

-----PROVINCE PROVINCIAL COUNCIL

-----Provincial Council Health Statutes No---of 20--

THE HEALTH SERVICES STATUTE

A STATUTE TO Provide for the establishment of a..... Province Department of Health Services to Provide healthcare for the promotion and protection of health and wellbeing of the people of the Province ;to provide for the continuity of the provision of health services in the province and to provide for matters connected or incidental thereto.

This Statute is inconsistent with the Health service Act,No.12 of 1952.

BE it enacted by the Provincial Council of the ----- Province as follows:

Short title and date of Operation	1. This Statute may be cited as the -----Province Health services Statute No.- of 20----and shall come into force on the date of its receiving the assent of the Governor.
Objectives of the Statute	2. The objectives of the Statute shall be as follows:- (a)to provide Quality and accessible Promotive, preventive, curative, rehabilitative and palliative health services to people of the Province; (b)efficient and effective equitable delivery of health care services to meet the overall health needs of people of the Province; (c) to contribute to social and economic development of the province by attaining the highest attainable health status .
	PART 1
	ESTABLISHMENT OF THE -----PROVINCE DEPARTMENT OF HEALTH SERVICES
Establishment of ----- Province Department of Health Services	3. There shall be established a-----Province Department of Health Services (hereinafter referred to as ("the department") which shall be administered in accordance with the provisions of this statute.

<p>Provincial Director of Health Service</p>	<p>4. (1) There shall be appointed a Provincial Director of Health Services (hereinafter referred to as "the Provincial Director") who shall be the head of the department and shall, subject to the supervision and direction of the Minister, be responsible for the implementation of the provisions of this statute.</p> <p>(2). There shall be appointed a Deputy Provincial Director of Health Services (hereinafter referred to as "the Deputy provincial Director") who shall assist the Provincial director in the discharge of his functions, duties and responsibilities under this statute.</p>
<p>Regional Directors of Health services</p>	<p>5. (1)There shall be appointed-----Regional Directors of Health Services for the districts of -----,-----,----- respectively.</p> <p>(2) The Regional Directors of Health Services shall, subject to the direction and supervision of the Provincial Director be responsible for the provision of health services in their respective districts.</p> <p>(3) There shall be appointed such number of other officers as are necessary to carry out the functions of the department.</p> <p>(4) The provisions of Part IV of the Provincial councils Act, No.42 of 1987 shall apply to the appointment ,transfer, dismissal and disciplinary control of officers of the department.</p>
<p>Functions of the Department</p>	<p>6.The Functions of the Department shall be :-</p> <p>(a)to establish, administer and maintain Public hospitals, rural hospitals, maternity homes, dispensaries (other than teaching hospitals and hospitals established for special purposes);</p> <p>(b)to administer and maintain the institutions referred to in the Schedule/ to administer and maintain the institutions prescribed by regulations; (two Formulations were included here.)</p> <p>(c)to take steps to provide efficient and effective delivery of health services ,in the province in respect of-</p> <p style="padding-left: 40px;">public health, including the public health issues of the youth, adolescent, elderly, differently abled, people of the province ,maternity and childcare, family health;</p> <p>(d)to identify, investigate and diagnose health problems among people in the province and to take necessary steps to eliminate risk factors which prevent the attainment of optimum health;</p> <p>(e) to educate the public on health issues and to take steps to disseminate evidence based health information accessible by all</p>

	<p>sectors of the community;</p> <p>(f) to monitor and evaluate the delivery of health care services for its quality, effectiveness;</p> <p>(g) to promote patient's rights, public confidence and patient's satisfaction at healthcare institutions in the province;</p> <p>(h) to take steps to prevent environmental health hazards and to promote healthy setting approach;</p> <p>(i) to promote nutrition level of the people of the province and to ensure the food sanitation;</p> <p>(j) to take such measures to prevent, control or eliminate any outbreak of disease or any emerging health risks in the province;</p> <p>(k) to provide facilities (other than drugs) for all institutions referred to in paragraphs (a) and (b) including the facilitation of the use of information communication technology systems in efficient and effective delivery of health services;</p> <p>(l) to implement the Provincial Health development Plan and the Annual health Plan for the Province;</p> <p>(m) Award scholarships for post graduate education in Sri Lanka to persons attached to institutions referred to in paragraph (a) and (b) and to provide for capacity building in health for all category of staff;</p> <p>(n) to carry out such other functions as are conferred or imposed on it by or under this Statute;</p> <p>(2) The Director shall, in the implementation of the provisions of this Statute, have regard to the National Health policy and accepted best practices in relation to the delivery of Promotive, preventive, curative, rehabilitative and palliative health services to the people in the Province.</p>
Annual Health Plan	<p>7. (1) The Provincial Director shall facilitate the preparation of the Annual Health Plan (hereinafter referred to as "the Plan") for the succeeding year, taking into consideration the following in respect of the Province.</p> <p>(a) the increase of population in relation to the extent of land and the health needs of the population including the specific health needs of people in the province based on geographical location and sectors, Income groups, specific vulnerable groups, gender ;</p>

