monies required to be paid to the Authority or Scheme Fund shall be deposited.

Investments.

35. (1) The Authority may, when there is available funds not required for immediate use, invest such funds in viable ventures as it may consider appropriate, having regard to economic and social viability, subject to approval by the Board.

(2) Investment of funds under subsection (1), shall primarily be in health care related investment and in short term investments including but not limited to-

- (a) treasury bills;
- (b) fixed deposits and treasury bonds; and
- (c) long-term investments in health care.

Accounts and
audit of
Authority.

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

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) cash flow statements;

(2) The accounts of the Authority kept under subsection (1) shall, 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 Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority 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 Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority 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 matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

37. The financial year of the Authority shall be the same as the financial year of the Government. Financial year of Authority.

38. (1) The Authority shall, within 3 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 36 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

PART VIII - MISCELLANEOUS PROVISIONS

Appeals.

39. (1) There is hereby established, an appeals body or tribunal which shall be responsible to adjudicate appeals relating to-

- (a) violation of the rights of a patient;
- (b) willful neglect of duty by the Authority, health care providers and other persons involved in the operation of the Scheme;
- (c) members' benefits and claims; and
- (d) any other act or omission in violation of this Act.

(2) A member or a health care provider who is aggrieved by any decision made by the officers of the Authority may appeal to the Board or to an Appeals body under subsection (1), for intervention.

(3) The Minister may, by statutory instrument, prescribe the composition, powers, rules of procedure, tenure and remuneration of the appeals body or tribunal.

Offences.

40. (1) any person who -

- (a) for the purposes of evading payment of any contribution by him or other person makes any false statement or representation or produces or furnishes or cause to be furnished or produced any document or information which he knows to be false in material particular;
- (b) being an employer, fails to register his employees on the Scheme under subsection (2) of section 23;

- (c) for purposes of obtaining any benefit under this Act knowingly makes any false statement or representation or produces any document or information which he knows to be false in material particular;
- (d) fails to pay the required contribution under this Act;
- (e) fails to comply with rules and regulations made under this Act as result of which there is a loss of funds or members' contribution cannot be maintained;
- (f) misrepresents or fails to disclose any material fact as a result of which he obtains a benefit to which he is not entitled,

commits an offence and shall be liable on conviction to a fine of not exceeding Le 5,000,000 or for a term of imprisonment not exceeding 6 months or to both such fine and imprisonment.

41. (1) Recovery of unpaid contributions from employers shall be by way of criminal proceedings which may be instituted by any officer of the Authority authorised by the Board. Recovery of unpaid contributions.

(2) The penalty imposed on an employer who fails or delays to pay his contributions and that of his employees under subsection (3) of section 26 shall be recoverable as a sum due to the Authority and when recovered shall be paid into the Fund.

(3) The Minister may, by statutory instrument, prescribe the manner and procedure for recovery of unpaid contributions from the informal sector members.

Protection of contributions.

42. All contributions and funds paid to the Scheme under section 33 shall remain the property of the Authority and shall not be utilised or used for any other purpose than as provided under this Act.

Quality assurance.

43. A health care provider shall undertake programs of quality assurance utilization review to ensure that -

- (a) the quality of health care services are in accordance with the standards specified from time to time by the Ministry of Health and Sanitation;
- (b) acquisition and use of medical equipment are in consonance with the standards of medical practice approved by the Ministry of Health and Sanitation; and
- (c) performance of medical procedure and administration of drugs are appropriate and consistent with accepted standards of medical practice and ethics approved by the Ministry of Health and Sanitation.

Monitoring mechanism.

44. The Authority shall, in consultation with health care providers, approve appropriate monitoring mechanism against -

- (a) over or under utilisation of health care services;
- (b) unnecessary diagnostic and therapeutic procedures and intervention;

- (c) irrational medication and prescription;
- (d) inappropriate referrals;
- (e) degradation of quality of service or facility.

