

**KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEES BILL,**

**2014**

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# HEALTH FACILITIES MANAGEMENT COMMITTEES BILL, 2013

A Bill for,

**AN ACT of the Kitui County Assembly to provide for; the establishment of the hospital management committees 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**

ENACTED by the Kitui County Assembly, as follows—

## PART 1—PRELIMINARY

### 1. Short title commencement.

This Act may be cited as the Health Facilities Management Committees Act, 2013 and shall come in operation upon publication in the Kenya or County Gazette.

### 2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Committee**” means the respective committee established under section 4.

“**Financial year**” means the period of twelve months ending on 30th June in each year

“**Funds**” means all monies for hospital operation

“**Hospital**” means gazetted public hospitals in the county

“**County Executive Committee Member**” means County Executive Committee member referred to under Article 179 (2) (b) responsible for Health and Sanitation

“**Officer administering the fund**” means the accounting officer of the county ministry for the time being responsible for matters relating to Health and Sanitation

“**User fees**” means cost sharing charges

“**Sub County**” means a decentralized unit within a county as stated under Article 48 (1) (b) of the County Government Act equivalent to constituencies as established under Article 89 of the constitution

“**Member**” means a member of a committee and includes an appointed member and an ex officio member.

“**Chairperson**” means the chairperson of the Health Facilities Management Committee.

### **3. Application**

The provisions of this Act shall apply to the management of all gazetted health facilities in the county.

## **PART II—ESTABLISHMENT OF THE HOSPITAL MANAGEMENT COMMITTEE**

### **4. Establishment of the Hospital Management Committee**

There is established in respect of each hospital as stated in the schedule the Hospital Management Committee.

### **5. Committee Membership**

(1)The total membership of the committees shall be nine members who shall be appointed by the Governor Kitui County

The committee shall consist of—

- a) A chairperson appointed by the Governor Kitui County from three nominees recommended by the CEC member for Health and Sanitation from among the nine nominated committee members.
- b) The person in charge of the hospital who shall be the secretary to the committee
- c) Ward administrator or town administrator depending on where the hospital is situated.
- d) Business community representative nominated by the Kitui and Mwingi Chambers of Commerce for Kitui and Mwingi hospitals respectively
- e) A person nominated by a registered professional group within the hospital area of jurisdiction.
- f) The following persons who shall be residents of the area of jurisdiction, nominated by the respective groups/persons through the nomination coordination committee
  - I. One person who shall have knowledge and experience in finance and administration matters nominated by the CEC member for health and sanitation

- II. One person nominated by women groups
- III. One person nominated by the Faith based organization
- IV. One youth nominated by recognized youth groups
- V. One person with disability nominated by a recognized group

The area Member of County assembly where the hospital is situated will be a co-opted member of the committee

(2) A member of the committee, apart from the ex-officio, shall hold office for a period of three years and shall be eligible for re- appointment for one further term based on the performance.

#### **6. Funds of the Committee**

(1)The Hospital Management Committees shall manage all the hospital funds which consist of:

- a) Monies appropriated by the County Assembly;
- b) Grants or donations
- c) Monies received as user charges
- d) Income generated from the proceeds of the services
- e) Any other monies

(2) The expenditure incurred by a hospital on the services shall be on the basis of, and limited to, the annual allocation or grants and authority to incur expenditure ; audit of accounts by internal auditors of the county ministry responsible for matters relating to finance.

(3)Cause to be kept proper books of accounts and records.

(4) Relating to all receipts, payments, assets and liabilities of the funds and to any other activities and undertakings financed by the funds.

#### **7. Requirement for nomination and appointment**

A person shall not be appointed as a member of the committee under section 5 unless that person holds at least KCSE or KCE Division III certificate of education or its equivalent. The committee shall be responsible to Chief Officer in the Ministry of Health and Sanitation.