	<p>(b) the spread of disease;</p> <p>(c) the nutritional condition of the people;</p> <p>(d) the impact of the environment on health;</p> <p>(e) transport facilities available ;and</p> <p>(f) any other criteria relating to the delivery of Promotive ,preventive, curative, rehabilitative and palliative healthcare services.</p> <p>(2) The Plan shall include details of any development or new construction work pertaining to the healthcare institutions in the province during the succeeding year. Any development or construction work which is not referred to in the Annual health Plan for a particular year shall require the approval of the Board of Ministers prior to the commencement of any such work in that year.</p> <p>(3) The provincial Director shall submit the Plan to the Secretary and the Secretary may refer such plan to the Provincial Health Services Advisory Board for its observations.</p> <p>(4)The secretary may ,prior to granting his approval ,recommend the incorporation of any observations made by the Provincial Health Services Advisory Board in the Plan and submit such plan before the ----- day of -----of the year preceding the year to which the Annual Health Plan relates to the Minister.</p>
<p>Annual Report relating to the status of public health service etc. in the Province</p>	<p>8. (1) The Provincial Director shall submit to the Secretary, before the end of the first quarter of every year, a report with regard to the status of the public health services including health education, nutrition, family health, maternity and childcare, food and food sanitation, environmental health, community participation in public health services in the Province in the preceding year.</p> <p>(2) The report shall evaluate the implementation of the Annual Health Development Plan during the preceding year for its strengths and weaknesses, and recommend such measures to correct any weaknesses identified for the improvement of health the People in the province.</p>
<p>Public health information within Local authority</p>	<p>9.(1) The Provincial Director may, for the purposes of this Statute, request in writing, the Head, Secretary or the Commissioner, as the case may be, of any local authority in the ----- Province or a person in charge of any other prescribed institution for information on matters relating to the public health within the respective administrative limits.</p> <p>(2)The Head, Secretary or Commissioner of any local authority, or the person in charge of a prescribed institution as the case may be, shall assist the Provincial Director by providing the relevant particulars and information with regard to such matters relating to public health.</p>

<p>The Provincial Director to take special measures</p>	<p>10. The Provincial Director may, where he is of the opinion that the measures taken to prevent any spread of disease is not adequate, he may take such measures in consultation with the health advisory council established under section 11, to prevent, control or eliminate such spread of disease.</p>
<p>The powers of the Minister to make regulations</p>	<p>10. (1) The Minister may make regulations in respect of any matter required by this Statute to be prescribed or in respect of which regulations are authorized or required by this Statute to be made.</p> <p>(2) Every regulation made under this section shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.</p> <p>(3) Every regulation made by the Minister shall, before the expiration of one month after its publication in the Gazette, be brought before the Provincial Council for its approval.</p> <p>(4) Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done there under. Notification of the date on which any regulation is deemed to be rescinded shall be published in the <i>Gazette</i>.</p>
	<p style="text-align: center;">PART II PROVINCIAL HEALTH SERVICES ADVISORY BOARD AND HOSPITAL DEVELOPMENT COMMITTEE</p>
<p>Provincial Health Services Advisory Board</p>	<p>11. (1) There shall be established a Provincial Health Services Advisory Board (hereinafter referred to as "the Advisory Board").</p> <p>(2) The Advisory Board shall be appointed by the Minister and shall consist of ----- members appointed as follows:-</p> <p>(a) ex-officio members, namely-</p> <ul style="list-style-type: none"> (i) the Provincial Director of Health Services; (ii) the Provincial Director of Education; (iii) the Provincial Commissioner of Local Government; (iv) the Provincial Director of Social Services; (v) the Provincial Commissioner of Indigenous Medicine; (vi) every Regional Director of Health Services in –charge of a district; (vii) -----nominated by the Secretary of the Ministry of the Minister in charge of the subject of environmental protection in the-----province;

