

Assented to by me this.....day.....20.....

.....
Senator Abiola Ajimobi
His Excellency, The Executive Governor



OYO STATE OF NIGERIA

No.15

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE
OYO STATE PRIMARY HEALTH CARE BOARD AND FOR
OTHER MATTERS CONNECTED THEREWITH**

Date of commencement. ()

Enactment. **ENACTED** by the House of Assembly of Oyo State of Nigeria as follows:

Short Title. 1. This Law is cited as the Oyo State Primary Health Care Board Law, 2016.

Interpretation. 2. In this Law-
"Auditor-General" means the Auditor-General of the State;
"Authority" means Local Government Primary Health Care Authority;

“Board” means the Oyo State primary Health Care Board established under section 3 of this Law;

“Chairman” means the Chairman of the Board;

“Commissioner” means the Commissioner for Health or any person for the time being charged with the responsibility for health in the State;

“Executive Secretary” means the Secretary of the Board;

“Functions” include duties and powers;

“Governor” means the Governor of the State;

“Local Government” means the Local Government Area and Local Council Development Area in the State;

“Medical Officer of Health” means the officer-in-charge of health of a Local Government Area and Local Council Development Area;

“Member” includes Chairman

“Ministry” means Ministry of Health;

“Primary Health Care Services” means such health care services as may be prescribed by the Commissioner to be primary health care services;

“Public health establishment” means a health establishment that is owned or controlled by a government body;

“State” means Oyo State of Nigeria.

Establishment
of the Board.

3. (1) There is established the Oyo State Primary HealthCare Board hereinafter referred to in this Law as the Board.

(2) The Board shall be a body corporate having perpetual succession with-

- (a) a Common Seal
- (b) the power to sue and be sued in its corporate name; and
- (c) power to acquire, hold, manage and dispose movable or immovable property for the purpose of its functions under this Law.

Functions4. The Board shall perform the following
of the Board. functions-

- (a) coordination of all the primary health care services as it affect the residents of the State;
- (b) prescribe conditions of service, appoint persons, deploy, promote and exercise disciplinary control over such persons;
- (c) domesticate and disseminate policies, guidelines and standard operating procedures developed and produced at the Federal level on Primary Health Care Service delivery;
- (d) advise the Commissioner, the Local Government Area Health authorities and other stakeholders on any matter regarding Primary Health Care Services;
- (e) consider applications for and issue certificate of needs and standards to appropriate primary health care institutions in the State;
- (f) hold quarterly meetings to review primary health care activities in all the Local Government in the State;
- (g) hold biannual meetings with the Local Governmentmanagement to review their support for primary health care in their various Local Government Areas.

- (h) maintain up-to date personnel records of all primary health care centres within the State;
- (i) ensure manpower planning, development and training in the service of primary health care;
- (j) ensure effective community participation in all primary health care activities from planning to implementation stage;
- (k) ensure the promotion and communication of primary health care services to residents within the State;
- (l) ensure the provision of essential drugs and consumables for service delivery;
- (m) encourage collaboration with other sectors at all levels in the development and support of primary health care systems;
- (n) strengthen referrals with other branches or levels of the health care sector especially in the areas of maternal childreproductive health and other ailments and diseases condition with a view of reducing morbidity and mortality;
- (o) mobilize resources for the development and support of primary health care activities;
- (p) oversee the implementation of primary health care programmes and periodically review and evaluate the implementations stages of such programme;

- (q) create data reporting system on primary health care of private sector operations of health care delivery;
- (r) encourage, and incorporate traditional and alternative health practices into primary health care in the State;
- (s) coordinate and direct the implementation of all Primary Health Care Services from time to time; and
- (t) do all such things as may be necessary and incidental to achieving the purpose of this Law.

Composition
of the
Board.