#### **8. Nomination coordinating committee.**

The Nomination coordinating committee shall consist of—

- a) Person in charge of the Hospital;
- b) Area Member of County Assembly
- c) Ward administrator

The nomination will be coordinated and forwarded to the CEC health by the ward development committee

### **9. Notification of appointment**

The notification for appointment of the Chairperson and member under section 5 shall —

- a) be notified in the county or Kenya Gazette; and
- b) take effect on —
  - i. the date of the Gazettement or
  - ii. a later date specified in the gazette notice,.

### **10. Meetings of committee**

- (1)The committee shall meet at least four times a year and shall maintain records for its deliberations.
- (2) The quorum for the meeting of the committee shall be five of all the members including the secretary
- (3) The secretary shall maintain records for all committee deliberations.
- (3) Each sub-committee shall cause minutes to be kept of all its meetings.
- (4) Committee shall, not later than 28 days after a meeting, submit copies of the minutes and reports of that meeting to the County Executive Member.
- (5)A meeting of a committee shall be held at the hospital in respect of which the committee is established.
- (6) The County Executive member may attend any meeting of a committee.

### **11. Functions of the Hospital Management Committee**

The committee shall —

- a) Supervise and control the administration of the funds allocated to the specific hospital

- b) Open and operate a bank account at a bank to be approved by the CEC member for the time being responsible for county treasury
- c) Prepare specific hospital work plans based on the estimated expenditure
- d) Cause to be kept basic books of accounts and records of accounts of income, expenditure, assets and liabilities of the hospital as prescribed by the officer administering the fund.
- e) Prepare and submit certified periodical financial and
- f) Performance reports as prescribed; and
- g) Cause to be kept a permanent record of all its deliberations

### **12. Core roles of the Hospital Management Committee;**

- (1) Planning that is consistent with the both National and County Government policies, laws and regulation
- (2) Decision making with regard to reviews and approvals of plans, budget and expenditures
- (3) Providing oversight to respective hospital

### **13. Core responsibilities of the Hospital Management Committee;**

The Hospital Management committees shall have the following responsibilities-

- a) Overseeing Hospital performance improvement
- b) Participating in planning for the hospital
- c) Mobilizing resources for hospital improvement
- d) Overseeing the financial operations of the Hospital
- e) Ensuring development of hospital human resource
- f) Ensuring communities' rights are fulfilled and their needs are adequately met.
- g) Maintaining a positive public image
- h) Ensuring compliance with Environmental Regulations and Standards
- i) Enhancing relationships and partnerships
- j) Mitigating potential Conflict of interest
- k) Risk management
- l) Regulatory compliance



#### **14. Hospital Management Committee Office Bearers**

- (1) Office of the Hospital Management Committee shall consist of the chairperson and the secretary
- (2) A chairperson appointed by the Governor for health and sanitation from three among the nine nominees.
- (3) The chairperson must not be a public officer
- (4) The secretary shall be the person in charge of the hospital
- (5) In the absence of the chairperson, Hospital Management Committee shall appoint from among its members, the person to chair the meeting.

#### **15. Removal of a committee member by the County Executive Committee member**

The County Executive Committee member may remove an appointed member from office, in the following circumstances—

- a) If a member is absent without apology and reasonable explanation from three (3) consecutive meetings of the committee;
- b) If, in the case of a member of a nongovernmental organization, the member ceases to hold the office by virtue of which his/her nomination was made;
- c) If a member is convicted of a criminal offense;
- d) If a member ceases to reside or practice in the area of hospital jurisdiction;
- e) If a member voluntarily resigns from the committee;
- f) If a member is found to be unfit to hold the position on medical grounds
- g) If a member is deceased; or
- h) If a member is involved in a gross conflict of interest and the committee recommends to the County Executive Committee member for removal
- i) If a member is Guilty of misbehaviour or incompetence.

#### **16. Relationship between Health Management teams and Hospital Management Committee**

The relationship between the Hospital Management Team and Hospital Management Committee shall be,

The Hospital Management Teams should be notified of all the Hospital Management Committee meetings for the hospitals in the area and also receive minutes and plans of the meetings promptly. The Hospital Management Teams should in turn share the minutes and/or the plans with the Chief Officer who will brief the County Executive Committee Member on the same and share the minutes and or plans as well.

