



KENYA NATIONAL ASSEMBLY

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TENTH PARLIAMENT
(FOURTH SESSION-2011)

DEPARTMENTAL COMMITTEE ON HEALTH

REPORT ON
APPOINTMENT OF CHIEF EXECUTIVE OFFICER,
MOI TEACHING AND REFERRAL HOSPITAL

(Prepared and submitted pursuant to direction by the Speaker)

August, 2011

CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

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PREFACE

The Committee

Mr. Speaker,

The Departmental Committee on Health was constituted pursuant to provisions of Standing Order No. 198, and mandated to, among other things, investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments. The Committee is also mandated "*to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments*".

The Members of the Committee are:-

- (i) The Hon. (Dr.) Robert Monda, M.P.- Chairman
- (ii) The Hon. Nuh Nassir, MP
- (iii) The Hon. Sheikh Dor, MP
- (iv) The Hon. Cyprian Omolo, M.P
- (v) The Hon. Thomas M. Mwadeghu, MP
- (vi) The Hon. Munyaka Kioko, M.P.
- (vii) The Hon. (Dr.) Eseli Simiyu, MP
- (viii) The Hon. Joseph Oyugi Magwanga, M.P
- (ix) The Hon. Fredrick Outa, M.P
- (x) The Hon. Joseph Lekuton, M.P

Matter of appointment of the CEO, MTRH

Mr. Speaker,

On May 19, 2011, the Member for Mosop (Mr. David Koech) sought a Ministerial Statement from the Minister of Medical Services, regarding the removal of the Chief Executive Officer of the Moi Teaching and Referral Hospital and the process of replacement. Even though the response to the Statement was due the following week, the response was made by the by the Minister on June 7th, 2011. The House was not

satisfied with the Minister's response and the Temporary Deputy Speaker referred the matter to the Committee for consideration.

Mr. Speaker,

Reading from the direction given by the Chair and the substance of the Question, the Committee was of the view that the task ahead of them was not one of determining the suitability, merit or otherwise of the candidates or the applicants for the job, but that of inquiring into the appropriateness and totality of the process followed in the appointment. With this in mind, the Committee immediately embarked on the inquiry and heard evidence from the Member for Mosop, the Minister for Medical Services and the full board of the Moi Teaching and Referral Hospital (MTRH) on diverse dates. The evidence adduced by witnesses including the Member for Mosop, the Minister, MTRH's board members and *papers laid* informed this report which is an account of the findings and the recommendations of the Committee. The Committee was also guided by the Law, including the Constitution, the State Corporations Act (CAP 446) and Legal Notice No. 78.

Findings of the Committee

Mr. Speaker,

In summary, the Committee found out that-

- (i) the running of the Hospital appears to be highly polarised with reported incidences where the public and civic leaders had attempted to evict members of the management and Board from the premises;
- (ii) the Moi Teaching and Referral Hospital Order of 1998- Legal Notice No. 78 of June 12, 1998 (as amended by and Legal Notice No.56 of 2002) provides that the director of the MTRH shall be appointed by the President.

- (iii) without the mandatory Presidential appointment, the process of appointing the CEO cannot be complete. The Ministry, the Board and other departments can only guide and supplement the process; and,
- (iv) it appears that the process of appointment of the Chief Executive, MTRH was initially unclear to the Board and the parent Ministry. The Minister and the Board confirmed this view in their evidence.

Recommendations

Mr. Speaker,

The Committee recommends that, without prejudice to the court process and the active cases in court, this House urges H.E. the President to move with speed and initiate a proper process of appointing the Chief Executive of the MTRH. The Board should competitively recruit a professional human recourse firm to shortlist the candidates and submit the names to the Board for interview. The Board should thereafter forward the names to the parent Ministry for onward transmission to the President to appoint a CEO from amongst the list submitted.

Mr. Speaker,

This Report was considered by the Committee on July 28, 2011 and the resolution to adopt this Report was reached unanimously on August 2, 2011 in a meeting attended by a majority of the Members of the Committee. It is our hope as the Departmental Committee on Health that this Report will guide and inform the House on the questions and the process of the appointment of the Chief Executive, Moi Teaching and Referral Hospital. I present and commend this Report to the House for consideration and adoption.