5. The Board shall consist of the following members-

- (a) a part time Chairman who shall be a person of proven integrity and at least 10 year experience in Public Health;
- (b) an Executive Secretary who shall be a medical practitioner from the public service with minimum of 15 years post qualification experience in medical practice and health programme management.
- (c) three other part-time members who shall have qualification and experience in human resources, financial management and administration respectively; and

- (d) other members who shall be a representative of-
 - (i) Ministry of Health, who shall be the Director of Public Health;
 - (ii) Association of Local Governments of Nigeria (ALGON) in the State;
 - (iii) private health care providers in the State;
 - (iv) Ministry of Local Government and Chieftaincy Matters;

(v) the State Health Insurance Agency;

(vi) Oyo State Hospitals Management Board;

(vii) Ministry of Information;

(ix) Ministry of Justice;

(x) National Primary Health Care Development Agency;

Budget; and

partners in the State;

(xi) Ministry of Finance and

(xi) Donors or development

- Appointment
and remuneration.6.
- (1) The members of the Board who are not ex-officio members shall be appointed by the Governor on the recommendation of the Commissioner for Health.
- (2) There shall be paid to the Chairman and members of the Board other than ex-officio members such remuneration and allowances as may be approved by the Governor.
- Tenure. 7.
- (1) The Chairman and other members of the Board, other than ex-officio members, shall hold office for a term of 4 years and shall be eligible for re-appointment for only one further term of 4 years.
- Vacation.
- (2) In the event of the death or incapacity of the Chairman of the Board, or if for any reason other than effluxion of time, the office of the Chairman is vacant, the Governor shall appoint another person as Chairman for the residue of the term of the Chairman.
- Removal.
- (3) Notwithstanding the provisions of this Law, the Governor may at any time and in his own discretion remove from office, any member of the Board, if that member-

(a).has been absent from three consecutive meetings of the Board without the permission of the Governor in the case of the Chairman, or in the case of any other members without the permission of the Chairman; or

(b).has become bankrupt or made an arrangement with his creditors; or

(c) is otherwise unable or unfit to discharge the functions of his office; or

(d) has been convicted by a court of law for an offence involving dishonesty, corruption and abuse of office; or

(e) is incapacitated by physical or mental illness.

Proceedings
of the Board.
Schedule.

(4)The supplementary provisions in the Schedule to this Law shall have effect with respect to the constitution and proceedings of the Board and other matters therein mentioned.

The Executive
Secretary of the
Board.

8. (1) The Executive Secretary shall carry out the day-to-day administration of the affairs of the Board in accordance with the provisions of this Law.
- (2) He shall be the chief executive and the accounting officer of the Board.
- (3) He shall be appointed from among the body of serving medical officers of the Board, Ministry of Health or medical officers of Health of the Local Government.
- (4) He shall be responsible for the following matters –
- (a) making arrangements for meetings of the Board;
 - (b) preparing the agenda and the minutes of such meetings;
 - (c) implementing the decisions of the Board; and
 - (d) keeping and securing the records of the Board;

Staff of the Board.9. (1)

The Board may appoint such other officers or employees, either directly or by way of secondment or transfer from the public or civil service of the State.

- (2) The members of staff of the Board appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Board may, determine after consultation with the State Civil Service Commission.

Departments,
Directors,
and other Staff.

10. (1)The Board shall have the following departments-

- (a) Reproductive Health and Family Planning;
- (b) Health promotion and Nutrition;
- (c) Disease control and Immunization;
- (d) Finance and Account;
- (e) Administration and Supplies; and
- (f) Planning Research and Statistics.

(2) Each department shall be headed by a director who shall be assisted by a deputy director.

(3) The Board shall approve additional departments,such number of directors and other employees as may be required to assist the Board in the discharge of its functions under this Law.

Establishment
of Local
Government
Primary Health care
Authority.

11.(1)There is established for each Local Government of the State, a Local Government Primary Health Care Authority, (referred to in this Law as the "Authority") which shall be supervised by theBoard.

Composition.

(2) The Authority shall consist of the following members -

- (a) a part time Chairman who shall be a qualified medical or health practitioner of proven integrity with a minimum of 10 years experience;
- (b) the Medical Officer of Health of the Local Government;
- (c) two persons of proven integrity selected from the community within the Local Government, one of who shall be a female;
- (d) a Supervisor for Health of the Local Government; and
- (e) a representative each of-
 - (i).Traditional Rulers Council;
 - (ii) alternative medicine practitioners within the Local Government; and
 - (iii) private health care providers in the Local Government Area of the State.

Appointment.

(3)The Chairman of the Local Government Area shall appoint members of the Authority.

Tenure. (4) The Chairman and other members of the Authority shall hold office for a period of 3 years and shall be eligible for re-appointment for a further period of 3 years on such terms and conditions as the Chairman of the Local Government Area may determine.

