

No. 124**9 November 2012****KWAZULU-NATAL DEPARTMENT OF HEALTH****KWAZULU-NATAL HOSPITAL BOARDS REGULATIONS, 2012**

I hereby make the Regulations contained in the Schedule hereto, under section 74(1)(b) of the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009), to regulate Hospital Boards in the Province.

Given under my Hand at Pietermaritzburg, this 4th day of **July** Two Thousand and Twelve.

DR SM DHLOMO

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Health

SCHEDULE

Definitions

1. In these Regulations, “the Act” means the KwaZulu-Natal Health Act, 2009 (Act No. 1 of 2009), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context indicates otherwise –

“**Board**” means a hospital board established by notice published in accordance with section 36 of the Act;

“**Chairperson**” means the Chairperson of the Board; and

“**hospital**” means a hospital as defined in section 1 of the National Health Act.

Duties of Board

2. In order to carry out the powers and functions contemplated in section 37(1) of the Act, the Board must –

- (a) acquaint itself with the operation of the hospital;
- (b) make representation for equitable access to services for all community members;
- (c) liaise with other organizations with the view to assist patients and staff in areas of special needs;
- (d) contribute to the strategic plan drawn up by a hospital;
- (e) provide expert advice and input to hospital management as required;
- (f) provide a visible presence at the hospital on a regular basis to build relations with the staff and gain an understanding of hospital working conditions;
- (g) be responsible for receiving and perusing regular management reports;
- (h) conduct visits to the hospital voluntarily or upon request from management of the hospital;
- (i) act as a conduit between the community and the hospital and receive feedback from the community;
- (j) support the hospital in tracing families and relatives of destitute patients;
- (k) monitor the implementation by hospital management of all decisions taken at previous meetings of the hospital board;
- (l) liaise with national and provincial organisations concerned with health care or the rendering of health care services; and

(m) exercise any power, perform any functions and execute any duty conferred on it by the Act, these Regulations or any other law.

Vacancies on Board

3.(1) Every vacancy on a Board arising from circumstances referred to in section 38(4) of the Act must be filled by the responsible Member of the Executive Council following the procedure contemplated in section 40 of the Act.

(2) Members appointed in terms of subregulation (1) hold office for the unexpired portion of the period for which the vacating member was appointed.

Meetings of Board

4.(1) In addition to the power to determine the date, place and time of any meeting as contemplated in section 41 of the Act, the Chairperson may convene a special meeting of the Board at any time –

- (a) upon written request by the Chairperson;
- (b) upon request by hospital management; or
- (c) within ten calendar days of receipt of a written request signed by at least one third of the members of the Board.

(2) A written request, as contemplated in subregulation (1), must state clearly the purpose for which the meeting is convened.

Quorum, procedure at meetings and decision-making

5.(1) A quorum of any meeting of the Board is one half of the total number of members plus one.

(2) The Board must determine the procedure to be followed at its meetings.

(3) The Board must, at its first meeting, elect a Deputy Chairperson.

(4) At all meetings of the Board the Chairperson or, in his or her absence, the Deputy Chairperson must preside.

(5) The decision of the majority of the Members of the Board present at any meeting thereof constitutes a decision of the Board and, in the event of an equality of votes, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote.

(6) A decision taken by the Board or an act performed under the authority of the Board is not invalid merely by reason of an interim vacancy on the Board.

(7) The Board may co-opt any person to attend and participate in its deliberations on any matter, but such person may not vote on any matter.

(8)(a) 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, must disclose the nature of his or her interest to the Board.

(b) The disclosure contemplated in paragraph (a) must be recorded in the minutes of the meeting.

(c) The Member contemplated in paragraph (a) must be recused by the Chairperson and may not be present during, or participate in, any deliberation or decision of the Board relating to that matter.

(9) The Chairperson must keep an attendance register in which he or she must enter the names of all the members attending each meeting as well as the names of members absent with or without leave.

(10) The hospital must provide secretarial services to the Board.

Duties of Chairperson

6. The Chairperson of the Board must –

(a) ensure that the Board exercises its powers, performs its functions and carries out its duties as contemplated in the Act and complies with the relevant provisions of the Act, these Regulations and any other law; and

(b) disclose to the Board all material facts and information which, in any way, may influence the decisions or actions of the Board.

Short title

7. These Regulations are called the KwaZulu-Natal Hospital Boards Regulations, 2012.