HON. (DR.) ROBERT R. MONDA, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON HEALTH

Date: August 2, 2011

ADOPTION OF THE REPORT

Committee Members present

We, the undersigned approve this Report and request the Committee Chairperson to lay the Report and to give notice and move the *Motion of Adoption* in the House at the earliest opportunity-

(i) The Hon. Nuh Nassir, MP:



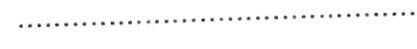
(ii) The Hon. Sheikh M. Dor, MP



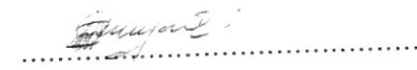
(iii) The Hon. Cyprian Omolo, M.P



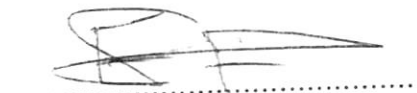
(iv) The Hon. Thomas M. Mwadeghu, MP



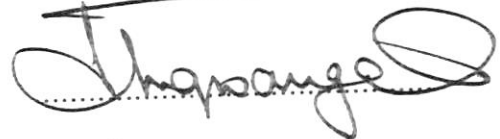
(v) The Hon. Munyaka Kioko, M.P.



(vi) The Hon. (Dr.) Eseli Simiyu, MP



(vii) The Hon. Joseph O. Magwanga, M.P



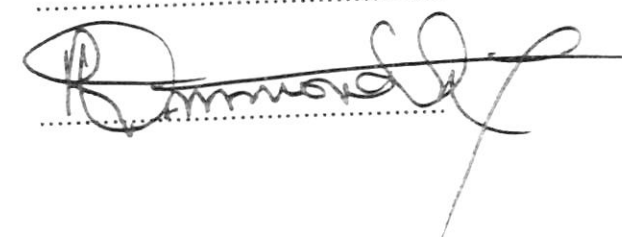
(viii) The Hon. Fredrick Outa, M.P



(ix) The Hon. Joseph Lekuton, M.P



(x) The Hon. (Dr.) Robert Monda, M.P.



(August 2, 2011)

CHAPTER 1

INTRODUCTION & EVIDENCE

Background and history of the MTRH

1. Moi Teaching and Referral Hospital is the second National Referral Hospital in Kenya. The Hospital is located along Nandi Road in Eldoret town, Uasin Gishu District, in the Rift Valley Province of Kenya. It started in 1917 as a cottage hospital with a bed capacity of 60 to cater for the health needs of Africans. An outpatient department with an x-ray unit was built in October 1952. At that time the staff quarters were grass thatched. An additional outpatient department building was put up in 1962 with the staff population at the time at 55 members. By 1963 the bed establishment was 125 with an amenity ward already established.
2. In 1978, the immediate catchment areas population was rapidly growing and with increasing patient load from referring health facilities requiring urgent serious medical attention, the Hospital was elevated and staffing improved to meet the growing needs. Back then it was known as the Eldoret District Hospital. The "Nyayo Wards" were constructed in 1986 as a 44-bed unit, increasing the Hospital bed capacity from 188 to 324 beds. Alongside this was the development of diagnostic and other supportive facilities. As a training institution, the history stretches from the early 1970s when the Eldoret District Hospital School of Nursing was established with the hospital as its base. The College began offering certificate courses in Enrolled Community Nursing and Biomedical Engineering.
3. The establishment of Moi University in 1984 and the subsequent establishment of the Faculty of Health Sciences at the University was a landmark event that was to have a direct impact on the development of the hospital, leading to its elevation from a district hospital to a teaching and referral institution. Marking this change was the construction of a new outpatient complex, student hostels, a modern morgue and senior staff houses through a grant from the Chinese government in 1990. These facilities were opened in

1990. Thereafter the complex was equipped by the Government of Kenya with modern diagnostic and clinical equipment. Teaching and Referral facility status was accorded by Legal Notice No. 78 of 12 June 1998 under the State Corporations Act (Cap 446) and its first Board of Management was gazetted on 29 June 1999. Since then, the Hospital has had one Chief Executive (Prof. Mengech) whose tenure was renewed five times and ended in March, 2011. Prof. Mengech was first appointed on 1st July, 1999 for a period of three years. The appointment was made by the then President. His second appointment was again made by the then President through on 27th June, 2002, to serve a term of five years. The third and fourth terms were between 7th March, 2007 and 6th May, 2008. These were interim appointments by the Hospital Board and which were confirmed as renewed by the Minister for a further period of three years with effect from 7th March, 2007. The fifth and final appointment for Prof. Mengich took effect from 7th March, 2010 to March, 2011. It was done by the Minister.