Secretary of the Authority. 12. The Medical Officer of Health of the Local Government shall be the Secretary of the Authority and shall be the administrative head and accounting Officer of the Authority.

Meetings of the Authority. 13(1) The Authority shall meet once a month except when there is a need for an emergency meeting and shall hold quarterly review meetings with the Board.

(2) The Members of the Authority except ex-officio members shall be paid such allowances as the Chairman of the Local Government Area may from time to time determine.

Functions of the Authority. 14.(1) The functions of the Authority which shall be carried out subject to the supervision of the Board shall include –
(a) day-to-day running of health facilities in the Local Government;

- (b) appointment, posting, transfer, promotion and discipline of primary health care staff of Grade Levels 01 to 06 in its area of jurisdiction;
- (c) making of recommendations to the Board on the promotion and discipline of primary health care staff on Grade Level 07 and above in its area of jurisdiction;
- (d) payment of salaries, allowances and benefits of the primary health care staff in its area of jurisdiction;
- (e) hold quarterly review meeting with the Ward Health Boards;
- (f) submission of annual estimates, annual accounts and monthly returns to the Board;
- (g) acquisition and distribution of materials and equipment's to all primary health care institutions in its area of jurisdiction;
- (h) undertaking general maintenance of the primary health care buildings and infrastructure in its area of jurisdiction;
- (i) stimulating, promoting and encouraging community participation in the running of primary health care institutions in its area of jurisdiction;
- (j) providing regular feedback to the Board on people's reaction to Government primary health care measures in its area of jurisdiction;

(k) rendering annual reports to the Board on all activities of the Authority during the preceding year, especially on primary health care staff in its area of jurisdiction;

(l) supervising all primary health care committees in its area of jurisdiction;

(m) setting out targets in line with the overall objectives of setting up the primary health care facilities and taking due cognizance of Government policy directive as provided by the Chairman of the Local Government, in respect of economic, financial, operational and administrative programs;

(n) ensure detailed implementation of all the components of Primary Health Care Services and as may be expanded as service demands;

(o) measuring performance against set targets;

(p) supervising and monitoring various committees to ensure that targets are achieved;

(q) delegating to the Ward Health committee the responsibilities for delivery of health care services that meet community needs and satisfaction;

- (r) ensuring coordination and integration of various health services within its jurisdiction;
- (s) performing such other functions as may be delegated to it by the Board and Local Government Chairman from time to time;
- (t) collaborate with privately owned health institutions in the provision of Primary Health Care Services; and
- (u) such other functions as the Board may from time to time delegate to it.

Funds and resources of the Authority.

15. The funds and resources of each Authority shall consist of -

- (a) all sums, investments or other property vested in the Authority by virtue of this Law;
- (b) such sums or other advances by way of loans, or grants to the Authority by the Government;
- (c) such sums or other property as may from time to time be advanced by way of loans or grants to the Authority by any agency or institution, any international organization and private foundation or any person whatsoever; and
- (d) money earned or arising from any investments or other property acquired by or vested in the Authority.

Loans and grants by any Government.

16. (1) The Government may, through the Board make to the Authority the following –
- (a) grants of any sums of money or property deemed necessary; and
 - (b) loans upon such terms as to repayment of interest or otherwise as the Government may determine.
- (2) The Authority shall in respect of any money (other than grants) advanced by the Government, create and maintain an advance account in favour of the Government of an amount equal to the total sums of money so advanced.
- (3) The advance account referred to in the subsection (2) of this section, shall be subjected to such conditions as to interest and repayments as the Governor may determine at the time of taking loans notwithstanding that the Governor may waive at any time such interest and principal repayments as may become due and payable.

Establishment of 17.
Ward Health
Committees.

(1) There shall be established for each ward in every Local Government a Ward Health Committee which shall be responsible for the coordination, planning, budgeting, provision and monitoring of all Primary Health Care Services that affects residents of the ward.

(2) The Ward Health Committee shall consist of –

- (a) a part time Chairman;
- (b) 3 persons representing the community one of which shall be female; and
- (c) the officer-in-charge of a facility in the ward who shall be the secretary.

