

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY OF KITUI

FIRST COUNTY ASSEMBLY – (SECOND SESSION)

COMMITTEE ON HEALTH AND SANITATION

REPORT ON THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEE
BILL NO.6, 2014

JULY

2014

**THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEE BILL
NO.6, 2014**

**REPORT ON THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT
COMMITTEE BILL NO.6, 2014**

PREAMBLE.

Mr. Chairman, the Kitui County Health Facilities Management Committee Bill NO.6, 2014 was published on 10th March 2014 pursuant to section 23 of the county government act No. 17 of 2012 and was subsequently introduced to the assembly on 22nd May 2014

Mr. Chairman, the purpose of this Bill is to provide for the establishment of the Hospital Management Committee to enhance effective Management of Public Hospitals within the County, qualifications and procedures for appointments to the Committees; to give effect to section (2) of the fourth schedule to the Constitution of Kenya, 2010, and for connected purposes.

After publication, the bill was introduced to the Assembly on 22nd May, 2014 and committed to Health and Sanitation Committee in line with the County Assembly standing orders 120 and 121(1).

Mr. Chairman, pursuant to provisions of Article 196 (1) (b) of the constitution, Health and Sanitation Committee facilitated public participation through forums held on 19th June, 2014 in Kitui Central, Mwingi Central and Kitui South towns as publicized in the Standard Newspaper of 6th June 2014. The committee received memoranda from institutions, civil societies and individual citizens.

Health and Sanitation Committee would like to appreciate the members of the public, who turned in large numbers to give inputs on the bill. We also thank institutions, groups and individuals who submitted memoranda. The committee is also thankful to members of the county assembly who gave their support in ensuring that the event was successful.

Mr Chairman, in their views to the committee, members of the public expressed very strong sentiments on the fact that they had no technical knowhow on the bill and therefore they requested that in future, the key stakeholders to be involved and also the Bills be circulated in time.

They also requested that the publication to be done through popular local FM stations.

COMPOSITION OF THE COMMITTEE.

Mr Chairman, the standing order 191(1) establishes Sectoral committees with specific mandate among others to study and review all county legislation referred to it and make reports and

recommendations to the Assembly of proposed legislation. The current composition of the committee is as follows:-

Name	Position	Signature
Hon Joyce M. Mutemi	Chairperson	.....
Hon Francis Mwalili	Vice Chairperson	.....
Hon Bernard Munyasya	Member	.....
Hon Mary Mbandi	Member	.....
Hon John Nyamai	Member	.....
Hon Beatrice Musyoka	Member	.....
Hon Jenniffer Munuve	Member	.....
Hon Vestantina Chawana	Member	.....
Hon Jamhuri Mwangi	Member	.....
Hon Allan Kavindi	Member	.....

These members provided good leadership throughout the public participation on this bill and held a three (3) sittings and three (3) days working retreat to consider all the views and inputs submitted by the public before arriving at the recommendations presented in this report.

OVERVIEW ON THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEE BILL NO.6, 2014

The objective of the Kitui County Health Facilities Management Committee Bill NO.6, 2014 seeks to customize Health function as a devolved function to the Kitui County Government.

The Principal objective of the Bill is to provide for the effective management of public health facilities within the County by establishing Hospital management Committees and subcommittees and the Health Centre and Dispensary management committees to oversee the management of public Health facilities within the County.

The Bill also seeks to give effect to section 2 of the fourth Schedule to the Constitution of Kenya.

COMMITTEE REVIEW OF PUBLIC PARTICIPATION AND RECOMMENDATIONS.

1. TABLE OF CONTENTS (ARRANGEMENTS OF CLAUSES)

PART 1:

Clause 1 to 3 the committee recommends that there are no amendments (the clauses to be adopted as printed in the arrangements of clauses).

