

The Health Services Statute No.08 of 2000

Western Provincial Council

A Statute to provide for the establishment of a Department of Health Services in the Western Province and to provide for the proper continuance of the essential services for promotion and preservation of health of the people in the Western Province and to provide for all the matters connected therewith and incidental there to.

The provisions of this Statute are inconsistent with the Health Services Act No. 12 of 1952.

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| 01. This Statute may be cited as the Health Services Statute No. 08 of 2000, Western Province and shall come into force from the date it receives the assent of the Governor. (consider at the full time committee) | Short title and date of operation |
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PART 1

Establishment of the Provincial Department of Health Services

It's Constitution and Responsibilities

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| 02. (1) A Provincial Department of Health Services (hereinafter referred to as "the Department") shall be established for the purpose of giving effect to the principles and achieving the objects of this Statute. The appointment of staff for this department, transfer and disciplinary control shall be the responsibility of the Governor or the authority duly authorized by him, in that behalf. | Establishment of Western Province Department of Health Services. |
| (2) The provisions of subsection (1) in respect of appointments transfers and disciplinary control shall not apply to any officer coming under services declared as all island services by the Government. | |

03. The Department shall, subject to the general and special direction of the Minister, within the Western Province.

The functions of the Department of Health Services.

- (i) establish (except teaching hospitals, and hospitals established for special purpose) General Hospitals, Base Hospitals, District Hospitals, Peripheral Units, Rural Hospitals, Maternity Homes, Central Dispensaries, Ancillary to Maternity Homes, Central Dispensaries, Branch Dispensaries and Health Centrals and maintain the presently operative medical institutions set out in Schedule I to this Statute;
- (ii) establish and maintain officers of the Medical Officers of Health and institutions required for the purposes of providing Public Health Services, School Health Services, Adult Health Services, Health Education, Family Health Services, Maternity and Child Care, Food Sanitation and Environmental Health; (institutions providing services set out in Schedule 11.);
- (iii) formulate and implement health promotion plans and implement plans for the solution of health problems that arise in emergency situations;
- (iv) provide all facilities to the Institutions referred to in paragraphs (i) and (ii) above;
- (v) plan the staff from time to time to meet the requirements of services provided under paragraphs (i), (ii) and (iii) above and determination of the cadre and seeking approval of the authority for propose;
- (vi) grant scholarships for post – graduate studies in Sri Lanka to persons attached to institutions referred to paragraphs (i) and (ii) above and provide facilities for higher studies.

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| 04. | There shall be a Director of Health Services (hereinafter referred to as “the Director”) who shall be the head of the Provincial Department of Health Services and shall function under the supervision and direction of the Secretary. | Director of Provincial Health Service. |
| 05. | For the purposes of this Statute there shall be an Additional Director of Health Services, Deputy Provincial Director of Health Services, Assistant Directors and other officers who shall be appointed hereafter as required. | Appointment of Additional Provincial Director of Health Services, Deputy Provincial Director of Health Services and other officers. |
| 06. | (1) The Director who shall functions under the general or special direction of the Minister and the Secretary may delegate his powers to the officers of the department for the purpose of implementing provisions of this Statute or the rules made there under. | Delegation of powers of the Director of the Provincial Health Services. |
| | (2) The Deputy Provincial Directors of Health Services appointed for the three districts, Colombo, Gampaha and Kalutara shall be responsible to the Provincial Director of Health Services for the provision of Health Services in the respective districts. | Power of the Deputy Director of the Provincial Health Services |
| 07. | (1) It shall be the responsibility of the Secretary to ensure that the provisions of this Statute are implemented. | Secretary’s powers and responsibilities. |
| | (2) In instances where there is no Minister or an acting Minister, the Secretary may exercise the powers of Minister under this Statute on the advice if the Governor. | |
| 08. | (1) In the event of dissent from an order or direction made by the Director an appeal shall lie to the Secretary, which shall be made within thirty (30) days from the date of making such order or direction. | Appeal ability |
| | (2) A person aggrieved by the decision made by the Secretary on an | |

appeal referred to the Secretary under sub-section (i) may appeal against such decision to the Minister within twenty one (21) days from the date of communication of such decision.