(3) The Chairman and other members of the Ward Health Committee except ex-officio members shall be paid such allowances as the Chairman of the Authority may determine in consultation with the Authority.

Functions of 18.
Ward Health
Committee.

The Ward Health Committee shall, subject a
to the supervision of the Authority, have
responsibility for -

- (a) participating in the implementation of the primary health care in the wards;
- (b) engaging in the mobilization activities in the ward;
- (c) advising Authority on -
 - (i) necessary repairs and renovations of primary health care buildings in the area;
 - (ii) the primary health care staff; and
 - (iii) the primary health care equipment and materials required for the area.
- (d) promoting and encouraging communal interest and participation in the running of primary health care institutions in the area;
- (e) keeping the Authority informed of all primary health care problems in the area;
- (f) prepare budget and establishment proposals for approval by the Authority

before submission to the Board;

- (g) assist the Medical Officer of Health in the day-to-day management of the health facility and to ensure proper medical care of patients;
- (h) make proposals with regards to -
 - (i) the overall planning, expansion, development and maintenance of the health institutions within the jurisdiction;
 - (ii) the revenues and expenditures of the facility; and
 - (iii) the purchase of stores, furniture and equipment within the limits approved by the Authority;
- (i) implement staff training programmes and continuing medical education programmes with the approval of the Authority;

- (j) prepare and submit monthly statistical summaries (on attendance, morbidity, mortality and utilization of service), financial statements, quarterly or annual plan and progress report as required by the Authority and the Board; and
- (k) performing such other functions as the Authority may, from time to time assign to it.

Officer-in-charge of facility.

19. (a) There shall be the officer-in-charge of the facility who shall be the most senior Nurse or Midwife or chief health officer of the serving health workers.
- (b) The officer-in-charge of the health facility shall hold office for a term of 3 years which may be renewable perpetually subject to the officer's performance.
- (c) The continued existence of any Ward Health Committee and its officer-in-charge shall be based on performance and compliance with this Law.

Account and
audit returns
of the
Authority.

20. (a) The Authority shall keep proper accounts of all its audit transactions in such form as it may direct and which shall comply with standard accounting practice.
- (b) The form of accounts shall be such as to ensure the provision of separate information in respect of each of the main activities and divisions of the Authority.
- (c) The accounts shall be audited annually by the Auditor-General or any person authorized by him in that behalf in accordance with the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
- (d) The Authority shall establish proper internal control measures to administer its accounts.

Opening of the
Authority accounts

21.(1) Each Authority shall establish and maintain separate account into which shall be deposited such payments as may be made to it by the Board, and the Local Government.

(2) The Medical Officer of Health and the Authority account officer shall be signatories to the account.

(3) The Authority account officer shall be an officer with qualification in accounting and secondment from the Local Government finance department.

Fund of
theBoard.

22. (1) There is established for the Board, a Fund to be known as the Primary Health Development Fund (referred to in this Law as the "Fund")
- (2) The Fund shall consist of –
- (a) such funds as may be provided by the Federal, State and Local Government;
 - (b) any loan granted to the Board by the Government or any other person with the approval of the Government;
 - (c) such sums as may be paid to the Board by way of grants, subsidies, donations, gifts, fees subscriptions, rents, interests and royalties;
 - (d) any sum derived from the sale of any property held by or on behalf of the Board; and
 - (e) any property which may be donated to the Board.
- (3) The Board shall not be obliged to accept any donation for a particular purpose unless the Governor approves of the terms and

conditions attached to such donation.

- (4) Any sums standing to the credit of the Board may from time to time be invested by the Board in such securities as may be approved by the Governor and the Board may, with the approval of the Governor, dispose of such securities.
- (5) The funds and resources of the Board shall be applied towards the promotion of objectives of this Law.

Application of
proceeds of the
Fund.

23. The Board may, from time to time, apply the proceeds of the Fund for-

- (a) the cost of administration of the Board;
- (b) reimbursing members of the Board or of any committee set up by the Board who incurs such expenses as may be expressly authorized by the Board in accordance with the rates approved by the State Executive Council;
- (c) the payment of the salaries, fees or other remuneration, allowances, pensions and gratuities payable to the officers and employees of the Board, so however that no payment of any

kind under this paragraph (except such as may be expressly authorized as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;

- (d) the maintenance of any property vested in the Board; and
- (e) and in connection with all or any of its functions under this Law.

