

An Act to Establish the National Public Health Institute of Liberia



**AN ACT TO ESTABLISH
THE NATIONAL PUBLIC HEALTH INSTITUTE OF LIBERIA**

REPUBLIC OF LIBERIA

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WHEREAS, the Legislature is authorized under Chapter 10, Article 89 of the Constitution of Liberia (1986) to enact legislations to create agencies and commissions of government as may be necessary for the effective operation of the government;

WHEREAS, there have been profound insurgences of infectious diseases which threatened the life of all the people of Liberia as evidenced by the recent unprecedented outbreak of Ebola Virus Disease (EVD) in West Africa which exposed weaknesses in Liberia’s national health care system and highlighted the need for the establishment of a public health institution in Liberia to support national health delivery services;

WHEREAS, it has now become incumbent upon Liberia as a nation to create an institution to collaborate with and strengthen the Ministry of Health and other Institutions in the Health Sector to heighten the infection prevention and control efforts of the Government of Liberia;

Now therefore it is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

PART I: PRELIMINARY PROVISIONS

Section 1.1: Short Title

This Act shall be cited as “the NPHIL ACT OF 2016.”

Section 1.2: Repeal

Immediately upon the passage of this Act:

- A. “The act establishing the National Research Institute of Liberia (commonly known as Liberia institute for Biomedical Research (LIBR))” is hereby repealed.

Section 1.3: Definitions

Unless otherwise stated in this Act, the following terms shall have meanings as follows:

- A. “Abandonment of duty” as defined by the Decent Work Act of 2015
- B. “Board” means the Board of Directors of NPHIL.
- C. “Consulting and service fees” means fees earned for services provided by NPHIL.
- D. “Conviction” means determination of guilt by a court of competent jurisdiction of crimes related to fraud, bribery, perjury, misrepresentation, corruption, plagiarism or other felonious crimes.
- E. “Deputy Director General” means the person appointed under Section 4.5 of this Act.
- F. “Director General” means the administrative head of NPHIL appointed under Section 4.1 of this Act.

- G. “Foundation” means an independent, fundraising body to be established by the Board as referred to in Section 3.7.
- H. “Grossly inefficient” as defined by the Decent Work Act of 2015
- I. “Indirect costs/institutional charges” means a fixed percentage levied by NPHIL on all research grants.
- J. Institute” means the NPHIL
- K. “Minister” means the Minister of Health.
- L. “Ministry” means the Ministry of Health.
- M. “NPHIL” means the National Public Health Institute of Liberia.
- N. “Operational research” means non-medical research that supports logistical and health management decisions.
- O. “President” means the president of the Republic of Liberia
- P. “Response” is the rapid, coordinated detection and control to outbreaks.
- Q. “Surveillance” epidemiological practice by which the spread of disease is monitored in order to establish patterns of progression.
- R. “Intellectual property” means any property as defined by the Patent, Copyright and Trademark Law of Liberia, Title 24.

PART II: THE NATIONAL PUBLIC HEALTH INSTITUTE OF LIBERIA

Section 2.1: Establishment of the National Public Health Institute of Liberia

- A. There is hereby established the National Public Health Institute of Liberia as a corporate body with perpetual existence and a common seal. It may sue and be sued in its own name and subject to the provision of this act; performs such other acts as corporate bodies may lawfully perform.
- B. The Institute shall have financial, technical, administrative and functional autonomy; however, it shall have sectorial accountability to the Ministry of Health. Ministry of Health being the Sector Head.
- C. The Institute shall in the performance of its function acquire and hold movable and immovable property and may enter into contracts or any other transactions that a state-owned enterprise may enter into.

