

The National Trauma Centre Development Board (Formation)

Order, 2070 (2014)

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In exercise of the power 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 is called as "National Trauma Centre Development Board (Formation) Order, 2070 (2014)".

(2) This Order shall come into force immediately.

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

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

(b) "executive director" means the executive director as appointed pursuant to Section 6.

(c) "fund" means the fund pursuant to Section 9.

(d) "trauma" means injury caused to the body due to an accident or other cause.

(e) "Trauma Center" means a health institution which is established with the aim to do trauma related treatment and prevent the same.

(f) "prescribed" or "as prescribed" means prescribed or as prescribed by the bye-laws framed under this Order.

(g) "Ministry" means the Ministry of Health and Population.

(h) “member” means a member of the Board, and this term also includes the chairperson and member–secretary of the Board.

(i) “Board” means the National Trauma Center Development Board formed pursuant to Section 3.

3. Formation of the Board: (1) There shall be a Board entitled the National Trauma Center Development Board for the task, inter alia, of providing treatment of trauma and preventing the same.

(2) The Board under sub-section (1) shall be as follows:

(a)	Secretary, Ministry of Health and Population	-Chairperson
(b)	Representative, Ministry of Finance	Member
(c)	A person nominated by the Ministry from amongst the doctors of eleventh level serving in the Health Service	Member
(d)	Director, Bir Hospital	Member
(e)	One person nominated by the Ministry from amongst professors of the Institute of National Medical Sciences on the recommendation of the Board	Member
(f)	Merton, Trauma Center	Member
(g)	A woman medical doctor nominated by the Ministry from amongst the	Member

	medical doctors serving in trauma related treatment	
(h)	Chief, Metropolitan Traffic Police Division	Member
(i)	Executive Director	Member Secretary

(3) The tenure of the members nominated pursuant to sub-section (2) shall be four years.

(4) Notwithstanding anything contained in sub-section (3), if a nominated member fails to discharge the functions of his or her post, the Ministry may remove him /her at any time.

Provided that he or she shall be provided with an opportunity to defend himself/herself prior to such dismissal.

4. Functions, duties and powers of the Board: (1) The functions, duties and powers of the Board shall, in addition to the function, duties and powers mentioned elsewhere in this order, be as follows:

- (a) To provide suggestion to the Government of Nepal in respect of national trauma policy to be followed by the Government of Nepal,
- (b) To approve the annual budget and program of the Board,
- (c) To formulate and execute, or cause to be executed, such plan and program as required for treatment and prevention of trauma,

- (d) To establish and operate a trauma center for trauma related treatment,
- (e) To determine the fees to be collected for the services to be provided by the trauma center,
- (f) To determine the number of beds which are to be provided by the trauma center free of cost or at a lower fee and the rate of such beds,
- (g) To set and enforce norms on provision of treatment of those who are considered weak economically and who are helpless, free of cost or at a lower cost,
- (h) To protect and maintain, or caused to be protected and maintained, the physical assets of the Board,
- (i) To arrange high standard study, research, observation, workshop and seminar on trauma related matters,
- (j) To make arrangement for participation of the employees of the Board in the domestic or abroad study, training, workshop, seminar etc or their capacity building.
- (k) To recommend to the Ministry for special trainings to the employees involved in the functions of the Board,
- (l) To arrange for the exchange of trauma related expert services at the national and international levels,,
- (m) To identify and search for such resources and means as required for the operation, reform and expansion of the services to be provided by the Board,

(n) To coordinate with concerned bodies for the treatment and rehabilitation of trauma related patients,

(o) To carry out, or cause to be carried out, such other functions as prescribed.

5. Procedure relating to meetings of the Board: (1) Meetings of the Board shall be held as per necessity.

(2) The meeting of the Board shall be held at such date, time and venue as specified by the chairperson.

(3) The member secretary of the Board shall give each member a notice accompanied by the agenda of the meeting, at least 24 hours prior to the commencement of such meeting.

(4) The presence of more than 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 chairperson and the member-secretary of the Board.

(8) The Board may, if it so considers necessary, invite any expert or officer of the Government of Nepal as an observer in the meeting of the Board.

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

6. Provision relating to executive director: (1) There shall be an executive director to function as the administrative chief of the Board.

(2) The Government of Nepal shall appoint an executive director from amongst the senior doctors who have done master's degree in orthopedic or subject relating to trauma and gained at least ten years of experience in the service of the Government of Nepal.

(3) The tenure of the executive director shall be four years. The executive director may be re-appointed for another period if his/her performance seems satisfactory.

(4) Notwithstanding anything contained in sub-section (3), if the executive director does not fulfill responsibility of his/her post, or suffers a lack of competence or does any act contrary to the interests of the Board, the Government of Nepal may remove the executive director at any time from the post.

Provided that an opportunity shall be provided to him/her for defense prior to such removal.