Power to
borrow money.

24. (a) The Board may with the approval of the Governor from time to time, borrow money required by it for meeting any of its obligations or discharging any of its functions under this Law.
- (b) An approval given for the purpose of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

Bank accounts.

25. The Board shall operate bank account for its funds with a reputable bank or banks in the State and the signatories to the account shall be the Director of Finance and either the Chairman or the Executive Secretary in accordance with the financial regulations.

Maintenance
of separate funds.

26. (1) The Board shall establish and maintain an expenditure fund, separate from the consolidated account from which shall be defrayed all expenditure as may be incurred by it in the performance of its functions under this Law.

(2) There shall be paid and credited to the fund established under subsection (1) of this section, grants as may be made to the Board by the Government for the running expenses of the Board, and all other assets accruing from time to time to the Board.

Accounts and
audit.

27. (a) The Board shall keep proper accounts of all its audit transactions in such form as it may direct and shall comply with standard accounting practice.

(b) The form of accounts shall be such as to ensure the provision of separate information in respect of each of the main activities and divisions of the Board.

(c) The accounts shall be audited annually by the Auditor-General or any person authorized by him in that behalf in accordance with the the Constitution of the Federal Republic of Nigeria, 1999(as amended).

(d) The Board shall establish proper internal control measures to administer its accounts.

Annual Report
31st and accounts
to the
estimates of its
income (including
Board's fund)
succeeding year.

(1) The Board shall, not later than October, in each year, submit to the Commissioner an expenditure and payments to the during the next

(2) The Board shall keep proper accounts in respect of each financial year (and proper records in relation thereto) and shall cause its accounts to be audited within 6 months after the end of each year by Auditors appointed by the Auditor-General in accordance with the guidelines prescribed by the Auditor-General.

Duty to
disseminate
information

29. The Ministry, the Board and all Local Government health authorities must ensure that adequate and comprehensive information is disseminated on the health services for which they are responsible, which shall include -
(a) the types and availability of health services;
(b) the organization of the health services;

- (c) operating schedules and timetables of visits;
- (d) procedure for access to the health services;
- (e) other aspects of health services which may be of use to the public; and
- (f) procedures for laying complaints.

Power to make Regulations 30. The Commissioner may make Regulation generally for the carrying into effect the purpose of this Law.

This printed impression has been carefully compared by me with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.

<p>.....</p> <p>Paul Ishola Bankole mni Clerk of the State House of Assembly</p>	<p>.....</p> <p>Rt. Hon. Adesina Michael Adeyemo Speaker of the State House of Assembly</p>
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SCHEDULE

PROCEEDINGS OF THE BOARD (SECTION 7(4))

Chairman to
preside over
meeting. 1. The Chairman shall preside at every meeting of
the Board at which he is present, and if he is
absent, the members present at the meeting
shall select one of its members to preside.

Casting vote. 2. The Chairman or the member presiding at a
meeting of the Board in his absence shall have a
vote, and in the event of an equality of votes a
casting vote.

Quorum. 3. The Quorum of the Board shall be five, which
shall include the Chairman and at least one
other member who is not an ex-officio member,
and the Board shall determine the quorum of
any committee of the Board.

Co-option. 4. Where the Board desires to obtain the advice of
any person on any particular matter, the Board
may co-opt him as a member for such period
as it deems fit and such person who is so co-
opted, shall not be entitled to vote or count
towards quorum.

Committees of
the Board. 5(1) The Board may appoint one or more committees
carry on behalf of the Board such functions as
the Board may determine, but a decision of
a committee shall be of no effect until it is
approved by the Board.

(2) Without prejudice to subparagraph (1) of paragraph 5, the Board shall appoint the following Committees-

- (a) Appointment and Promotion Committee; and
- (b) Junior Appointment and Promotion Committee.

Miscellaneous. 6

- (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other member, authorized generally or specially by the Board for that purpose.
- (2) Any contract or instrument which is made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorized to act for that purpose by the Board or a Board of the Board.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

7. Any member or any person holding office who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

Disclosure of
interest.

8. A member of the Board or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or the Committee shall forthwith disclose his interest to the Board or Committee and shall not vote on any question relating to the contract or arrangement.