PART II:

(a) Clause 4 to 14, No amendments-to be adopted as printed in the arrangements of clauses

- (b) Clause 15 be amended by deleting the clause as put in the arrangements of clause.
- (c) Clause 16 to be amended by renumbering as follows;-

Clause **16** be renumbered **to read 15, clause 17 to read 16, clause 18 to read 17, and clause 19 to read 18.**

PART III:

- (a) Clause 20 to 23 be amended by renumbering as follows;

Clause 20 be renumbered to read as **19, clause 21 to read 20, clause 22 to read 21, clause 23 to read 22.**

- (b) The following new clause to be introduced immediately after clause 22.

Clause 23: **Development Subcommittee responsibilities**

Clause 24: **Procurement subcommittee responsibilities**

PART IV:

- (a) Arrangement of clause be amended by renumbering them as follows;

Clause 24 be renumbered to **read 25, clause 25 to read 26**

Clause 26:

- (a) Be amended by renumbering it Clause 27.
- (b) Be amended by inserting the following words immediately after the word ‘‘Complaints’’
–**Service Delivery Levels.**

Clause 27 be renumbered to read as 28.

PART V:

The following Clause **be amended by renumbering them as follows; clause 28 be renumbered to read 29, clause 29 to read 30, clause 30 to read 31, clause 31 to read 32, clause 32 to read 33, clause 33 to read 34, clause 34 to read 35, clause 35 to read 36, clause 36 to read 37, clause 37 to read 38, clause 38 to read 39, clause 39 to read 40, clause 40 to read 41, clause 41 to read 42, clause 42 to read 43, clause 43 to read 44, and clause 44 to read 45.**

PART VI:

- (a) Clause 45 to 48 be amended to read **46 to 49** sequentially.
- (b) Be amended by inserting a new **Clause 50.**
- (c) **Printed clause 49 be amended as follows;**

- (i) Be moved to Part VII
- (ii) That printed clause 49 be renumbered clause 51.

PART VII:

- (a) PART VII Be renumbered PART VIII

Renumbered PART VIII

Clause 50:

- (a) Be renumbered clause 52
- (b) Be renumbered by inserting the following words after the word ‘Complains’- **Service Delivery Levels.**

Clause 51 be renumbered **clause 53.**

SCHEDULES

The schedules as printed **First, Second and third** be deleted entirely from the arrangements of clause.

2. COMMITTEE RECOMMENDATIONS AND AMENDMENTS TO THE BILL

The committee recommends that the renumbering of this Bill as corrected in the arrangements of Clauses will now be numbers adapted and used for the purpose of this Bill.

CLAUSES WITHOUT AMENDMENTS

The committee recommends the adoption of the following clauses as printed in the Bill:-

Clause 3: application.

Clause 9: Notification of appointment.

Clause 12: Core values of the Hospital Management Committee.

Clause 13: Core responsibilities of the Hospital Management Committee.

Cause 21: Quality of Health Care Services Sub committee

Clause 22: Audit subcommittee.

CLAUSES WITH AMENDMENTS

The committee recommends several amendments to the bill after considering, evaluating and integrating various proposals as follows:-

PART II- ESTABLISHMENT OF THE HOSPITAL MANAGEMENT COMMITTEE

Part II Clause: 4, the committee recommends that there is established a process of **nomination of the committee members as stated in part II clause 7 and 8.**

The CEC will recommend the nominees to the Governor for approval and appointment.

Committee Membership

Clause 5 (1) Amend by deleting the word “ nine” appearing between the words “be and members” in the first line and replacing thereof with the word **twelve (12)** who shall be appointed by **the CEC member for Health and Sanitation Kitui County and forwarded to the Governor Kitui County for approval.**

Clause 5 [1]

(a) Amend by inserting the words **shall be** between the words “chairperson and appointed” and further by deleting entirely the words appearing immediately after the word **by the**” and replace thereof with the following words **12 members and then forward to the CEC Member for Health and Sanitation Kitui County, who will further forward the same to the Governor for approval.**

(d) Amend by inserting the words **shall have medical background, public health or trained professional counselor** immediately after the word respectively.

(f) [ii] Amend by inserting the words **an active** between the word “by” and women and further by inserting the words **where the facility is situated** immediately after the word “groups”.

[iii] Amend by inserting the words **dominant in respective area where the facility is situated** immediately after the word “organization”.