Section 2.2: Composition

- A. The NPHIL shall be comprised of the following two Departments:
 - I. Department of Technical Services**
 - a. Department of Technical Services shall comprised the following Divisions and headed by Directors:
 - i. Training and Capacity Building
 - ii. Infectious Diseases and Epidemiology
 - iii. Laboratory and Public Health Diagnostics
 - iv. Public Health and Medical Research and Development

II. Department of Administration

- a. Department of Administration shall comprised the following Divisions and headed by Directors:
 - i. Office of Financial Management
 - ii. Human Resources
 - iii. ICT and Library,
 - iv. Logistics, Procurement, Warehouse
 - v. Communication, Government Relations

- B. Each department shall be headed by a Deputy Director General and shall structurally be composed of divisions. Other Departments and Divisions shall be created from time to time as the need arises by the Director General subject to approval by the Board.

Section 2.3: Objective of the National Public Health Institute of Liberia

The overall objective of NPHIL is to improve the health status of the population of Liberia in collaboration with relevant agencies and institutions of government. The specific objectives are as follows:

- A. Contribute to the development and sustainability of public health workforce
- B. Develop, enhance, and expand the surveillance and response platforms
- C. Develop and strengthen the laboratory system and public health diagnostics
- D. Develop, enhance, and expand processes and structures to protect environmental and occupational health
- E. Expand, conduct, and coordinate public health and medical research to inform Liberian public health policies

Section 2.4: Functions and Operation of the National Public Health Institute of Liberia

- A. NPHIL shall perform the following:
 - i. coordinate, develop, and maintain surveillance systems to collect, analyze, and interpret health data to guide health interventions;
 - ii. use surveillance data to advise on setting health policies, priorities, and planning;
 - iii. use public health information for monitoring and evaluation of policies and interventions;
 - iv. coordinate reference laboratory and laboratory referral services;
 - v. provide leadership and direction to counties and local authorities on disease and injury surveillance and outbreak response;
 - vi. promote cooperation between Liberia and other countries with regard to the epidemiological surveillance and management of diseases and injuries, including strengthening cross border and regional public health efforts;
 - vii. strengthen capacity of the health workforce in health surveillance to reduce the burden of disease and injury;
 - viii. strengthen epidemiology and surveillance of communicable and non-communicable diseases;

- ix. Coordinate Environmental Health issues relating to Surveillance, chemicals, Radiological, Occupational Safety and Health, Water Sanitation and Hygiene, Pollutions and Occupational Health risks factors with potential risk to population health;
- x. prevent diseases and workplace illnesses and injuries;
- xi. promote environmental responsibility;
- xii. enforce environmental and public health laws, policies, and regulations;
- xiii. advise the Minister on strategies to improve the health of the population;
- xiv. support the health response and provide recommendations to government on control measures for disease outbreaks and mitigating health risks and hazards;
- xv. collaborate with relevant government departments and government agencies to implement communication strategies on public health issues and outbreak response;
- xvi. provide technical support to all spheres of government and other regulatory bodies on disease surveillance, prevention, and control;
- xvii. conduct research to inform policy and guidelines on public health and develop processes for dissemination of research findings to key stakeholders;
- xviii. strengthen advocacy, social mobilization and partnerships related to public health research;
- xix. provide training and technical information on health issues to health professionals, government and regulatory bodies;
- xx. maintain accredited reference and specialized laboratories for pathogen detection, disease and injury surveillance and monitoring, outbreak response and the provision of scientific evidence to prevent and control infectious diseases;
- xxi. set up Institutional Review Board on public health and medical research
- xxii. coordinate activities relevant to national specimen or bio bank;
- xxiii. recommend the quarantine and isolation of persons who have a communicable disease constituting a public health threat.
- xxiv. recommend the declaration of public health emergency and disease outbreaks based on available public health data

B. NPHIL may:

- i. liaise with any other regulatory authority or institution and exchange information with and receive information from any such authority or institution in respect of matters of common interest or public health concern;
- ii. cooperate with persons and institutions undertaking basic research in Liberia and in other countries by the exchange of scientific knowledge and the provision of access to the resources and specimens available to NPHIL;
- iii. participate in joint research operations with government departments, tertiary institutions, museums, scientific institutions and any other persons ;
- iv. produce and sell by-products of its research activities.
- v. collaborate with the Ministry of Agriculture and other appropriate agencies of Government in maintaining data and giving advice to Government on the

population dynamics of its wildlife reserves, their biotic interactions and their socioeconomic, biomedical, and cultural significance, with the view of protecting the reserves from indiscriminate removal or abuse in the context of One Health.