09. All the officers and employees who hold the approved posts in the Department of Health of the Western Province on the day prior to the date on which this Statute comes into force shall be deemed from and after such date to be officers and employers appointed under this Statute.

Officers already in service deemed to have been appointed under this Statute.

PART 11

General

10. Unless otherwise advised by the Secretary, all essential treatment for the people in the Province, provincial health services, prevention of diseases and all health services shall be provided free of charge.

Free health services

11. It shall be the duty of the Director to make recommendations to the Secretary on establishing new health institutions on temporary or permanent basis taking into consideration the population expansion in the Province, extent of land, spreading of diseases, nutritional condition, environmental influence and transport facilities and on reorganization of Health Administrative Division and the Secretary shall thereafter, with the concurrence of the Minister take necessary action to establish such institutions.

Establishment of Health Institutions and re-organization of the Division.

12. It shall be lawful for any officer of the Health Ministry or the Department who has been duly authorized, either by the Minister or by the Chief Secretary or the Secretary or by the Director with regard to health services, to enter or inspect any Health Institution or any Institution deemed to be essential for public health or any premises on which the said Institution stands, (except institutions under the administration of the Central Government) within the Province.

Authority to inspect Health Institutions.

13. All institutions presently situated within the Western Province referred to in para (i) and (ii) of section 03 and all movable and immovable assets

Vesting of Health Institutions in the Department.

thereof existing on the day prior to the date of commencement of this Statute shall from such date deemed to have been vested in the Department.

14. (1) The Director shall prepare and first to the Ministerial Advisory Committee for its recommendation, another submit to the Secretary before the (thirtieth) 30th day of September of every year, the Provincial Development Programme for the succeeding year for his approval, based on the expansion of population in relation to the extent of land in the Province, spreading of diseases, nutritional condition, influence of environment, transport facilities and other health criteria.
- (2) This programme shall include development work and new construction work pertaining to all Health Institutions in the Province. Any development work and new construction that are essential outside the said programme, shall be referred to the Ministerial Advisory Committee and the approved of the Secretary shall be obtained therefore.
15. The Director shall submit to the Secretary a report in respect of the previous year with regard to the public health conditions in the Province by the first quarter of every year, and the said report shall contain statistics relating to the success and the weaknesses in implementing the annual health development programme during the previous year, and also his conclusions and recommendations with regard to them.
16. The Director shall have the power to provide necessary health services for the local body areas within the Province and he shall require the local authorities whenever necessary to provide necessary particulars and information with regard to health conditions in such areas and the local authorities shall comply therewith.
- Annual Health Development Plan
- Annual Report relating to the condition of health in the Province.
- Health activities within the local body areas.

17. (1) The Minister may make rules for any matters required for implementation of provisions contained in this Statute.
- (2) Every rule made under this section shall be published in the Gazette and be effective from the date it is published or from a subsequent date as may be specified in the Gazette.
- (3) The rule made by the Minister shall be submitted to the Provincial Council for approval as soon as they are published in the Gazette. Any rule is not so approved as aforesaid which shall be considered as rescinded from the date it is not so approved. However such rescission shall not prejudice any action taken under the said rule. The date from which any rule is considered to be rescinded shall be published in the Gazette.

The powers of the Minister to make rules.

PART 111

Provincial Health Services Advisory Board

18. (1) The Minister may appoint a Provincial Health Services Advisory Board for the purpose of advising the Minister in general with regard to the planning and implementation of Provincial Health Services.
- (2) The Provincial Health Services Advisory Board (hereinafter referred to as “the Advisory Board”) shall consist of not more than Nineteen (19) members and it shall comprise the following persons :-
- (i) Provincial Secretary of Health;
 - (ii) Provincial Director of Health Services;
 - (iii) Provincial Director of Education;
 - (iv) Provincial Commissioner of Local Government;
 - (v) Provincial Director of Social Services;
 - (vi) Provincial Commissioner of Ayurveda;
 - (vii) Deputy Provincial Directors of Health Services in charge of districts;
 - (viii) Director General of Central Environmental Authority or his

Provincial Health Services Advisory Board.