[iv] Amend by inserting the words **with a gender rule bias based on other members nominated in that committee where the facility is situated** immediately after the word “groups”.

[v] Amend by inserting the words **with a gender rule bias based on other members nominated in that committee where the facility is situated** immediately after the word “group”.

[vi] Amend by deleting the words entirely immediately after the word “assembly” and replace thereof with the words **within that ward becomes an automatic member of the committee and where there is a nominated member of the County Assembly, the same rule applies.**

Funds of the committee

Clause 6 [2]

Amend by deleting the words ‘‘ the annual allocation or grants’’ appearing between the words limited to and authority in the second line of sub clause 2 to replace it with the words ‘‘**6 (1) above**’’.

Clause 6 (4)

Amend by inserting the words ‘‘**and made public as a matter of practice or on demand**’’ after the word funds at the end of the second line of sub clause 4.

Clause 7:

Amend by deleting the words ‘‘Section 5’’ appearing between ‘‘under and unless’’ in the second line and replacing thereof with the word **Clause 5**.

Nomination coordinating committee

Clause 8, Paragraph (2) amend by inserting the words **and Sanitation** immediately after the word ‘‘Health’’ and further delete the words ‘‘Ward development committee’’ and replace it with the words **nomination coordinating committee in (8) above**.

Clause 10

Meetings of committee

Sub clause (1) amend by inserting the words **allow a room for emergency meetings in case of outbreaks or disasters** immediately after the words deliberations.

Sub clause (2) amend by deleting the words ‘‘five’’ appearing between the words be and of in the first line of sub clause 2 and replacing thereof with the words **seven**.

Repeated sub clause (3) to be renumbered to read 4, and sub clause (4) to read **(5)**

Sub clause (5) Amend by inserting the words **and the committee members** immediately after the word member.

Sub clause (5) be renumbered to read (6) and sub clause (6) to read (7).

Functions of the Hospital Management Committee

Clause 11 (b) Delete sub-clause (b) entirely and replace it with **the Hospital Management Board shall propose to the CEC Health and Sanitation through minutes the authority to open and operate a Bank Account .**

(c) Amend by inserting the words **and Drugs stocking levels based on usage** immediately after the word expenditure.

Hospital Management Committee Office Bearers

Clause 14 (1) Amend by deleting the words “and the” appearing between the word “Chairperson” and “Secretary” and insert the words **and the Treasurer** immediately after the word “secretary”.

(2) Amend by inserting the words **nominated by (12) twelve members** immediately after the word chairperson and retain the word appointed by the Governor and delete the word “or health and sanitation from three among the nine nominees” immediately after the word Governor.

Removal of a Committee Member by the County Executive Committee Member

Clause 15 (b) Amend by deleting the repeated word **Nongovernmental**.

(e) Amend by inserting the words **by writing** immediately after the word committee.

Relationship between Health Management teams and Hospital Management Committee.

Clause 16 (Paragraph 2) Amend by deleting the word “promptly” appearing immediately after the word meeting in line three and replace it with **within seven days**.

Power of County Executive Committee Member for Health and Sanitation.

Clause 17 (1) Amend by inserting the words **and Sanitation** between the words “health and May”.

Disclosure of interest

Clause 18 (1) Amend by inserting the words **or she** immediately after the word “he” appearing in the third line and fourth line.

(2) Amend by inserting the words **or her** immediately after the word “his” appearing in the third line.

PART III-HOSPITAL MANAGEMENT SUB COMMITTEE

Finance Subcommittee responsibilities;

Clause 20. Paragraph 1; amend by spacing the words **andthe** appearing between committee and hospital.

PART IV-COMMITTEES' FINANCIAL PROVISIONS

Financial provisions

Clause 23 be renumbered to read 25.

Clause 24 be renumbered to read 26.

Clause 25 be renumbered to read 27.

Clause 27. Amend by inserting the following words immediately after the word "Complaints" – **Service Delivery Levels.**

Clause 26 be renumbered to read 28.

PART V-ESTABLISHMENT OF THE HEALTH CENTRE MANAGEMENT COMMITTEE AND DISPENSARY MANAGEMENT COMMITTEES

Establishment of the Health Centre Management Committee and Dispensary Management Committees

Clause 27 be renumbered to read 29.