4. The Academic Model Providing Access to Healthcare (AMPATH) is a partnership between Moi University School of Medicine, Moi Teaching and Referral Hospital and a consortium of U.S. medical schools led by Indiana University. AMPATH promotes and fosters a comprehensive approach to HIV/AIDS control that complements and enhances the existing health infrastructure. AMPATH addresses food and income security needs, delivers and monitors ARV treatment, and fosters prevention of HIV transmission through community-based health education and prevention of maternal to child transmission. The Model works with all levels of health providers to provide effective and culturally appropriate care. It has registered over 125,000 HIV-infected patients across 60 care and treatment sites in western Kenya. Recently, AMPATH diversified its activities to include primary healthcare and chronic disease management.
5. The Hospital has not been without concerns of mismanagement and questions of financial propriety as noted in by Controller and Auditor General on the annual reports and audited accounts of the Hospital for various year. Most of the reservations raised in the said reports were related to poor accounting policies, irregular procurement of goods and services, non payment of debts, irregular implementation of terms and conditions of

service for staff and perpetual financial instability of the Hospital. During the meetings with the Committee, it was reported that the audit reservations were raised during the tenure of one of the candidates, Prof. H. Mengech. It was also reported that reservations raised relate to both the Hospital and the implementation of the AMPATH project.

Referral of the Matter of appointment of the Director, MTRH to the Committee

6. On May 19, 2011, the Member for Mosop (Mr. David Koech) sought a Ministerial Statement from the Minister of Medical Services, regarding the removal of the Chief Executive Officer of the Moi Teaching and Referral Hospital and the process of replacement- In the Statement, the Member requested the Minister to -
- (i) clarify the circumstances that led to the removal of the Chief Executive Officer of the Hospital;
 - (ii) explain what became of the advertisement of the position done in the year 2010 of the CEO and the interviews that were conducted;
 - (iii) to table the report of the interviews together with the minutes done by the Moi Teaching and Referral Hospital board during the recruiting of a new CEO,
 - (iv) provide the final list of successful short-listed candidates that the board forwarded to the Minister for appointment;
 - (v) explain why a new advertisement on the recruitment of the CEO was placed in The Standard newspaper of May 15th, 2011, yet the board had finalized the recruitment,
 - (vi) table minutes of the board if any, that recommended for the same, and;
 - (vii) update the House and the nation on the current on the status of the referral hospital.
7. Even though the response to the Statement was due the following week, the response was on June 7th, 2011, by the Minister for Medical Services. The House was not satisfied with the Minister's response and the Temporary Deputy Speaker (Mr. Gitobu Imanyara, MP) referred the matter to the Committee for consideration.

Subjudice : Judicial Review Application No. 49 of 2011 and related cases.

8. During the period of taking of evidence, the Committee was aware of related court cases: one cited as Judicial Review Application No. 49 of 2011, relating to the matter of appointment of director, MTRH. These were filed after the commencement of the Committee proceedings on the matter. It was the view of the Committee that the taking of the evidence, deliberations and ultimate reporting on the matter was not *subjudice*. Moreover, no Member or person claimed to invoke the rule or show that the cases were active- but even if there were such claims, it was the view of the Committee that the discussions of the matter of the appointment of the CEO at MTRH in the Committee was not likely to prejudice the fair determination of the court cases.