### **17. Power of County Executive Committee Member for Health and Sanitation**

(1) The County Executive Committee Member for Health may give to the committee directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to exercise by the committee of its functions under this Act, and it shall be the duty of the committee to comply with the directions; but no direction shall be given which is inconsistent with the duties of the committee under this Act

### **18. Disclosure of interest**

(1) A member who has a direct or indirect pecuniary interest in any matter which is the subject of consideration at a meeting of the committee of which he is a member shall, as soon as possible after he knows that he has the interest and that the committee is considering the matter, disclose his interest to the committee.

(2) A member who has made a disclosure under subsection (1) shall take no further part in the deliberation of the committee in relation to the matter in respect of which his interest was so disclosed.

(3) A member required under subsection (2) to refrain from taking part in the deliberation of a committee shall be disregarded for the purpose of determining whether a quorum has been formed.

## **PART III—HOSPITAL MANAGEMENT SUB COMMITTEES**

### **19. Hospital Management Sub Committees**

The sub committees shall be allowed to co-opt not more than (2) two members whom they are of the opinion shall add value to their mandate.

The members shall elect a chairperson to the subcommittee. The chairperson shall be from the members drawn from the Hospital Management Committee

The Hospital Management Committees shall have the following sub committees—

- a) Finance subcommittee;

- b) Quality of Health Care Services Subcommittee; and
- c) Audit subcommittee.

## **20. Finance Subcommittee responsibilities;**

The subcommittee shall consist not less than four (4) members, three (3) from Hospital Management Committee and the hospital accountant

The specific responsibilities of this subcommittee committee shall be:

- a) Review revenue targets for the hospital and comparing actual collections with targets;
- b) Review expenditure plans for the hospital and Health Management Teams, ensuring that funds are being spent in accordance with plans and AIEs;
- c) Obtain the cash analysis books (payments and banking) and review the fund balances, banking versus collections, expenditures versus AIEs;
- d) Review the financial aspects of long-term and annual development plans;
- e) Monitor the continuing expansion of the NHIF and other sources claiming process to meet revenue targets;
- f) Arrange for annual audits of all monies/ revenues by Internal Auditors, and request for special audits where irregularities are suspected; and
- g) Present budgets to respective committees for approval and forward the same for issuance of AIEs.

## **21. Quality of Health Care Services Sub committee**

(1) The subcommittee shall consist not less than four (4) members, two (2) Hospital Management Committee members, and one medical officer and nursing officer in charge

(2) The members shall elect a chair to the subcommittee. The chair shall be from the members drawn from the Hospital Management Committee.

## **22. Audit subcommittee**

(1) The audit subcommittee shall consist of three (3) members of the Hospital Management Committee. Hospital management shall not be included in this committee.

(2) The audit team shall be selected in such a manner that experience in financial reporting, governance experience, familiarity with risk management discipline and understanding of internal controls.

## **PART IV— COMMITTEES’ FINANCIAL PROVISIONS**

### **23. Financial provisions**

(1) The committee shall prepare and submit to the County Executive Committee Member for Treasury, not later than the 28th day of each quarter in each financial year, an estimate of its income and expenditure during the next succeeding quarter.

(2) The committees shall keep proper accounts in respect of each quarter and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by internal auditors in accordance with the laid down guidelines

### **24. Financial year of committee**

(1) The Hospital Management committees’ financial year will run from 1st July to 30th of June each year.

### **25. Complaints**

(1) A committee may make such recommendations as it thinks fit to the County Executive Committee Member for Health and Sanitation in respect of complaints made to it in writing on any matter relating to the operation of the hospital or the services provided by or through the hospital in respect of which it is established

### **26. Annual reports of committee**

(1) Each committee shall furnish to the County Executive Committee Member for Health and Sanitation, not later than the last 28th of each quarter, a report on its operations and the operations of the hospital in respect of which it is established during the immediately preceding period and shall include in such report a copy of the audited accounts of the committee for that year and of the auditor’s report thereon.