Clause 28 be renumbered to read 30.

Committee Membership

Clause 30 (1) amend by replacing the words "seven" appearing between the words "least and and" with the words **(10) ten members.**

Clause 30 [1] (a) Amend by deleting the word "CEC" appearing between "the and member" in the first line and replacing thereof with the words **ten members** and further deleting the word "seven" appearing between the and to in the second line and replacing thereof with the word **ten (10).**

[e] [ii] Amend by inserting the words **an active women group where the facility is situated** immediately after the word groups.

[iii] Amend by inserting the words **dominant in respective area where the facility is situated** immediately after the word organization.

[iv] Amend by inserting the words **group with a gender rule bias based on other members nominated in that committee where the facility is situated** immediately after the word Groups.

[v] Amend by inserting the words **with a gender rule bias based on other members nominated in that committee where the facility is situated** immediately after the word group.

Clause 29 be renumbered to read 31.

Clause 30 be renumbered to read 32.

Clause 32

Amend by inserting sub **clauses 1** immediately after Clause **32** in line 1, and renumbering sub clause 4 to read 2, 5 to read 3 and 6 to read 4.

Clause 32: (2) be amended by deleting the words " the annual allocation or grant" appearing between the words "to and and" in second and third lines and replacing thereof with the words **32. [1] (a- e) above**

Clause 32.[4]

Amend by inserting the words **and made public as a matter of practice or on demand** immediately after the word funds.

Clause 31 be renumbered to read 33

Clause 33: amend by deleting the words Section5 appearing between the words "under and unless" in the second line and replacing thereof with the words **Clause 5.**

Clause 32 be renumbered to read 34.

Clause 34 (b) Amend the sub clause to read **The area Member of County Assembly within that ward where the Health Centre or Dispensary is situated becomes an automatic member of the committee and where there is a nominated member of the County Assembly, the same rule applies.**

Clause 33 be renumbered **to read 35.**

Clause 35. Amend by deleting section 29 appearing between the words "under and shall" **in the** second line to read **Clause 31.**

Clause 34 be renumbered **to read 36.**

Clause 36 (2) Amend by deleting the word "five" appearing between the words "be and of" in the first line and replacing thereof with the word **(6) six.**

Clause 36 (4) Amend by inserting the words **and the committee members** immediately after the word in charge in the last line.

Clause 35 be renumbered to read 37, clause 36 to read 38, clause 37 to read 39 and clause 38 to read 40.

Clause 40 (2) Amend by Spacing the word **membersamong** appearing between ‘‘other and themselves’’.

Clause 39 be renumbered to read **41**.

Clause 41 (e) amend by inserting the words **in writing** immediately after the word committee.

Clause 40 be renumbered to read **42**.

Clause 42, amend by deleting the word’’ **al**’’ appearing between ‘‘dispensary and Management committee’’.

Clause 41 be renumbered to read **43**.

Clause 43 paragraph (2) amend by replacing the word ‘‘promptly’’ with **within seven days**.

Clause 42 be renumbered to read **44**.

Clause 43 be renumbered d to read **45**.

Clause 45 (1) amend by inserting the word **she** between ‘‘he and is’’ in the third line and fourth line, and further insert **her** immediately after the word ‘‘his’’ appearing in the last line.

Clause 45 subsection (2) amend by inserting the word **her** immediately after the word ‘‘his’’ in the last line.

PART VI-HEALTH CENTRE OR DISPENSARY MANAGEMENT SUB COMMITTEES

Clause 44 be renumbered to read **46**.

Clause 46 paragraph (3) amend by spacing the words **managementcommittees** appearing between ‘‘Centre and shall’’.

Clause 45 be renumbered to read **47**, clause 46 to read **48** and clause 47 to read **49**.

PART IV be amended by renumbering it to read **PART VII- COMMITTEES’ FINANCIAL PROVISIONS**.

Clause 48 be renumbered to read **51**.

PART VII be amended by renumbering it to read **PART VIII**.