Evidence of the Minister for Medical Services

9. The Committee considered the statement made by the Minister for Medical Services in the House on June 7th, 2011. In part, the statement conveyed-
- (i) That, throughout the entire period that the Hospital has operated as a state corporation, there has been only one CEO – Prof. Harun N.K. arap Mengich. So far, he has had five appointments to serve as the head of the hospital. Prof. Mengech was first appointed as the Director of the Hospital and Principal of the College of Health Sciences on 1st July, 1999 for a period of three years. The appointment was made by the then President of the Republic of Kenya, His Excellency T. arap Moi, and communicated to him by the Permanent Secretary, Ministry of Health, on 28th June, 1999. His second appointment was again made by the then President through Gazette Notice No.3990 of 27th June, 2002. This time round, Prof. Mengich was appointed to serve a term of five years.
 - (ii) That, Prof. Mengich served as a Director of the Hospital for the third time between 7th March, 2007 and 6th May, 2008. This was an interim appointment by the Hospital Board, through the Chairman, pending advice from the Ministry on the way forward. At the request of the Board, I renewed Prof. Mengich's

contract for a further period of three years with effect from 7th March, 2007. This was the fourth appointment for Prof. Mengich. The fifth and final appointment for Prof. Mengich took effect from 7th March, 2010 for a period of one year. I approved a one-year extension, from March 2010 to March, 2011, to allow for a smooth transition as, indeed, the Board was then new. The letter giving extension to Prof. Mengich stated clearly that this was a final appointment of one year to allow for a transition from Prof. Mengich to a new CEO.

- (iii) That, the Board of the Hospital, in consultation with the Ministry, advertised the position of Director/ CEO of the Hospital on 24th September, 2010, in the local dailies. A total of 11 applications were received, out of which six applicants, who met the minimum requirements, were shortlisted. The shortlisted candidates included Prof. Harun Mengich. Only four candidates turned up for the interviews held on 10th February, 2011. Out of the four candidates interviewed, only two scored 70 per cent and above. The breakdown of the scores for the four candidates is as follows:-
- (a) Dr. Fatuma Some, 59 per cent;
 - (b) Prof. Fabien Esemai, 71 per cent;
 - (c) Dr. Otieno Omolo, 57 per cent; and,
 - (d) Prof. Harun Mengich – 81 per cent.
- (iv) That, on the basis of these results, the Board recommended that Prof. Mengich be appointed for another period of three years, notwithstanding the fact that the one year extension granted to him earlier had been made conditional to the Board empowering a new CEO to succeed Prof. Mengich. On consideration of the results of the interviews and recommendations of the Board, I noted critical anomalies regarding the recruitments as follows:-
- (a) The position attracted a very limited number of applications up to the final interview. Therefore, he considered the process not to have been competitive enough.

- (b) The candidate recommended by the Board, Prof. Mengich, had served the institution since it was established. The Ministry Headquarters was still of the view that the Hospital required a fresh CEO to steer the institution to greater heights of development and service delivery in line with the reforms that the Ministry was implementing. Indeed, it was for that reason that when he gave the one year extension, it was with the express understanding that the Board and the CEO would look for a successor.
- (v) That, there are a number of current developments and activities going on at the hospital that have a bearing on the appointment of the new Director of the Hospital as follows:
- (a) The Hospital is facing serious financial constraints that have made it unable to meet its obligations. This is despite the Hospital's budget having been almost doubled in the last six years. The main reason behind this constraint has been employment of staff beyond the approved establishment of 2,700. The Hospital has a current staff complement of over 3,000. This is besides the 220 staff members serving the Hospital on casual or locum engagement.
- (b) The Kenya National Audit Office is undertaking a forensic and systems audit at the Hospital, but it is yet to complete its report. In addition, the Ministry, at the request of the Board of Management, has invited the Efficiency Monitoring Unit to assist the Hospital identify inefficiencies in its systems and thus make appropriate improvements.
- (c) The Kenya Anti-Corruption Commission (KACC) is investigating allegations against Prof. Mengich relating to abuse of office, nepotism and staff contract matters, among other concerns.