- representative;
- (ix) Two highly qualified non-government medical officers;
 - (x) Three distinguished persons engaged in Health and Social Services to represent Colombo , Gampaha, and Kalutara Districts and
 - (xi) Four members giving preference to representation from Trade Unions in the Health Sector.
- (3) The Provincial Secretary of Health shall be the Chairmen of the Advisory Board and the Provincial Director of Health Services shall function as Secretary of the Advisory Board.
- (4) (i) The members referred to in paragraphs (i) to (viii) of sub section (2) shall be ex-officio members of the Advisory Board.
- (ii) Members (hereinafter referred to as “appointed members”) referred to in paragraphs (ix) to (xi) of sub section (2) shall be appointed by the Minister.
- (5) (i) The term of office of the Advisory Board shall be three (3) years.
- (ii) The term of office of every ex-officio member shall be the period until he holds the post by which he became eligible to be a member of the Advisory Board.
- (iii) Unless a member ceases to hold office earlier by resignation, death or removal by the Minister such member shall hold office for a period of three (3) years and shall be eligible for re-appointment.
- (iv) Where an appointed member ceases to hold office by resignation, death or removal by the Minister or otherwise, the

Minister shall appoint another person as s successor to such member taking into consideration provisions of paragraphs (ix), (x) and (xi) of sub section (2). A successor to such member so appointed shall hold office only for the period remaining of the term of office of his/her predecessor.

- (6) The quorum of the Advisory Board shall be ten (10)
 - (7) The Advisory board shall meet at least once in three months or as when necessary.
 - (8) Members who attend the sittings of the Advisory Board shall be paid with allowances for every such sitting. The allowances to be paid to the members of the Advisory Board shall be determined by the Minister-in-Charge of the subject with the concurrence of the Governor.
19. The duties of the Advisory Board shall be to render appropriate advice observations, and recommendations to the Minister with regard to matters referred to the Advisory Board by the Minister, and also to submit recommendations and observations from time to time for the improvement of the services of the Provincial Department of Health Services and for promotion of health in the Province.

Function of the
Advisory Board.

PART IV
Hospital Development Committees

20. (1) With the approval of the Minister, the Secretary may appoint the following persons to comprise the Hospital Development Committee thereafter referred to as “the committee” for the development and re-habilitation of General Hospitals, Base Hospitals, District Hospitals, Peripheral Units and Rural Hospitals within the Province as referred to in paragraph (i) of section 03 with the participation of

Hospital Development
Committees

the public :-

- (i) The Divisional Secretary of the relevant division.
 - (ii) Medical Officer-in-Charge of the Institution.
 - (iii) Divisional Engineer
 - (iv) Officer-in-Charge of the Police Station
 - (v) Head of the relevant Local Body or his representative
 - (vi) Three representatives of the Hospital Staff
 - (vii) A minimum of six (6) persons engaged in health and social service activities in the area.
 - (viii) Three (3) representatives from the clergy.
- (2) A person elected by the vote of the members shall be the Chairman of the Committee and the Medical Officer-in-Charge of the Institution shall be ex-officio, the Secretary of the Committee.
 - (3) The Committee, shall with the participation of the people of the area and with the advice of the religious leaders and in accordance with the criteria of the Ministry perform the development, promotional and rehabilitation activities of the Institution.
 - (4) The term of office of the Committee shall be limited to two (2) years and a member shall cease to hold the office either by resignation from the post or by removal by the Secretary on the advice of the Minister.
 - (5) The Hospital Development Committee already constituted as aforesaid shall be deemed to be Committees appointed under this Statue.
21. (1) The financial year of this Department shall be the calendar year and the administrative and development activities of this Department shall be performed out of the allocations received through the financial statement of the Provincial Council and from the allocation by supplementary estimates submitted when necessary.

Financial year and
Auditing of Accounts.

(2) The accounts of this Department shall be audited by the Internal Audit Unit of the Chief Secretary's Office.