Clause 49 be renumbered to read **52**.

Clause 52 be amended by inserting the following words immediately after the word ‘‘Complaints’’ –**Service Delivery Levels**.

Clause 50 be renumbered to read **53**.

MEMORANDUM OF OBJECTS AND REASONS

Amend by deleting the word “sand” appearing between “Health Centre and dispensary” and thereof replacing it with the word **and**.

NEW CLAUSES

The committee recommends additional new Clauses as follows;

PART II-ESTABLISHMENT OF THE HOSPITAL MANAGEMENT COMMITTEE

Clause 5:

Amend the above clause 5 by introducing the following new sub clauses as follows;

(i) New sub clause 5 (i) [f] {vii}

[vii] **Ex-officio from other interested bodies like Kenya Medical Training College (KMTC) and key stakeholders like Mission Hospitals, Home based health care attendants and others.**

(ii) New sub clause 5 (i) [f] {viii}

[viii] **Community based health care attendants e.g. community based distributors of contraceptives, TBAs, Counsellors and others.**

Clause 15

Amend the above clause 15 by introducing a new sub clause ‘j’

Clause 15 (j):

If a genuine petition from the public is lodged against the member.

PART III

Clause 19

Hospital Management Sub Committees-

Amend clause 19 by introducing new sub clause as follows;

(i) **new sub clause 19 (d): Development Sub Committee.**

(ii) **new sub clause 19 (e): Procurement Sub Committee.**

Clause 23

Introduce new two clauses as follows;

Development subcommittee responsibilities;

Clause 23. (1). **The total membership of the subcommittee shall be at least four (4) members nominated from the Hospital Management Committee.**

(2). **The specific responsibilities of this subcommittee shall be ;**

- (a) **To establish short and long term plans for the Hospital.**
- (b) **To monitor and evaluate population growth of an area and project expansion needs.**
- (c) **To forward development plans of the Hospital to Finance Subcommittee for approval.**
- (d) **Acquisition of additional land for expansion.**

Procurement subcommittee responsibilities;

Clause 24. (1). **The total membership of the subcommittee shall be at least four (4) members from the Hospital Management committee.**

(2). **The Specific mandate of this subcommittee shall be;**

- (a) **Procurement of professional services.**
- (b) **Procurement of Drugs and Hospital equipment's and any other function in relation to procurement mandate as stipulated in the procurement Act.**

PART V:

Clause 30:

Amend the above clause by introducing the new sub clauses as follows;

- (i) New sub clause 30 (e) [vi]
The area Member of County Assembly within that ward becomes an automatic member of the committee and where there is a nominated member, the same rule applies.
- (ii) New Sub clause 30 (e) [vii]
Community based health care attendants e.g community based distributors of contraceptives, TBAs, Counselors and others.

PART VI:

The Health Centre Management committees under Sub Committees

Amend the above clause by introducing a new sub clause

New sub clause 46 (d): Development subcommittee.

PART VII:

Amend the by introducing a new clause 50.

Development subcommittee responsibilities;

Clause 50. (1). The total membership of the subcommittee shall be at least four (4) members from the Health Centre and Dispensary Management committees.

(2). The specific responsibilities of this subcommittee shall be;

- (e) To establish short and long term plans for the Hospital.**
- (f) To monitor and evaluate population growth of an area and project expansion needs.**
- (g) To forward development plans of the Hospital to Finance Subcommittee for approval.**
- (h) Acquisition of additional land for expansion.**

INTERPRETATION

1. INTERPRETATION WITHOUT AMENDMENTS

The Committee recommends that interpretation in clause 2, be adopted as printed.

2. INTERPRETATION WITH AMENDMENTS

None.

PREAMBLE

There is no preamble in the Bill.

LONG TITLE

The committee recommends that the long title be adopted as printed.

CLAUSE PROVIDING FOR THE CITATION OF THE BILL AND THE COMMENCEMENT

The committee recommends that the citation and commencement (Clause 1) be adopted as printed.

And finally the committee recommends that all the sub titles contained in the Bill, to be moved as marginal notes to this Bill as printed and corrected in the arrangements of clauses.