(5) The remuneration, terms of service and facilities of the executive director shall be as prescribed. Until such remuneration and facility is so prescribed, the Government of Nepal shall prescribe such remuneration and facilities.

7. Functions, duties and powers of executive director: (1) The functions, duties and powers of the executive director shall be as follows:

- (a) To execute or cause to be executed the approved plans and programs of the Board,
- (b) To execute or cause to be executed the decisions of the Board,
- (c) To prepare plan, annual program and budget of the Board and submit the same to the Board,
- (d) To co-ordinate with various institutions relating to the activities of the Board,
- (e) To fulfill the posts of computer operator, driver, office helper, security guard on the basis of contract or advisory service, with the approval of the Board.
- (f) To carry out or cause to be carried out the functions as delegated and directed by the Board,
- (g) To carry out or cause to be carried out such other functions as prescribed.

8. Provisions relating to employees: (1) The Board shall have a required number of employees.

(2) The provisions relating to the number of posts, creation of posts and fulfillment of posts in the Board shall be as prescribed.

(3) The Board shall obtain the consent of the Ministry before creating the post in the Board.

(4) The provisions relating to the appointment, remuneration, facilities and the terms of service of the employees of the Board shall be as prescribed.

(5) Until the employees are appointed to the Board, the Ministry may, at the request of the Board, depute employees of Nepal Health Service to serve in the Board.

(6) The employees of the Government of Nepal deputed in the Board shall receive the same facilities as to which the employees of the Board are entitled.

9. Fund of the Board: (1) The Board shall have a separate fund for its own and the following amounts shall be credited to such fund:

- (a) Amount received from the Government of Nepal,
- (b) Amount received from the service and facility provided by the Board,
- (c) Amount received from a domestic organization, institution or person,
- (d) Amount received from a foreign government, organization, institution or person,
- (e) Amount received from any other sources.

(2) The Board shall have to take prior approval from the Ministry of Finance before receiving the amount pursuant to clause (d) of sub-section (1).

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

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

(5) The fund of the Board shall be operated with the joint signature of the executive director and accounts chief of the Board.

- 10. Amount to be spent in concerned activity:** If an amount is provided by the Government of Nepal to carry out any specific activity, the amount shall be spent by the Board only for such activity.
- 11. Accounts and audit:**(1) The accounts of incomes and expenditures of the Board shall be kept in accordance with the accounting system followed by the Government of Nepal.
- (2) The internal audit of the accounts of the Board shall be performed by a registered auditor, as per the prevailing law, as appointed by the Board and the final audit of the Board shall be performed by the Auditor General.
- (3) The Ministry may, at any time, inspect or cause to be inspected the accounts of incomes and expenditures, cash and other documents of the Board.
- 12. Power to constitute sub-committee or task force:** (1) The Board may constitute a sub-committee and task force comprising, inter alia, experts in the related fields for the smooth operation of its own functions.
- (2) The functions, duties, powers and procedures of a sub-committee or a task force constituted pursuant to sub-section (1) shall be as specified by the Board at the time of its constitution.
- 13. Meeting allowance:** The members of the Board and sub-committee or task force constituted pursuant to Section 12 shall be entitled to such meeting allowance for their participation in the meeting as prescribed by the Ministry, after having obtained prior approval from the Ministry of Finance.

- 14. Annual report to be submitted:** The Board shall submit a report to the Ministry containing its annual activities within three months from the date of completion of each fiscal year.
- 15. Delegation of powers:** The Board may, as per necessity, delegate any or all of the powers conferred on it to the chairperson, a member, executive director or sub-committee or task force constituted pursuant to Section 12 or any officer of the Board.
- 16. Office and name of the Board:** (1) The office of the Board shall be located within the Kathmandu Valley.
- (2) The office of the Board shall be called as National Trauma Center.
- 17. Power to give direction:** The Ministry may give necessary direction to the Board in connection with the functions of the Board and it shall be the duty of the Board to abide by such direction.
- 18. Liaison with the Government of Nepal:** The Board shall liaise with the Government of Nepal through the Ministry.
- 19. Powers to frame bye-laws:** (1) The Board may frame necessary bye-laws for the implementation of this Order
- (2) The bye-laws framed under the sub-section (1) shall come into force upon their being approved by the Ministry. Before the approval of such bye-laws, the Ministry shall obtain consent of the Ministry of Finance on the subject of financial burden to the Government of Nepal.
- 20. Repeal and Saving:** (1) The Emergency and Trauma Center Functional Operation Directives, 2069 (2012) is hereby repealed.

(2) The activities carried out in accordance with the Emergency and Trauma Center Functional Directives, 2069 shall be deemed to have been carried out under this Order.

(3) The executive director appointed as per the Emergency and Trauma Center Functional Directives, 2069 shall be deemed as appointed in accordance with this Order at the time of the commencement of this Order. The tenure of the executive director as provided in this Order shall be counted from the date of his or her appointment.

Nepal Law Commission