(viii)a Medical officer of Health from each MOH area on a rotational basis:

(b) the following other members appointed by the Minister who shall be known as "appointed members"-

(i--- members from amongst medical practitioners specializing respectively, in Community Medicine, General Medicine, Obstetrics and Gynaecology, Paediatrics Food and Nutrition,;

(ii)----members from amongst general medical practitioners working in the non governmental sector in the ----Province

(ii)(ii)---- members from amongst persons with at least ---- years of experience in the fields of public Health and Social Services respectively from each district in the ----province.

(3) No person shall be qualified to be appointed or continue as a member of the Advisory Board if-

(a) he is not a citizen of Sri Lanka;

(c) he is or becomes a Member of Parliament, and Provincial Council or any Local Authority;

(d) he has been declared an undischarged bankrupt or insolvent under any law in force in Sri Lanka or any other country;

(e) he is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind;

(f) he is convicted of any offence involving moral turpitude or punishable with imprisonment for a term not less than six months.

(g) he is serving or has served a sentence of imprisonment imposed by a court of law in Sri Lanka or any other country; or

(h) he has any financial or other interest as is likely to affect the discharge of his functions as a member of the Advisory Board.

(4) The Provincial Director shall be the Chairman of the Advisory Board and the Secretary of the Advisory Board shall be elected from amongst the ex-officio members of the Advisory Board.

(5) The term of office of the Advisory Board shall be ---- years.

	<p>(6) The terms of office of every ex-officio member shall be the period during which he holds the post by virtue of which he is a member of the Advisory Board.</p> <p>(7) An appointed member may resign from office by letter addressed to the Minister.</p> <p>(8) The Minister may, for reasons assigned, remove an appointed member from office.</p> <p>(9) An appointed member, who ceases to hold office by effluxion of time, shall be eligible for reappointment.</p> <p>(10) Where an appointed member vacates, office by resignation, death, removal by the Minister or otherwise, the Minister shall, having regard to the provisions of sub-paragraph (b) of sub-section 2, appoint another person to fill such vacancy. The person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.</p> <p>(11) The Advisory Board shall meet at least ----- or whenever necessary.</p> <p>(12) The Secretary shall summon meetings of the Advisory Board, and shall maintain minutes of the meetings of the Advisory Board.</p> <p>(13) The quorum for a meeting of the Advisory Board shall be -----.</p> <p>(14) Any question arising at any meeting of the committee shall be decided by a majority vote of the members present and voting. In the case of an equality of the votes The Chairman shall have a casting vote.</p> <p>(15) Members who attend meetings of the Advisory Board shall be paid allowances of such amount as may be determined by the Minister in consultation with the Minister in-charge of the subject of Finance and with the concurrence of the Governor.</p>
<p>Functions of the Advisory Board</p>	<p>12. The functions of the Advisory Board shall be to _:</p> <p>(a) advise the minister on all matters relating to the efficient and effective provision of healthcare service in the Province ;</p> <p>(b) to make recommendations and observations on matters referred to it.</p>
<p>Development Committee</p>	<p>13. (1) The Secretary shall, with the approval of the Minister, appoint for every hospital and institution set out in sub-paragraphs (a) and (b) of sections 3 a Development Committee for the development of such hospital or institution.</p>

(2) Every Development Committee appointed, under sub-section (1) shall consist of-

(a) ex-officio members, namely-

- (i) the Medical Officer in-charge of that hospital or institutions;
- (ii) the Divisional Secretary of the Division within which that institution is situated;
- (iii) A representative of the Buildings Department not below the rank of Technical Officer;
- (iv) the Secretary or Commissioner, as the case may be, of every local authority within the administrative limits of which that institution is situated; and

(b) the following members who shall be known as "appointed members--"

- (i) four representatives of the staff of that institution;
- (ii) not more than six persons from amongst persons engaged in health , social service or ----- activities in the area within which that intuition is situated.

