

**The *Baitadi* Hospital Development Board (Formation)
Order, 2069 B.S (2013)**

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In exercise of the powers conferred by Section 3 of the Development Board Act, 2013 (1956), the Government of Nepal has issued the following Order.

- 1. Short title and commencement:** (1) This Order may be cited as the "*Baitadi* Hospital Development Board (Formation) Order, 2069 (2013)".

(2) This Order shall come into force immediately.

- 2. Definition:** Unless the subject or the context otherwise requires, in this Order,

(a) "Chairperson" means the Chairperson of the Board.

(b) "Hospital" means the *Baitadi* Hospital Development Board.

(c) "Prescribed" or "as Prescribed" means prescribed or as prescribed by the Rules framed under this Formation order.

(d) "Ministry" means Health and Population Ministry.

(e) "Member" means the member of the Board, and this term also includes the Chairperson and Member –Secretary of the Board.

(f) “Board” means the *Baitadi* Hospital Development Board formed pursuant to Section 3.

3. Formation of the Board: (1) A Board to be named as the *Baitadi* Hospital Development Board, is hereby, formed for carrying out the function of management and operation of the Hospital.

(2) The Board referred to in sub-section (1) shall consist of the following members:

(a)	A person nominated by the Ministry from amongst the highly regarded persons	-Chairperson
(b)	Chairperson, Concerned Municipality, where the Hospital is located	-Member
(c)	Officer Level Representative, District Development Committee, <i>Baitadi</i>	-Member
(d)	Officer Level Representative, District Administration Office, <i>Baitadi</i>	-Member
(e)	Chairperson, District Chamber of Commerce and Industry	-Member
(f)	One person nominated by the Board from amongst the women of concerned Ward of	-Member

	Municipality where the Hospital is located.	
(g)	One person nominated by the Board from amongst the women who is involved in the health service.	-Member
(f)	President, District Red cross Society	-Member
(g)	Medical Superintendent, <i>Baitadi</i> Hospital	-Member Secretary

(3) The tenure of Chairperson and the nominated Members shall be two years.

(4) Notwithstanding anything contained in Sub-section (3), if Chairperson or nominated Members fail to discharge his/her duties or acts against the interest of the Board, Ministry may dismiss him /her at any time.

Provided that such members shall not be deprived from the opportunity to defend themselves prior to their dismissal.

4. Functions, duties and powers of the Board: (1) The Board shall have following Functions, Duties and Powers:

- (a) to formulate and execute or cause to execute necessary policies for management and operation of the Hospital;
- (b) to arrange necessary resources and means for the Hospital;
- (c) to prepare and execute annual program and budget;

- (d) to determine the fees of services of Hospital;
- (e) to guard and maintain the physical assets of the Hospital;
- (f) to prepare standards for those sick persons who are economically backward and disadvantaged;
- (g) to arrange free medical services for those sick person who are economically backward and disadvantaged;
- (h) to carry out other necessary functions as prescribed.

5. Meetings and decisions of the Board: (1) Meetings of the Board shall be held as required by the Board.

(2) The Meeting of the Board shall be held on such date, time and venue as specified by the Chairperson,

(3) The Member Secretary of the Board shall provide notice to all members including discussion agendas of the meeting at least 24 hours prior to the commencement of such meeting.

(4) The presence of fifty percent members of the total number of members of the Board shall be deemed to constitute a quorum for a meeting of the Board.

(5) The meeting of the Board shall be presided over by the chairperson of the Board and by the person selected by the members from amongst themselves in the absence of the chairperson.

(6) The majority opinion shall prevail at the meeting of the Board; and in the event of a tie, the person presiding over the meeting shall exercise the casting vote.

(7) The decisions of the Board shall be authenticated by the member-secretary of the Board.

(8) If necessary, the Board may invite any officer of the Government of Nepal or expert as an observer in the meeting of the Board.

(9) Other Rules of procedures relating to the meeting of the Board shall be as determined by the Board itself.

6. Chief of the Hospital: The Medical Superintendent of the Hospital shall perform duties as an administrative chief of the Board.

7. Provision related to Employees: (1) There shall be required number of employees in the Board.

(2) The provisions concerning to the appointment, remuneration, facilities and the terms of service of the employee under the Sub-section (1) shall be as prescribed.

(3) Notwithstanding anything contained in the Sub-section (2), the Board may carry out its functions from the employees of Government of Nepal with the prior approval of the Ministry, unless the appointment of required numbers of employee in the Board.

(4) The service, terms and facilities of the employees, working as per the Sub-section (3) shall be pursuant to the law relating to his/her service and the Board may provide additional facilities from its own sources to such employees.

(5) The Board may appoint employee through open competition as prescribed from its own resources without additional financial burden to Government of Nepal.

(6) Functions, duties and powers of the employee of the Board shall be as prescribed.

8. Fund of the Board: (1) The Board shall have own separate fund for its function and the following amounts shall be deposited in such fund:

- (a) Amount received from the Government of Nepal,
- (b) Amount received from services and facilities provided by Hospital,
- (c) Amount received from any person, organization, institution or national agency,
- (d) Amount received as loan or donation from international organization, institution, foreign government or person,
- (e) Amount received from other any sources.

(2) The Board shall have to take prior approval from the Government of Nepal before receiving the amount pursuant to Clause (d) of Sub-section (1).

(3) All the expenditures to be expended in the name of the Board shall be borne from the Fund pursuant to Sub-section (1).

(4) The Board shall have to deposit the amount to be credited in the Fund by opening an account in any commercial bank within Nepal.

(5) The Fund of the Board shall be operated with the joint signature of Executive Director and head of accounts department.

- 9. Amount to be spent in specified activity:** The amount shall only be spent by the Board for the same activity to which the amount has been received from the Government of Nepal.
- 10. Account and Audit:** (1) The accounts of the incomes and expenditures of the Board shall be maintained in accordance with the method followed by the Government of Nepal.
- (2) The internal audit of the account of the Board shall be audited by the person designated by the Board.
- (3) The final audit of the Board shall be carried out by the Auditor General or auditor designated by the Auditor General.
- (4) The Ministry may, if it so desires, inspect, or cause to be inspected, the accounts of the Board, at any time.
- 11. Meeting allowance:** The Members of the Board shall be entitled to meeting allowance for their participation in the meeting as prescribed and after having obtained prior approval from the Ministry of Finance.
- 12. Report to be submitted:** The Board shall submit report to Government of Nepal mentioning its annual functions within three months from the date of completion of fiscal year.
- 13. Delegation of powers:** The Board may, as per necessity, delegate any or all of the powers conferred on it to Chairperson, Member, Member-secretary or any officer of the Board.
- 14. To give direction:** The Ministry may give necessary direction to the Board in connection to the function and proceedings to be carried out by the Board and it shall be the duty of the Board to abide by the direction given by the Ministry.

15. Liaison with the Government of Nepal: The Board shall liaise with the Government of Nepal through the Ministry.

16. Powers to frame Rules: (1) The Board may frame necessary Rules to implement of this Order

(2) The Rules framed under the Sub-section (1) shall come into force after the approval from the Ministry.

Nepal Law Commission