

HOSPITAL FEES ACT, 1971 (ACT 387)

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THE THREE HUNDRED AND EIGHTY-SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE HOSPITAL FEES ACT, 1971

AN ACT to regulate the fees payable in respect of hospital services, and for matters connected therewith.

DATE OF ASSENT: 6th October, 1971

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows—

Section 1—Hospital Fees.

(1) Subject to the provisions of this Act, any person who receives services at a hospital shall pay for those services the prescribed basic fees.

(2) Except as provided by this Act and regulations made thereunder, no person shall be liable to pay any fees in respect of services rendered to him in a hospital.

Section 2—General Exemptions from Hospital Fees.

No fees shall be paid in respect of services rendered in a hospital to—

(a) any person certified in writing by a medical officer to be unable to pay those fees on the ground of poverty;

(b) any person suffering from such disease or condition as may be prescribed;

(c) any pupil or student receiving full-time education in a recognised institution;

(d) any prescribed class of persons working or studying within the Health Service;

(e) any person requested by the medical officer concerned to attend or come to a hospital for admission for the purpose of teaching;

(f) any person for the time being in lawful custody;

(g) any certified psychiatric patient;

(h) any other prescribed class of persons.

Section 3—Exemptions for Particular Services.

(1) No fees shall be paid in respect of any medical examination or report required by any department of state, or in connection with the official duties of any employee of a department of state, or in connection with the entry of any person into a department of state or his departure therefrom.

(2) No fees shall be paid by any person receiving medical attention in a hospital in respect of any medical report relating to him.

(3) No fees shall be paid by any person in respect of any prescribed laboratory examination carried out on him during out-patient attendance.

(4) No fees shall be paid by any person in respect of X-ray films taken for the purposes of tuberculosis control.

(5) No fees shall be paid by any person other than a non-resident alien—

(a) in respect of any casualty treatment given which does not involve admission into hospital; or

(b) in respect of treatment involving splints or other similar appliances.

Section 4—Exemptions for Particular Classes of Persons.

(1) No fees other than the fees prescribed for accommodation and maintenance shall be paid in respect of services rendered in a hospital to—

(a) any person who is not gainfully employed and who is under the age of eighteen years or over the age of sixty-five years;

(b) any person other than a non-resident alien in respect of ante-natal care at a health post, rural health centre or clinic, or any other hospital specified by the Director of Medical Services by notice published in the Gazette;

(c) any maternity patient who has had four or more child births;

(d) any maternity patient referred to a hospital from a clinic or health centre;

(e) any maternity patient referred to a hospital by a registered midwife or registered medical practitioner.

(2) No fees in respect of accommodation or maintenance shall be paid where any person referred to in subsection (1) is exempted from such payment by any provision of section 2.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section where a patient requests for special amenities such patient shall pay such fees as may be prescribed.

Section 5—Increased Fees Payable in Certain Cases.

Where services are rendered in a hospital to any person who is—

(a) a private patient; or

(b) a non-resident alien; or

(c) a member of the diplomatic staff of a country which does not give reciprocal medical coverage to Ghanaian diplomatic staff accredited to that country or Ghanaians resident in that country; or

(d) the wife or child of a person referred to in paragraph (c),

and such person is liable to pay any fee under the foregoing provisions of this Act, the fee payable shall be not less than such fee as shall be payable by a Ghanaian diplomat accredited to or resident in the country of that person.

Section 6—Persons Liable to Pay Fees.

(1) Subject to the provision of this section, the person liable to pay any fee under this Act shall be the person in respect of whom the service was rendered.

(2) Notwithstanding subsection (1), where it is a term in the conditions of service of any person employed by the Government that such person shall be entitled to receive any free medical attention, such person shall to that extent not be liable for the payment of fees under this Act.

Section 7—Manner of Payment of Fees.

(1) The fees payable under this Act shall be paid to the hospital revenue officer at the hospital where the fees were incurred, upon the issue by that officer of a bill specifying the fees to be paid.

(2) The hospital revenue officer shall issue an official receipt to every person making a payment under this Act.

(3) Any hospital revenue officer who fails, at the time of receiving a payment under this Act, to issue an official receipt to the person making that payment, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand new cedis or to imprisonment not exceeding twelve months or to both.

Section 8—Recovery of Fees.

A hospital revenue officer or any other person appointed by the Minister may sue for the recovery of any fees payable under this Act which are unpaid together with any costs properly incurred.

Section 9—Evidence.

In any proceedings for the recovery of any fees payable under this Act, an account signed by the hospital revenue officer setting out the amount claimed from the defendant in the proceedings shall be admissible in evidence without proof of the signature, and shall be *prima facie* evidence of the amount due.

Section 10—False Representations.

(1) Any person who by a false representation obtains without payment or at a reduced rate of payment any medicine, surgical appliance, attendance or treatment at a hospital shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred new cedis.

(2) Any person who commits any of the acts referred to in subsection (1) shall, whether or not he is prosecuted, be liable to pay for such medicine, surgical appliance, attendance or treatment at the prescribed rates, and in respect of such payment shall not be entitled to the benefit of any exemption under this Act.

Section 11—Regulations.

The Minister may with the approval of the Cabinet by legislative instrument make regulations prescribing anything that is to be prescribed for the purposes of this Act, granting further exemptions in respect of any class of persons or any form of treatment, or otherwise for giving effect to the provisions and purposes of this Act.

Section 12—Interpretation.

(1) In this Act,—

"department of state" includes the Civil Service, the Judicial Service, the Teaching Service, the Police Service, the Prisons Service, the Armed Forces of Ghana, and any other prescribed service; "hospital" means any government-controlled hospital, dispensary, health centre, clinic, mental or psychiatric hospital or other government medical institution at which medical treatment is available; "hospital revenue officer" means the officer responsible for the collection of fees at a hospital; "medical officer concerned" means a medical officer wholly or partly responsible for the medical care of a patient at a hospital;

"Minister" means the Minister responsible for Health;

"non-resident alien" means an alien who does not have a residence permit entitling him to remain in Ghana for six months or more, or who is not lawfully exempted from having a residence permit;

"prescribed" means prescribed by regulations made under section 11;

"private patient" means a patient who requests and is prepared to pay for special attention and amenities in lieu of the attention and amenities ordinarily appropriate to his case;

"special amenities" means the accommodation and maintenance of a patient in a ward designated by the Director of Medical Services as an amenity ward, in which the patient enjoys personal facilities for washing and toilet and where special diets and other facilities are provided at extra cost.

(2) Where there is any doubt as to whether an institution at which treatment is available is government-controlled so as to be a "hospital" within the meaning of this Act, the Director of Medical Services, after consultation with the Minister, may resolve such doubt by notice published in the Gazette.

Section 13—Repeals.

The Hospital Fees Decree, 1969 (N.L.C.D. 360) and the Hospital Fees Decree, 1969 (Amendment) Act, 1970 (Act 325) are hereby repealed.

Section 14—Commencement.

This Act shall be deemed to come into force on the 1st day of October, 1971.