- (vi) That, in order to avoid any gap in leadership, and recognising the important role that the Director plays in the day to day operations of the Hospital, he appointed Dr. Omar Ali the Deputy Director, Clinical Services, as Acting Director/CEO on 8th March, 2011. The appointment is for a period of six months. It was his expectation that the recruitment process would be finalised within this period. Following the anomalies noted with regard to the initial recruitment, the Hospital Board, in consultation with the Ministry, re-advertised the position of the Director/CEO in May, 2011. Presently, the institution was receiving applications to fill the position.
- (vii) That, it is his considered view, and that of the Ministry, that Prof. Mengich has had ample time to implement his vision for the institution. After 14 years as the head of that institution, it is unlikely that he has a reservoir of fresh ideas to steer the Hospital towards further improvement. It is also the view of the Ministry that the country is not short of professionals who can manage Moi Teaching and Referral Hospital, and further transform it to serve Kenyans better in line with the requirements of the Constitution and Vision 2030. For these reasons, it is his humble submission that the Ministry should be allowed to continue sourcing for a suitable director /CEO through a competitive and transparent process as the investigations being carried out by Government agencies continue at the Moi Teaching and Referral Hospital.
10. Appearing before the Committee on July 5th, 2011, the Minister also informed the Committee-
- (i) That, Prof. Mengich had been serving as CEO since 2008 without a contract, which is too long and that he should have retired according to the provisions of the Act. The Minister felt that 13 years was an abnormally long term to serve in that position. The Board recommended renewal of his term since they had not planned on new recruitments. The Ministry in their renewal letter asked the Board to begin the process of looking for a new director. The

Minister revealed that later the Board changed and another Board came into being. The new Board was late to start the recruitment process and Prof. Mengich's term was to end in March 2010.

- (ii) Therefore there was a decision to extend Prof. Mengich's term by one year to allow the board to recruit a new Director by 8th March 2011. Prof. Mengich's service had been extended on three occasions. Prof. Mengich has also been the Chairman of ADB for the past 15 years and that the age limit for parastatal heads is 60 years.
- (iii) The Minister felt that the recruitment process was not properly handled as the sitting CEO went ahead to apply, was interviewed and the Board went ahead to shortlist him. Only 4 candidates were interviewed for the position which was too few. To this the Chairperson of the Board revealed that the advertisement did not attract favourable candidates. Later the process was redone and Dr. Omar was appointed acting Director.
- (iv) In the letter that the Chairlady of the Board sent to the Ministry forwarding names of the 3 shortlisted candidates she said that the Board was satisfied that they had picked the best of the four.
- (v) there was a serious anomaly whereby the Chair of the Board serves a 3 year term while the rest of the Board's term is 5 years instead of the normal 3 year term. He felt that there was need to amend the legislation of MTRH.
- (vi) he had written to KACC to ask for them to investigate the allegations and also to carry out a head count which revealed over employment at the hospital.
- (vii) The Ministry is still awaiting the Efficiency Monitoring Unit's report and that the auditor general was also on sight with KACC to do investigations at MTRH.

- (viii) The Minister explained the letter he wrote to the Prime Minister regarding the re-appointment of Prof. Mengich stating that he had reservations with the re-appointment of Prof. Mengich as he should have retired.

Evidence of the Chairperson, MRTH

11. Appearing before the Committee on July 14, 2011, Prof. Ruth Oniang'o, Chairperson of the Board of the Moi Teaching and Referral Hospital informed the Committee that-
- (i) having been *gazetted* as the Board Chair, she only took over towards the end of 2010. At the time, the Board was not comfortable with the manner the Hospital was run by the management. This necessitated a through process of hiring a CEO, whose tenure was about to expire. The management had kept board in "darkness" as to the imminent expiry of the extension of the term and retirement of the Hospital CEO, Prof. Mengech. The Board resolved to advertise for the position;
 - (ii) She had asked the then Hospital Chief Executive not to apply for the position since she felt that the Hospital needed new and agile leadership. Prof. Mengech had served for a long, uninterrupted period and may not have injected the new management prudence required at the Hospital. His tenure was also shrouded with allegations of financial and management irregularities;
 - (iii) the Board of the Hospital, , advertised the position of Director/ CEO of the Hospital on 17th and 24th September, 2010, in the local dailies. A total of 11 applications were received, out of which six applicants, were shortlisted. Prof. Mengech had applied and was shortlisted for interview. Only four candidates turned up for the interviews conducted by the Board on 10th February, 2011. Earlier, the Minister for Medical Services had advised the board to nominate

three or four candidates, from whom one would be appointed. One of the candidates (a Prof. Kimaiyo) withdrew while another (a Dr. Kibosia) failed to attend the interview, without notice. The breakdown of the scores for the four candidates is as follows:-

- (a) Prof. Harun Mengich – 81 per cent.
- (b) Prof. Fabien Esemai, 71 per cent;
- (c) Dr. Fatuma Some, 59 per cent;
- (d) Dr. Otieno Omolo, 57 per cent;