(3) No person shall be qualified to be appointed or continue as a member of a Development Committee if-

- (a) he is not a citizen of Sri Lanka;
- (b) he has not attained the age of eighteen years;
- (c) he is or becomes a Member of Parliament, and Provincial Council or any Local Authority;
- (d) he has been declared an undischarged bankrupt or insolvent under any law in force in Sri Lanka or any other country;
- (e) he is under any law in force in Sri Lanka or any other country found or declared to be of unsound mind;
- (f) he is convicted of any offence involving moral turpitude or punishable with imprisonment for a term not less than six months.
- (g) he is serving or has served a sentence of imprisonment imposed by a court of law in Sri Lanka or any other country; or

(h) he has any financial or other interest as is it likely to affect the discharge of his functions as a member of the Advisory Board.

(4) The term of office of every ex- officio member shall be the period during which he holds the post by virtue of which he is a member of the Committee.

(5) The committee shall meet at least once a month or whenever necessary.

(6) The quorum for a meeting of the Advisory Board shall be ----,

(7) Any question arising at any meeting of the committee shall be decided by a majority vote of the members present and voting. In the case of an equality of the votes The Chairman shall have a casting vote.

(8) An appointed member may resign from office by letter addressed to the Secretary.

(9) The Secretary may, for reasons assigned and subject to the approval of the Minister, remove an appointed member from office.

(10) The term of office of an appointed member shall be two years.

(11) An appointed member, who ceases to hold office by effluxion of time, shall be eligible for reappointment.

(12) Where an appointed member vacates office by resignation, death, removal by the Secretary or otherwise, the Secretary shall, having regard to the provisions of sub-paragraph (b) of sub-section (2), appoint another person to fill such vacancy. The person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

(13) The Medical Officer referred to in sub-paragraph (a) of sub-section (2) shall be the Chairman of the Development Committee appointed for that institution. A person elected by the members shall be the Secretary of the Development Committee. The Secretary shall maintain minutes of the meetings of the Committee.

(14) Every Development Committee appointed for a particular institution may, subject to the approval of the Secretary, take measures for the development and rehabilitation of that institution.

(15) A Development Committee appointed for a Hospital or institution on the date immediately before the date of coming into force of this Statute shall, for all purposes, be deemed to be a Committee appointed under this Statute. Members of such Committee shall continue to hold office as members of a Hospital Development Committee appointed in accordance with the provisions of this Statute until a new committee is appointed in accordance with the provisions of sub-section 1.

Free Health Services	15. Subject to the National policy on health, all health services provided in the hospitals institutions referred to in sub-paragraphs (a) and (b) of section 3 shall be provided without any charge.
Savings	<p>16. Notwithstanding any other Provisions of this Statute-,</p> <p>(a)----- Department of health services existing on the on the day immediately before the date of coming into force of this Statute shall for all purposes, be deemed to be established under this Statute;</p> <p>(b)Healthcare institutions setout in the Schedule and all the assets movable and immovable of such institutions existing on the day immediately before the date of coming into operation of this Statute shall for all purposes be vested in the department established under this Statute;</p> <p>(c)Every Person holding office in the Department on the day immediately before the date of coming into operation of this Statute shall continue to hold such office under the same terms and conditions;</p>
Language Inconsistency	17. In case of any inconsistency between the ---- and the ----- of this statute, the ---- text shall prevail.
Interpretation	<p>18. In this Statute unless the context otherwise requires-</p> <p>“Department” means the ----- Province Department of Health Services;</p> <p>“Local Authority” means a Municipal Council, Urban Council or Pradeshiya Sabha in the ---- Province;</p> <p>“Governor” means the Governor of the ----- Province;</p> <p>“Institution “includes a Base hospital, a District hospital, a Rural hospital, a Central dispensary ancillary to a maternity home, a peripheral unit, a maternity home;</p> <p>“Medical practitioner” means a person registered as a medical practitioner under the Medical Ordinance;</p> <p>“Minister” means the Minister of the Board of Ministers of the -- ----- Province, incharge of the subject of Health;</p>

	<p>“Province” means the ----- Province consisting of the administrative District of -----,-----,-----,</p> <p>“Provincial Director of Health Services” means the Director of the -----province Department of Health Services;</p> <p>“Secretary” means the Secretary to the Ministry of the Minister of the Board of Ministers of the----- Province, in-charge of the subject of health.</p>
--	--

Schedule

(Section3)

Institutions of the Provincial Department of Health services

Type of the Institution	-----District	-----District	-----District
-------------------------	---------------	---------------	---------------