(2) Each committee shall furnish to the County Executive Committee Member for Health and Sanitation, not later than the last 28th of July each year a report on its operations and the operations of the hospital in respect of which it is established during the immediately preceding period and shall include in such report a copy of the audited accounts of the committee for that year and of the auditor's report thereon.

(3) The County Executive Committee Member for Health and Sanitation shall cause a copy of each report furnished under subsection (1) to be tabled in the cabinet meeting within 30 days after it has been so furnished.

## **PART V—ESTABLISHMENT OF THE HEALTH CENTRE MANAGEMENT COMMITTEES AND DISPENSARY MANAGEMENT COMMITTEES**

### **27. Establishment of the Health Centre Management Committees and Dispensary Management Committees**

There is established in respect of each public health centre and dispensary as stated in schedule 2 and 3 and any other health facility established later, **the Health Centre and Dispensary Management Committees.**

### **28. Committee Membership**

(1)The total membership of the committees shall be at least seven and not more than nine members. The committee shall consist of—

- a) Chairperson who shall be appointed by the CEC member for health and sanitation from the seven to nine nominated persons and shall not be an ex-officio.
- b) Village administrator in the area of jurisdiction
- c) The person in charge of the health facility , who shall be the secretary
- d) The sub county medical officer of health or his/her representative
- e) The following persons who shall be residents of the area of jurisdiction, nominated by the respective groups and appointed by the County Executive Committee member for health and Sanitation
  - i. One person who shall have knowledge and experience in finance and administration matters appointed by the CEC Member for Health and Sanitation
  - ii. One person nominated by women groups
  - iii. One person nominated by the Faith based organization
  - iv. One youth nominated by recognized youth groups

- v. One person with disability nominated by a recognized group

(2) A Member of the committee, apart from the ex-officio, shall hold office for a period of three years and shall be eligible for re- appointment for one further term based on the performance as a committee and individually.

### **29. Nomination coordinating committee.**

The Nomination coordinating committee shall consist of—

- a) Person in charge of the health centre or dispensary;
- b) County Assembly Health and Sanitation Committee chairperson or her/his appointee.
- c) village administrator

### **30. Funds of the Committee**

The health centre and dispensary Management committees shall manage all the associated funds which consists of —

- a) Monies appropriated by the County Assembly;
- b) Grants or donations
- c) Monies received as user charges
- d) Income generated from the proceeds of the services
- e) Any other monies

(4) The expenditure incurred by a health centre or dispensary on the services shall be on the basis of, and limited to, the annual allocation or grants and authority to incur expenditure ; audit of accounts by internal auditor of the county ministry responsible for matters relating to finance.

(5) Cause to be kept proper books of accounts and records

(6) Relating to all receipts, payments, assets and liabilities of the funds and to any other activities and undertakings financed by the funds.

### **31. Requirement for nomination and appointment**

A person shall not be appointed as a member of the committee under section 5 unless that person holds at least KCSE or KCE Division III certificate of education or its equivalent. The committee shall be responsible to chief officer in the Ministry of Health and Sanitation.

### **32. Health centre and dispensary nomination coordinating team**

The committee nomination coordinating team shall consist of-

- a) Person in charge of the health centre or dispensary;
- b) Member of the County Assembly from which the health centre or dispensary is situated; and.
- c) Village administrator

### **33. Notification of appointment**

The notification for appointment of the health centre and dispensary committee and member under section 29 shall —

- a) be notified in the county or Kenya Gazette; and
- b) take effect on —
  - i. the date of the Gazettement by which they were so appointed; or
  - ii. if there is a later date specified in the gazette notice, that later date.

### **34. Meetings of committee**

- (1) The committee shall meet four times a year and shall maintain records for its deliberations.
- (2) The quorum for the meeting of the committee shall be five of all the members including the secretary
- (3) Each committee shall cause minutes to be kept of all its meetings.
- (4) Committee shall, not later than 28 days after a meeting, submit copies of the minutes and reports of that meeting to the Sub County health in charge.
- (5) A meeting of a committee shall be held at the health centre or dispensary in respect of which the committee is established.

