

I assent this 18th day of August, 2008.

ARC. MOHAMMED NAMADI SAMBO
Executive Governor of Kaduna State of Nigeria

Law No. 4



2008

Kaduna State of Nigeria

**A LAW TO ESTABLISH THE KADUNA STATE
PRIMARY HEALTH CARE AGENCY**

(18th August, 2008)

Date of
Commencement.
Enactment.

BE IT ENACTED by the Kaduna State House of
Assembly as follows:

PART I

PRELIMINARY

1. This Law may be cited as the Kaduna State
Primary Health Care Agency Law 2008.

Short Title.

2. This Law shall come into operation on the
18th day of August, 2008.

Commencement.

3. In this Law unless the context otherwise
requires:

Interpretation.

"Agency" means the State Primary Health Care
Agency established under Section 4 of this Law;

"Board" means the Governing Board established
under Section 5 of this Law;

"Chairman" means the Chairman of the Board;

"Commissioner" means the Commissioner of Health
of the State;

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"Executive Secretary" means the Executive Secretary of the Agency appointed under Section 6 of this Law;

"Governor" means the Executive Governor of Kaduna State;

"Local Government" means the 23 Local Government Areas in the State;

"Member" means a Member of the Board;
"Private Health Establishment" means Hospitals, Nursing Homes, Maternity homes, Convalescent homes and Medical clinics under the control or supervision of Medical Practitioners and includes Medical laboratory centres, Physiotherapy centres, Radiographic (X-ray) centres or premises regulated by the Pharmacist Board of Nigeria and those duly qualified and registered Ophthalmologists, Opticians and Optometrists;

"Reproductive Health" includes free pre-natal and postnatal care; and

"State" means Kaduna State of Nigeria.

PART II

ESTABLISHMENT OF THE AGENCY

4. (1) There is hereby established in the State an Agency to be known as the Kaduna State Primary Health Care Agency. Establishment of the Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal.

(3) The Agency may sue and be sued in its corporate name and may acquire, hold and dispose of movable and immovable property.

COMPOSITION

Composition of the
Agency.

5. The Agency shall consist of a Governing Board with the following Members:

- (a) A Chairman of the Board who shall be appointed by the Governor;
- (b) Representative of Ministry of Health;
- (c) Representative of Local Government Service Board;
- (d) Representative of Ministry for Local Government;
- (e) Representative of Ministry of Women Affairs and Social Development;
- (f) Representative of Association of Local Governments of Nigeria;
- (g) Representative of the National Primary Health Care Development Agency, North West Zonal Office;
- (h) Representative of Private Health Establishment in the State;
- (i) Two representatives of Health Professional Bodies in the State on rotational basis who may be serving or retired medical personnel;
- (j) One representative from each of the three Senatorial Zones in the State; and
- (k) Representative of the Ministry of Environment and Natural Resources.

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6. An Executive Secretary shall be appointed by the Governor on the recommendation of the Commissioner.

Appointment of
an Executive
Secretary.

7. (1) The Chairman and Members of the Board shall hold office for a period of four years and may be eligible for re-appointment for another term of four years and no more;

Tenure.

(2) Any member of the Board may resign his appointment by giving notice in writing to the Governor;

Resignation.

(3) Any vacancy occurring in the membership of the Board shall be filled by the appointment of a successor who shall represent the same interest as the predecessor for the remainder of the term;

Vacancy in
membership.

(4) A member shall only be removed from office by the Governor on grounds of inability to discharge his functions arising from misconduct, infirmity of mind and body or any other just cause.

(5) There shall be paid to the members of the Board such allowances as the Governor may determine.

Remuneration.

8. The Agency shall have four Departments, each to be headed by a Director as follows:

Departments of
the Agency.

- (a) Administration and Finance;
- (b) Health Planning, Research and Statistics;
- (c) Community Health Services;
and
- (d) Environmental Health Services.

Zonal Management Committees.

9. (1) The Agency shall establish Zonal Management Committees to decentralize its operations according to the three Senatorial Zones;

(2) The members of the Zonal Management Committee shall consist of the following:

- (a) A Zonal Coordinator;
- (b) All Government Primary Health Care Coordinators in the Zone;
- (c) A Medical Director from each of the Hospital Management Boards or Committees within the Zone;
- (d) A Zonal Accountant;
- (e) A Representative of the Ward Development Committees from each of the Local Government Areas of the Zone; and
- (f) A Zonal Secretary.

(3) The Zonal Management Committee shall:

- (a) Be responsible for the coordination of the Agency's programmes in the Zone; and
- (b) Be responsible for the coordination of its operations with the Local Government Management Committees and Health Technical Staff in the Local Government Areas.