- vi. perform such other functions as may from time to time be required by or consented to by the Board.
- vii. promulgate and issue regulations governing NPHIL in the field of public health research in Liberia.

PART III: GOVERNANCE AND CONTROL

Section 3.1: Board of Directors

There is hereby established a Board of Directors which shall be the governing body of NPHIL and which shall consist of eleven voting members. The Board shall be comprised of five (5) statutory members and six (6) other members appointed by the President.

Section 3.2: Composition of the Board

The Board shall consist of:

- A. The Minister of Health;
- B. The Minister of Finance and Development Planning;
- C. The Minister of Justice;
- D. The Minister of Agriculture;
- E. The University of Liberia; and
- F. The Director General who serves as a secretary and non-voting member of the board and;
- G. Six (6) other non-statutory members one of whom shall be the Chair who shall have a minimum of a master's degree in public health, public policy, medicine, health administration, or research-related disciplines and a minimum of three years' work experience and must be a person of integrity.

Section 3.3: Functions of the Board

The Board shall:

- A. Consider and approve annual plans and programs of NPHIL.
- B. Vet and appoint the Deputy Director Generals and Directors of all Departments.
- C. Vet and recommend at most three (3) persons for the position of the Director General for appointment by the President.
- D. Approve annual budgets, strategic and operational plans.
- E. Ensure contracts, agreements, and memorandums of understanding with third parties, contractors, and agencies are consistent with applicable laws.
- F. Decide on changes in the organic structure of NPHIL according to the development needs of NPHIL.
- G. Establish the NPHIL Foundation.

- H. Receive and approve reports from the Director General on the progress of NPHIL.
- I. Draft, adopt, and enforce bylaws for the Board.
- J. Ensure the proper implementation of this Act.
- K. Approve the salary structure of the Director General and the Deputy Director General

Section 3.4: **Tenure of the Board**

- A. The President will appoint the non-statutory members of the Board, and they will serve for a term of three (3) years. All non-statutory Board members will be eligible for re-appointment once.
- B. Resignation, Suspension, Removal
 - a. Resignation
 - i. Any member of the Board may voluntarily resign by submitting a letter of resignation to the President.
 - ii. A member who has two unexcused absences within the period of one year will be considered to have resigned his position on the Board.
 - iii. If a statutory member has two unexcused absences within the period of one year, the Board will take appropriate action against such statutory member.
 - b. Suspension

No member of the Board of Directors shall be suspended except upon the recommendation of a vote by two-thirds majority of the members of the Board to the President, provided, however, that a Board Member shall be suspended for cause.
 - c. Removal

A member of the Board shall be disqualified or removed if:

 - i. Convicted of any crimes by a competent tribunal consistent with due process of law; or
 - ii. The member is no longer able to perform the duties due to physical or mental incapacity, as certified by at least two qualified medical doctors or psychiatrists; or
 - iii. It is discovered that a member has at any time been convicted of an offense involving dishonesty, whether in Liberia or elsewhere; or
 - iv. The member ceases to be a resident of Liberia.

Section 3.5: **Board Meeting:**

- A. Time of Meeting: The Board should meet at least once every three (3) months to conduct business of the Institute.
- B. Venue: The Board shall meet at a place that is designated by the Chairman, provided that it is in Liberia.

- C. Leadership: The Chairman of the Board shall preside at meetings. At the first ever meeting of the Board, members of the Board shall elect a Vice Chairman, who will preside in the absence of the Chairman.
- D. Quorum: Simple majority of Board members present at a meeting of the Board shall constitute a quorum, provided both statutory and non-statutory members are present.
- E. Decision: A vote of a simple majority present at a meeting shall be required for a decision, except as to those decisions for which a two-thirds majority of members is required by this Act.

Section 3.6: Committees of the Board

The Board may constitute ad-hoc committees comprising of members of the Board for investigation if necessary and such committee shall cease to function as soon as its report is submitted and it shall not require remuneration to perform its duties.