(6)The County Executive member may attend any meeting of a committee.

### **35. Functions of the health centre and dispensaries Management committee**

The committees shall —

- a) Supervise and control the administration of the funds allocated to the specific health centre or dispensary
- b) Open and operate a bank account at a bank to be approved by the County Executive Committee member for the time being responsible for county treasury
- c) Prepare specific hospital work plans based on the estimated expenditure
- d) Cause to be kept basic books of accounts and records of accounts of income, expenditure, assets and liabilities of the hospital as prescribed by the officer administering the fund.
- e) Prepare and submit certified periodical financial and
- f) Performance reports as prescribed; and
- g) Cause to be kept a permanent record of all its deliberations

### **36. Core roles of the health centre and dispensary Management Committee;**

- (1)Planning that is consistent with the both National and County Government policies and regulation
- (2)Decision making with regard to reviews and approvals of plans, budget and expenditures
- (3)Providing oversight to respective health facilities

### **37. Core responsibilities;**

The health centre and dispensary Management committees shall have the following responsibilities-

- a) Overseeing the facility performance improvement
- b) Participating in planning for the health facility
- c) Mobilizing resources for the health facility improvement
- d) Overseeing the financial operations of the facility
- e) Ensuring development of the facility human resource
- f) Ensuring communities' rights are fulfilled and their needs are adequately met.
- g) Maintaining a positive public image of the facility



- h) Ensuring compliance with Environmental Regulations and Standards
- i) Enhancing relationships and partnerships
- j) Mitigating potential Conflict of interest
- k) Risk management
- l) Regulatory compliance

### **38. Health centre and dispensary Management Committee Office Bearers**

- (1) Office of the health centre or dispensary Management Committee shall consist of the chairperson and the secretary
- (2) A chairperson appointed by the other members among themselves.
- (3) The chairperson must not be a public officer
- (4) The secretary shall be the person in charge of the health facility
- (5) In the absence of the chairperson, health facility Management Committee shall appoint from among its members, the person to chair the meeting.

### **39. Termination of Membership**

A member shall vacate his/her position in the committee in the following circumstances—

- a) If a member is absent without apology and reasonable explanation from three (3) consecutive meetings of the committee;
- b) If, in the case of a member of a nongovernmental organization, the member ceases to hold the office by virtue of which his/her nomination was made;
- c) If a member is convicted of a criminal offense;
- d) If a member ceases to reside or practice in the area of health facility jurisdiction;
- e) If a member voluntarily resigns from the committee;
- f) If a member is deceased; or
- g) If a member is involved in a gross conflict of interest and the committee recommends to the County Executive Committee member for removal

### **40. Removal of a committee member by the County Executive Committee member**

The County Executive Committee member may remove an appointed member from office, if the member is, in the opinion of the County Executive Committee Member, guilty of misbehaviour or incompetence.

#### **41. Relationship between Health Management teams and health centre or dispensary al Management Committee**

The relationship between the sub county health Management Team and health centre or dispensary Management Committee shall be,

The sub county health Management Teams should be notified of all the health centre or dispensary Management Committee meetings and also receive minutes and plans of the meetings promptly. The sub county health Management Teams should in turn share the minutes and/or the plans with the Chief Officer who will brief the County Executive Committee Member on the same and share the minutes and or plans as well.

#### **42. Power of County Executive Committee Member for Health and Sanitation**

(1) The County Executive Committee Member may give to the committee directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to exercise by the committee of its functions under this Act, and it shall be the duty of the committee to comply with the directions; but no direction shall be given which is inconsistent with the duties of the committee under this Act

#### **43. Disclosure of interest**

(1) A member who has a direct or indirect pecuniary interest in any matter which is the subject of consideration at a meeting of the committee of which he is a member shall, as soon as possible after he knows that he has the interest and that the committee is considering the matter, disclose his interest to the committee.