45. (1) The Authority shall cause the Scheme to be reviewed by an actuary every 3 years for the first 20 years of the Scheme and thereafter every 5 years. Actuarial
by review.

(2) The benefits and entitlements under this Act shall be based on the proportion of contributions and other resources used for registration, consultation fees, in-patient and out-patient services, minor surgical procedures and pharmaceuticals.

(3) The Authority shall provide reliable and quality data for an informed actuarial analysis of the Scheme.

46. No act done or omitted to be done by any officer of the Authority under this Act shall, when done or omitted bona fide in the execution of his duties, subject such officer to any action, liability or demand. Exemption
from liability.

47. (1) The Minister may, in consultation with the Authority, by statutory instrument make Regulations necessary or expedient for giving effect to this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations prescribing—

- (a) procedure for application and registration of members to the Scheme;
- (b) modalities and procedure for collection of contributions from formal and informal sector members;

- (c) condition or limitation to benefits under the Scheme;
- (d) treatment of defaulting contributors;
- (e) for any matter incidental to the payment and collection of contributions under this Act;
- (f) for any matter incidental to the issue or replacement of identity card used under this Act;
- (g) revision or review of benefits covered under this Act;
- (h) particulars, information, proof or evidence to be furnished as to any question or matter arising under this Act, including any question or matter relevant to the payment of contributions by or in respect of any person, or the making or the validity of any claim or application for the payment of any benefit under this Act;
- (i) the procedure to be followed and the forms to be used in respect of any action required or permitted to be taken under this Act including the time and manner of taking that action;

- (j) the mode, procedure and place of payment of claims;
- (k) duties of employers in respect of registration of employees;
- (l) conditions and procedure for accreditation of health care providers and pharmacies;
- (m) composition, powers, rules, and procedure for appeals under this Act; and
- (n) any other matter for purposes for the effective implementation of this Act.

SCHEDULE**Section 25 (1)****Health care services covered under this Act**

Health care services covered under this Act shall include in-patient and out-patient care services and maternity care.

Out-patient care services include -

- (a) general curative consultations;
- (b) ancillary services;
- (c) minor surgical procedures;
- (d) laboratory examinations;
- (e) essential generic drugs.

In-patient care services include -

- (a) hospital stay for a maximum of 4 days per person per incident
- (b) laboratory examinations;
- (c) essential generic drugs.

Maternity care services include -

- (a) prenatal consultations
- (b) postnatal consultations
- (c) normal delivery
- (d) caesarean section
- (e) hospital stay for a maximum of 5 days;
- (f) laboratory examinations;
- (g) essential generic drugs.
- (h) ultra sound scan

LIST OF DISEASES

The list of diseases covered under primary health care services under this Act include-

- (a) malaria;
- (b) typhoid fever;
- (c) pneumonia;
- (d) rhinitis (common cold and cough);
- (e) fever;
- (f) bronchiolitis;

- (g) whooping cough;
- (h) sore throat/tonsillitis;
- (i) diarrhea/gastro intestinal infection;
- (j) dysentery;
- (k) cholera
- (l) anemia (excluding blood transfusion)
- (m) hernia;
- (n) hydrocele;
- (o) appendicitis;
- (p) prenatal conditions;
- (q) postnatal conditions;
- (r) caesarean operation;
- (s) tuberculosis;
- (t) cataract removal;
- (u) ring worm;
- (v) Scabies;
- (w) eczema;
- (x) acute respiratory infections;
- (y) wheezing/acute asthma;
- (z) wounds/accidents;
- (aa) urinary tract infection;

- (bb) snake bite
- (cc) worm infections
- (dd) yellow fever
- (ee) tetanus;
- (ff) sickle crisis;
- (gg) measles;
- (hh) chicken pox;
- (ii) malnutrition.

Passed in Parliament this 1st *day of December*, in the year of our Lord two thousand and Seventeen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.