Section 3.7: Establishment of the National Public Health Institute of Liberia Foundation

- A. The National Public Health Institute of Liberia Foundation is hereby established.
- B. The Board shall work with the management of NPHIL, the Ministry of Health and the Ministry of Finance and Development Planning to formulate policy and programs for the Foundation.

PART IV: THE DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERALS

Section 4.1: Appointment of the Director General

The President shall, upon the recommendation of the Board of Directors, appoint the Director General.

Section 4.2: Qualifications of the Director General

The Director General must have the following qualifications:

- A. a minimum of a master's degree in public health or a doctorate degree in biomedical sciences and other related disciplines
- B. a minimum of five years of progressive technical work experience in a scientific or public health research setting of which a minimum of 2 years of management experience is required
- C. a person of integrity
- D. a demonstrated track record of successful grant applications
- E. a minimum of five (5) public-health related, scientific publications in peer-reviewed journals

Section 4.3: **Functions of the Director General**

The Director General shall:

- A. Be the administrative head of NPHIL and carry out the day-to-day functions of NPHIL.
- B. Report to the Board.
- C. Hire qualified, competent and suitable persons as employees below the rank of Deputy Directors General through a competitive vetting process pursuant to organizational structure of NPHIL.
- D. Be responsible for delivering on the agreed mandate of NPHIL as determined by the Board in the terms of this Act.
- E. Formulate and develop internal rules and directives for an efficient and effective administration of the institute.
- F. Effectively organize and maintain staffs
- G. Be responsible for effective placement of staffs, utilization of staffs and resources to achieve maximum operational results.
- H. Sign on behalf of the entity all memoranda of understanding, contracts, and agreements with key stakeholders consistent with Public Procurement and Concession Commission Act and all other applicable laws.
- I. Be responsible for the issuance of guidelines in regards to the manner in which claims shall be handled
- J. Shall advice the Ministry of Health on health-related challenges in Liberia .
- K. Prepare the annual budgets, strategic and operational plans of the Institute, and submit to the Board for approval
- L. Serves as a non-voting member and the Secretary of the Board
- M. Exercise all powers in conformance of any such duties as may be delegated or assigned by the Board
- N. Shall lead the preparation of the annual report of the Institute to be submitted to the Board of Directors, Minister of Health and President of Liberia;
- O. Ensure the proper implementation of this Act

Section 4.4: **Tenure of the Director General**

The Director General shall serve for a term of five (5) years. He or she will be eligible for re-appointment once.

A. Resignation

The Director General may voluntarily resign by submitting a letter of resignation to the President, provided that he or she gives three months' notice prior to the date of his or her resignation.

B. Suspension

The Director General shall be suspended by the President for cause upon the recommendation of a vote by two-thirds majority of the members of the Board.

C. Removal

The Director General shall be removed if:

- i. Found to be grossly inefficient;
- ii. Found to be corrupt;
- iii. Convicted of any crime by a competent tribunal consistent with due process of law
- iv. Indicted by the government of Liberia or any other country for a crime or
- v. No longer able to perform the duties due to physical or mental incapacity, as certified by a qualified psychiatrist or medical doctor; or
- vi. Engages in acts that are undesirable to public interest and undermine principles of good governance;
- vii. It is discovered that he or she has at any time been convicted of an offense involving dishonesty, whether in Liberia or elsewhere or
- viii. No longer domiciled in Liberia.

Section 4.5: Appointment of the Deputy Directors General

The Board shall recommend three persons for each of the Deputy Directors General positions who shall be of credible character and who shall meet all the requirements for each of the two Deputy Directors General positions to the President for appointment; provided that such recommended persons shall be products of a competitive vetting process open to all Liberians.

Section 4.6: Tenure of the Deputy Director Generals

The Deputy Directors General shall each serve for a term of four (4) years. They shall each be eligible for re-appointment once.