22. In case of any inconsistency between the Sinhala and the Tamil text of this Statute, the Sinhala text shall prevail. Language
Inconsistency

23. In this Statute unless the context otherwise requires ; Interpretation

“Deputy Director of Provincial health Services” means the Deputy Heads in charge of health activities of the three districts of the Western Province;

“Director” means the Provincial Director of the Department of Health Services of the Western province;

“Secretary” means the Secretary to the Ministry in charge of the subject of health of the Western Provincial Council;

“Chief Secretary” means the Chief Secretary of the Western Province;

“Minister” means the Minister-in-Charge of the subject of Health on the Board of Ministers of the Western Provincial Council;

“Governor” means the Governor of the Western Province;

“Department” means the Department of Health Service of the Western Province;

“Province” means the area of jurisdiction of the Western Province as specified in the constitution of the Democratic Socialist Republic of Sri Lanka.

SCHEDULE 1

Medical Institution of the Department of Health Services

Western Province – Curative Section

<i>Type of Institution</i>	<i>Colombo District</i>	<i>Gampaha District</i>	<i>Kalutara District</i>
<i>Base Hospitals</i>	<ol style="list-style-type: none"> 1. <i>Avissawella</i> 2. <i>Homagama</i> 	<ol style="list-style-type: none"> 1. <i>Gampaha</i> 2. <i>Negambo</i> 3. <i>Wathupitiwala</i> 	<ol style="list-style-type: none"> 1. <i>Panadura</i> 2. <i>Horana</i>
<i>District Hospitals</i>	<ol style="list-style-type: none"> 1. <i>Moratuwa</i> 2. <i>Maligawatta</i> 3. <i>Wetara</i> 	<ol style="list-style-type: none"> 1. <i>Mirigama</i> 2. <i>Minuwangoda</i> 3. <i>Divulapitiya</i> 4. <i>Dompe</i> 5. <i>Kiribathgoda</i> (<i>Kelaniya</i>) 	<ol style="list-style-type: none"> 1. <i>Mathugama</i> 2. <i>Ingiriya</i> 3. <i>Ittapana</i> 4. <i>Pibura</i> 5. <i>Bandaragama</i>
<i>Peripheral Units</i>	<ol style="list-style-type: none"> 1. <i>Talangama</i> 2. <i>Nawagamuwa</i> 3. <i>Piliyandala</i> 4. <i>Padukka</i> 5. <i>Kosgama</i> 	<ol style="list-style-type: none"> 1. <i>Pamunugama</i> 2. <i>Radawana</i> 3. <i>Akaragama</i> 	<ol style="list-style-type: none"> 1. <i>Meegahatanna</i> 2. <i>Gonaduwa</i> 3. <i>Bulathsinghala</i> 4. <i>Baduraliya</i>
<i>Rural Hospitals</i>	<ol style="list-style-type: none"> 1. <i>Athurugiriya</i> 	<ol style="list-style-type: none"> 1. <i>J-ela</i> 2. <i>Biyagama</i> 3. <i>Udupila</i> 4. <i>Malwathuhipitiya</i> 5. <i>Bokalagama</i> 	<ol style="list-style-type: none"> 1. <i>Dodangoda</i> 2. <i>Neboda</i> 3. <i>Katugahahena</i> 4. <i>Galpatha</i> 5. <i>Haltota</i>
<i>Central Dispensaries ancillary to Maternity Homes</i>		<ol style="list-style-type: none"> 1. <i>Korasa</i> 2. <i>Thalahena</i> 3. <i>Bemmulla</i> 4. <i>Veyangoda</i> 5. <i>Kalagedihena</i> 6. <i>Pugoda</i> 7. <i>Mithirigala</i> 8. <i>Dunagaha</i> 	<ol style="list-style-type: none"> 1. <i>Warakagoda</i>
<i>Maternity Homes</i>		<ol style="list-style-type: none"> 1. <i>Nabuluwa</i> 	