(2) A member who has made a disclosure under subsection (1) shall take no further part in the deliberation of the committee in relation to the matter in respect of which his interest was so disclosed.

(3) A member required under subsection (2) to refrain from taking part in the deliberation of a committee shall be disregarded for the purpose of determining whether a quorum has been formed.

### **PART VI—HEALTH CENTRE OR DISPENSARY MANAGEMENT SUB COMMITTE**

#### **44. Health centre or dispensary Management Sub Committees**

The sub committees shall be allowed to co-opt not more than (2) two members whom they are of the opinion shall add value to their mandate.

The members shall elect a chairperson to the subcommittee. The chairperson shall be from the members drawn from the health centre or dispensary Management Committee

The Health centre Management Committees shall have the following sub committees—

- a) Finance subcommittee;
- b) Quality of Health Care Services Subcommittee; and
- c) Audit subcommittee.

#### **45. Finance Subcommittee responsibilities;**

The subcommittee shall consist not less than four (4) members, three (3) all from the health centre or dispensary Management Committee. The health facility in charge shall be a member of this committee

The specific responsibilities of this subcommittee committee shall be:-

- a) Review revenue targets for the health facility and comparing actual amount of money with targets;
- b) Review expenditure plans for the health facility and facility's Team, ensuring that funds are being spent in accordance with plans and Authority to incur expenditure;
- c) Obtain the cash analysis books, expenditures versus AIEs;
- d) Review the financial aspects of long-term and annual development plans;
- e) Monitor the continuing expansion of the free maternity and other sources claiming process to meet revenue targets;
- f) Arrange for annual audits of all monies/ revenues by Internal Auditors, and request for special audits where irregularities are suspected; and
- g) Present budgets to respective committees for approval and forward the same for issuance of AIEs.

#### **46. Quality of Health Care Services Sub committee**

(1) The subcommittee shall consist not less than four (4) members, two (2) health centre or dispensary Management Committee members , and sub county public health nurse.

(2) The members shall elect a chair to the subcommittee. The chair shall be from the members drawn from the facility Management Committee

#### **47. Audit subcommittee**

(1) The audit subcommittee shall consist of three (3) members of the health centre or dispensary Management Committee. Health centre management shall not be included in this committee.

(2) The audit team shall be selected in such a manner that experience in financial reporting, governance experience, familiarity with risk management discipline and understanding of internal controls.

## **PART IV— COMMITTEES’ FINANCIAL PROVISIONS**

### **48. Financial year of committee**

(1) The health centre or dispensary Management committees’ financial year will run from 1st July to 30th of June each year.

## **PART VII: MISCELLANEOUS**

### **49. Complaints**

(1) A committee may make such recommendations as it thinks fit to the County Executive Committee Member for Health and Sanitation in respect of complaints made to it in writing on any matter relating to the operation of the health facility or the services provided by or through the health facility in respect of which it is established

### **50. Annual reports of committee**

(1) Each committee shall furnish to the County Executive Committee Member for Health and Sanitation, not later than the last 28th of each quarter, a report on its operations and the operations of the hospital in respect of which it is established during the immediately preceding period and shall include in such report a copy of the audited accounts of the committee for that year and of the auditor’s report thereon.

(2) Each committee shall furnish to the County Executive Committee Member for Health and Sanitation, not later than the last 28th of July each year a report on its operations and the operations of the hospital in respect of which it is established during the immediately preceding period and shall include in such report a copy of the audited accounts of the committee for that year and of the auditor’s report thereon.

(3) The County Executive Committee Member for Health and Sanitation shall cause a copy of each report furnished under subsection (1) to be tabled in the cabinet meeting within 30 days after it has been so furnished.

## **MEMORANDUM OF OBJECTS AND REASONS**

**The Principal object 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 sand Dispensary Management Committees to oversee the management of public health facilities within the County.**

**The Bill seeks to give effect to section 2 of the Fourth Schedule to the Constitution of Kenya.**

**JOYCE M. MUTEKI,**  
Chairlady,  
Health and Sanitation Committee.