Section 4.7: Qualifications of the Deputy Director General of Technical Services

The Deputy Director General of Technical Services shall have the following qualifications:

- A. a minimum of MD, PhD, DRPH with experience in public health.
- B. a minimum of five years' work experience in a scientific or public health research setting
- C. a person of integrity
- D. a demonstrated track record of grant applications
- E. a minimum of 5 public-health related, scientific publications in peer-reviewed journals

Section 4.8: Qualifications of the Deputy Director General of Administration

The Deputy Director General of Administration must have the following qualifications:

- A. a minimum of a master's or advanced degree or its equivalent in business administration, law or related disciplines
- B. a minimum of five years' work experience in a financial or administrative capacity
- C. a person of integrity
- D. a demonstrated track record in management of grants

Section 4.9: Functions of the Deputy Director General for Technical Services

The Deputy Director General for Technical Services shall:

- A. serve as chief scientist for the NPHIL
- B. act in the absence of the Director General
- C. report to the Director General
- D. serve as supervisor for all technical or science departments pursuant to organizational structure of NPHIL
- E. be responsible for delivering on the agreed mandate of NPHIL as determined by the Board in the terms of the technical aspects of this Act
- F. perform all other functions as assigned by the Director General

Section 4.10: Functions of the Deputy Director General for Administration

The Deputy Director General for Administration shall:

- A. act as Director General in the absence of both the Director General and Deputy Director General of Technical Services
- B. report to the Director General
- C. serve as supervisor for the financial and administration departments pursuant to organizational structure of NPHIL
- D. be responsible for delivering on the agreed mandate of NPHIL as determined by the Board in the terms of the administrative aspects of this Act
- E. perform all other functions as assigned by the Director General

Section 4.11: Resignation, Suspension and Removal of Deputy Directors General

- A. Resignation
 - a. The Deputy Directors General may voluntarily resign by submitting a letter of resignation to the Board.
- B. Suspension
 - a. The Deputy Director Generals shall be suspended by a vote of two-thirds majority of the members of the Board for cause.

C. Removal

A Deputy Director General shall be removed if:

- i. Found to be grossly inefficient;
- ii. Found to be corrupt;
- iii. Convicted of any crime by a competent tribunal consistent with due process of law; or
- iv. Indicted by the government of Liberia or any other country for a crime or
- v. No longer able to perform duties due to physical or mental incapacity as certified by at least two qualified medical doctors or psychiatrists; or
- vi. Engages in acts that are undesirable to public interest and undermine principles of good governance
- vii. It is discovered that he or she has at any time been convicted of an offense involving dishonesty, whether in Liberia or elsewhere, ; or
- viii. No longer domiciled in Liberia.

PART V: FINANCIAL PROVISIONS

Section 5.1: **Funding**

A. The NPHIL shall be funded through:

- i. Budgetary allocation.
- ii. Fees from sale of research products.
- iii. Grants and donations.
- iv. Indirect costs/institutional charges on all grants.
- v. Consulting and services fees.
- vi. Cooperative agreements with other governments.
- vii. Intellectual property including patents.
- viii. NPHIL Foundation,
- ix. Investment and
- x. any other lawful means

B. All funds to be generated by NPHIL as listed in a(i-viii) of this Section shall be declared in its proposed budget to the Ministry of Finance and Development Planning and the Ministry of Finance and Development Planning shall in turn determine the percentage to be remained with the NPHIL provided it shall not be less than fifty percent (50%) and more than 70% of such declared amount and that further this will not apply to grant of project donations.

C. The NPHIL shall use the allocated amount for the purpose of institution building, infrastructures, equipment, training programs and scholarships, and contribution through the foundation to school and institutes of health and medical education in Liberia and others consistent with its mandate in this Act.

Section 5.2: **Annual Budget**

- A. The Director General shall prepare and submit to the Board for approval an annual budget for the ensuing year which the Board shall approve and subsequently submit to the Minister of Finance and Development Planning.
- B. The budget must include details of NPHIL income and expenditure for the current and two subsequent years including actual from the past year. The budget must include detailed and comprehensive estimates of the current year's known and anticipated income and expenditure and a projection of income and expenditure for the next financial year as well as the following year along with carried forward balances or as required under the budget law.