PART III
POWERS AND FUNCTIONS OF THE AGENCY

10. The functions of the Agency shall be as follows: Powers and Functions.

- (a) Be charged with the responsibility of providing effective Primary Health Care Services to the people of the State;
- (b) Promote and monitor the implementation of health plans at various levels of the State Primary Health Care Services;
- (c) Ensure effective community participation in all Primary Health Care activities from planning to implementation stage;
- (d) Protect and Enforce Environmental Health Legislations;
- (e) Develop sound database for effective planning, implementation and supervision of all Primary Health Care activities in the State;
- (f) Promote reproductive health services;
- (g) Develop effective programme for training and retraining of all primary health care providers;
- (h) To oversee the running of Comprehensive Health Centres, Primary Health Centres, Primary Health Clinics and such other primary health care facilities in the State as may be determined by the Governor;

- (i) Encourage collaboration with other sectors at all levels in the development and support of primary health care services;
- (j) Strengthen referrals and linkages with other branches or levels of the health sector especially in the areas of maternal and child health, reproductive health and other ailments with a view to reducing morbidity and mortality;
- (k) Mobilize resources nationally and internationally for the development and support of primary health care activities; and
- (l) Review quarterly and evaluate the implementation of the programmes of the Agency.

PART IV

POWERS OF THE BOARD

Powers of the Board.

11. The Board shall be responsible for:

- (a) The general policy and administration of the Agency including appointment, promotion and discipline of staff;
- (b) The control and management of its property and funds as may be determined by the Governor;
- (c) Making regulations for the appointment, promotion, discipline and transfer of staff of the Agency;
- (d) Delegating any of its powers and functions under this Law to any of its members.

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12. The Executive Secretary shall:

Functions of the
Executive
Secretary.

- (a) Be the Chief Executive Officer of the Agency;
- (b) Be responsible for the execution of the policies of the Board;
- (c) Be the Secretary of the Board; and
- (d) Carry out any other functions as the Board may direct.

PART V

FUNCTIONS OF THE DEPARTMENTS
OF THE AGENCY

13. The functions of the Departments of the Agency are as follows:

(1) The Department of Administration and Finance shall be responsible for:

Department of
Admin and
Finance.

- (a) Routine administrative matters of the Agency;
- (b) Staff matters including discipline and staff disposition;
- (c) Supplies;
- (d) Maintenance of effective programme for training and retraining;
- (e) *Financial matters;*
- (f) Developing effective programme for training and retraining primary health care providers; and
- (g) Liaising with the State Medical Stores for the supply of free drugs and consumables under the free Medical Services for Pregnant

Women and children under five
years policy of the State.

Department
of Health Planning,
Research
and Statistics.

(2) The Department of Health Planning, Research
and Statistics shall be responsible for:

- (a) Developing and maintaining sound
database for effective planning;
- (b) Monitoring and Evaluation of the
activities of the Agency;
- (c) Surveillances and Disease Notifica-
tion; and
- (d) Initiating collaboration with other
sectors at all levels in the develop-
ment and support of primary health
care services.

Community
Health.

(3) The Department of Community Health
Service shall be responsible for:

- (a) Maternal and Child Health Services;
- (b) Routine and Supplemental
Immunization of Children under the
age of five against the vaccine
preventable diseases;
- (c) Integrated Management of child-
hood illnesses;
- (d) Reproductive health activities;
- (e) Promotion of Nutritional activities;
- (f) Provision of essential drugs for the
Drug Revolving Fund in the Primary
Health-Care facilities; and
- (g) Health promotion and communica-
tion.

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(4) The Department of Environmental Health Services shall be responsible for:

- (a) Environmental/Water Sanitation; and
- (b) Enforcement of Environmental Health Legislations.

PART VI

FINANCIAL PROVISIONS

14. (1) The Agency shall be funded jointly by the State and Local Government Councils.

Account and
Audit of the
Agency.

(2) The Agency shall have the right and power to source for funds from Non-governmental Organizations and other Donor Agencies.

(3) The Agency shall keep proper record of Accounts in relation to all transactions.

(4) At the end of each financial year, the Agency shall have its accounts audited by the Auditor-General of the State.

(5) The Agency shall at the end of each year submit to the Governor through the Commissioner an annual report of its activities for that financial year including a copy of the audited accounts of the Agency.

PART VII

MISCELLANEOUS PROVISIONS

15. The common seal of the Agency shall be authenticated by the signatures of the Chairman and the Executive Secretary of the Agency or of those members generally or specifically authorized in that behalf by the Board.

Seal of the
Agency.

Evidence.

16. Any document purporting to be a contract agreement, an instrument or any other document signed or sealed on behalf of the Agency shall be admissible in evidence unless the contrary is proved.

Proceeding.

17. The validity of any proceeding of the Board or Committee shall not be affected by:

- (a) Any vacancy in the membership of the Board or Committee; or
- (b) A defect in the appointment of a member of the Board or Committee; and
- (c) Reason that though not entitled, he took part in the proceeding of the Board or Committee.

Quorum.

18. The quorum of the Board shall be the Chairman and five other members.

Meeting.

19. (a) The Board shall meet not less than four times in each year or such number of times as it may consider necessary.
- (b) The Board shall, if required by notice given by not less than six members, convene an emergency meeting of the Board to be held within 14 days from the date the notice is given.

MADE at Kaduna this 18th day of August, 2008.

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EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to establish an Agency to promote and provide a responsive result-oriented and effective Primary Health Care Services in the State.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correct printed copy of the said Bill.

HON. ABDULLAHI ADAMU IKARA
(SPEAKER)

MOHAMMED S. TANKO SOGA
(CLERK TO THE LEGISLATURE)