<i>Central Dispensaries</i>	<ol style="list-style-type: none"> 1. <i>Sedawatta</i> 2. <i>Angoda</i> 3. <i>Kolonnawa</i> 4. <i>Wellampitiya</i> 5. <i>Dadigamuwa</i> 6. <i>Kaduwela</i> 7. <i>Hanwella</i> 8. <i>Pinnawala</i> 9. <i>Waga</i> 10. <i>Weragala</i> 11. <i>Brahmanagama</i> 12. <i>Meegoda</i> 13. <i>Rukmalgama</i> 14. <i>Pannipitiya</i> 15. <i>Nugegoda</i> 16. <i>Gangodawila</i> 17. <i>Folk Art Center</i> 18. <i>Parliament Complex</i> 19. <i>Boralasgamuwa</i> 20. <i>Koralawella</i> 21. <i>Thummodara</i> 22. <i>Ratmalana (Railway Workshop)</i> 23. <i>Ratmalana</i> 	<ol style="list-style-type: none"> 1. <i>Maladeniya</i> 2. <i>Muddaragama</i> 3. <i>Ambepussa</i> 4. <i>Weweldeniya</i> 5. <i>Pasyala</i> 6. <i>Pallewela</i> 7. <i>Kal-eliya</i> 8. <i>Maligatanna</i> 9. <i>Halpe - Katana</i> 10. <i>Badalgama</i> 11. <i>Kotadeniyawa</i> 12. <i>Halpe - Mirigama</i> 13. <i>Kadawala</i> 14. <i>Katana</i> 15. <i>Andiambalama</i> 16. <i>Katunayaka</i> 17. <i>Raddolugama</i> 18. <i>Seeduwa</i> 19. <i>Kochchikade</i> 20. <i>Dewalapola</i> 21. <i>Madelgamuwa</i> 22. <i>Uswetakeiyawa</i> 23. <i>Hadala</i> 24. <i>Sinharamulla</i> 25. <i>Peliyagoda</i> 26. <i>Hunupitiya</i> 27. <i>Kadawata</i> 28. <i>Ganemulla</i> 29. <i>Weleweriya</i> 30. <i>Thihariya</i> 31. <i>Alawala</i> 32. <i>Urapola</i> 33. <i>Anuragoda</i> 34. <i>Mandawala</i> 35. <i>Malwana</i> 	<ol style="list-style-type: none"> 1. <i>Wadduwa</i> 2. <i>Keselwatta</i> 3. <i>Panapitiya</i> 4. <i>Horawala</i> 5. <i>Bellana</i> 6. <i>Thiniyawala</i>
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SCHEDULE 11

Services Provided by an Office of a Medical Officer of Health

01. Promotion of Maternal Health
 - Promotion of maternal health at Ante-natal Clinics.
 - Home visits by Family Health Workers for promotion of maternal health.
 - Post-Natal home visits by Family Health Workers to see to the health of the mother and child.
 - Assist in home delivery of babies.

02. Promotion of Child Health
 - Induce breast feeding
 - Supplementary food
 - Child nutrition
 - Monitoring of infant growth (weighing and maintenance of records and giving advice)

03. Immunization
 - Polio and Triple
 - Measles
 - Rubella
 - Japanese Encephalitis (brain fever)
 - Immunization of expectant mother to protect the child to be born, from tetanus.

04. Reproductive Health Care
 - Suwanari Clinic (for mother apparently in good health)
 - Family planning services (at clinics and home visits)

05. School Health Clinic
 - Carrying out of medical check-ups for school children in Grades 1,4 & 7 and carrying out of medical check-ups for children in schools where the student population is below 200.
 - Rubella vaccination to all female students between the ages of 11 – 15

06. Oral Health Clinics
 - Creation of awareness in all school children with regard to oral hygiene through Dental Therapist and provision of treatment for minor dental and oral complaints.
 - Provision of treatment for adults for oral complaints at Adult Dental Clinics.

07. Specialized Clinics
 - Filariasis
 - Leprosy

08. Specialized campaigns at community level
 - Vaccination programme for hydrophobia (dogs)
 - Night blood tests – filariasis
 - Spraying for destruction of mosquito larvae
 - Anti leprosy programme
 - Anti malaria campaign
 - Creating awareness in selected groups with regard to sexually transmitted diseases
 - Anti tuberculosis campaign

09. Environmental Health Activities
 - Creating awareness in environmental health
 - Conduct of inquiries whenever environmental problems arise.
 - Pre-checking of building plans
 - Provision of advice with regard to construction of wells, chlorination of wells and provision of chlorine

10. Food hygiene
 - Supervision of places of food consumption
 - Taking samples of food and analyzing them
 - Legal action where necessary

11. Control of communicable diseases
 - Visit reported place of communicable diseases and carry out inspection
 - Take action to prevent further spreading

12. Training of volunteer community health workers.