Section 5.3: **Procurement**

The operation of the NPHIL shall be in accordance with the Public Procurement and Concessions Commission Act, as amended and reinstated in 2010.

Section 5.4: **Accounts and Audit**

- A. NPHIL shall keep up-to-date and accurate accounting and financial records, which shall conform to laws, applicable statutes and regulations.
- B. Subject to the Board's approval, NPHIL will open and maintain accounts with the Central Bank of Liberia and any other reputable local bank for purpose of carrying out its affairs.
- C. The Director General shall submit the account of NPHIL to the Board who shall from time to time commission audit(s).
- D. NPHIL is subject to the audit of the General Auditing Commission.

Section 5.5: **Report**

- A. The Director General shall submit quarterly and annual report consisting of financial and programmatic information to the Board for onward submission to the President and to the Legislature.
- B. The Director General shall submit other reports as may request by the Minister from time to time on specific issues, programs, or periods.
- C. The Director General of the NPHIL shall advice the Minister of Health and provide evidence-based information and findings on outbreaks. The findings shall be presented to the President of the Republic by the Minister and/or the Director General. It is within the purview of the President to present these findings to the Legislature within 24 to 48

hours. Also on significant findings from studies or epidemics that may inform or influence policy decisions.

PART VI: MISCELLANEOUS PROVISIONS

Section 6.1: Intellectual Property

Ownership of intellectual property generated by persons employed by NPHIL during the course of their engagement with NPHIL shall vest in the Institute.

Section 6.2: Confidentiality

- A. All patent related research information or findings, processes, research, techniques, or plans shall be kept confidential, except as provided herein.
- B. All information received by the relevant parties herein shall be kept confidential
- C. Members of the Board of Directors, the Director General, officers, employees, and staffs of NPHIL shall treat all information obtained in the course of their employment and/or engagement with NPHIL strictly confidential, not to be disclosed to any third party, and shall not use it for any other purpose other than for the purpose of this Act.

NPHIL shall ensure that its officers, employees, and all associates treat partners' information as confidential.

- D. Except as provided under paragraph (a) above, nothing in this Section shall be construed as an exception to the provisions and intent of the Public Information Act of 2010, or defeating the information sharing intent of this act

Any breach of the above Confidentiality provision shall be punishable in accordance with the Public Health Law and/or the Penal Law of Liberia or their amendatory Acts

PART VII: TRANSITIONAL PROVISIONS

Section 7.1: Transfer of Property

As of the effective date of this Act, all properties and assets of the Emergency Operations Center, National Reference Laboratory, and Disease Prevention and Control Unit of the Ministry of Health, and the National Research Institute (also referred to as the Liberia Institute for Biomedical Research), the Division of Environmental and Occupational Health of the Ministry of Health, shall be transferred to the NPHIL.

Section 7.2: **Transfer of Employees**

- A. As of the effective date of this Act, employees of the Emergency Operations Center, National Reference Laboratory, and Disease Prevention and Control Unit of the Ministry of Health, and the National Research Institute (also referred to as the Liberia Institute for Biomedical Research), Division of Environmental and Occupational Health Services of the Ministry of Health shall be transferred to NPHIL subject to the Civil Service requirements.
- B. Any person transferred to NPHIL shall:
- i. Sign the Professional Ethics and Code of Conduct of NPHIL prior to assuming duties or within thirty (30) working days after the effective date of the Act;
 - ii. Sign the Employee Handbook of NPHIL prior to assuming duties or within thirty (30) working days after the effective date of the Act;
 - iii. Be subject to the Human Resource Management Manual of NPHIL, the Professional Ethics and Code of Conduct of NPHIL and related regulations and to the administration of NPHIL;
 - iv. No longer be a civil servant; and
 - v. Sign employment contracts with NPHIL in line with the Decent Work Act
- C. All transfers relating to the commencement of the NPHIL shall be completed within twelve (12) months as of the effective date of this Act.

ANY LAW TO THE CONTRARY NOTWITHSTANDING