- (iv) After conducting the short-listings but before the interviews, she received a letter from the Kenya Anti-Corruption Commission (KACC)(dated February 8, 2011) indicating that the Commission had received allegations against Prof. Mengech relating to abuse of office, nepotism and irregular staff contract matters, but which had not been investigated or verified. In the same letter, the Commission conveyed that it did not have information regarding the other four candidates. She withheld this information to the Board in its meeting of February 11, 2011 which confirmed the names of the four nominees and resolved that they be forward to the Minister for appointment;
- (v) She forwarded the list to the Minister for Medical Services vide a letter dated February 14, 2011, recommending that Prof. Mengech be appointed for another period of three years. In her letter to the Minister, she also conveyed that the then Chief Executive (Prof. Mengech) wanted to continue and that the position did not attract enough applicants. In the letter, she recommended to the Minister that the current CEO (Prof. Mengech) continues for one more last term of three years, during which time, the Board will together with the Management develop a succession plan which will see the entry of a new CEO, in 3 years time.

- (vi) On receipt of the list and after consulting the Board, the Minister for Medical Services advised the Board to re-advertise the position in order to attract more candidates and “allow the process to be more competitive”. Consequently, the Board put another (third) advertisement in the dailies on May 31, 2011. Unlike the first advertisement on September 17, 2010, which carried an age limit of 45-55 years, the second and the third did not ask for age limit. This was after the board was advised by the Ministry of Medical Services that the requirement for age limit may be construed to discrimination against the Constitution;
- (vii) following the advert, the board received twelve applicants and shortlisted five people for interview. Dr. Kibosia who had applied and was shortlisted during the first time, but failed to turn up for interview also applied. The Board Chair disqualified him on the grounds that he did not honour the initial opportunity for an interview. The interview was set for July 13, 2011 but the Board has not interviewed the candidates due to related court cases: and,
- (viii) the process of hiring the Hospital’s CEO is highly polarised and has not attracted many suitable candidates nationwide, probably due to the political “intrigues” that have characterised the entire process and the effects of the 2007 post election crisis in the region;

CHAPTER II

FINDINGS OF THE COMMITTEE

What the law provides

12. The State Corporations ACT (CAP 446) and Legal Notice No. 78 of June 12, 1998
- (a) Section 3 of the State Corporations Act (Cap 446) confers the president with the power to establish state corporations by way of Orders. The section provides that-
- “3(1) The President may, by order, establish a State Corporation as a body corporate to perform such functions specified in the order”*
- (b) The Moi Teaching and Referral Hospital Order of 1998- Legal Notice No. 78 of June 12, 1998 (as amended by and Legal Notice No.56 of 2002) provides that the director of the MTRH shall be appointed by the President. The Order states that-
- “There shall be a Director of the Moi Teaching and Referral Hospital who shall also be the Principal, College of Health Sciences, Moi University and Chief Executive and Secretary to the Board and shall be appointed by the President ”*

Committee observations

13. The Committee was observed that-
- (i) from the onset, the running of the Hospital appears to be polarised. Previous incidences where the public and civic leaders had attempted to evict members of the management and Board from the premises were reported. The Board cited that it was even becoming difficult for them to hold meetings without armed security. This, the Committee asserts, must not be allowed to continue and the Government should put in place all measures to ensure that the Hospital runs smoothly and the security off every person is not threatened;
- (ii) it appears that the process of appointment of the Chief Executive, MTRH was initially unclear to the Board and the parent Ministry. This is evident given the

public pronouncements made during the process and the correspondences between the Board, the Office of the Prime Minister and that of the Minister for Medical Services. (Annexes II). The letter from the Office Prime Minister (signed by the Permanent Secretary), conveyed that the Prime Minister (PM) had publicly endorsed the appointment of Prof. Mengech during a visit to the Rift Valley. The letter requested the Minister for Medical Services to endorse the renewal of the candidate's contract. In his reply, the Minister for Medical Services brought to the attention of the PM the legal requirement that the appointment should be made by the President and sought his guidance on the matter. He clarified that at first he had not been fully aware of the requirement;

- (iii) the chairperson of the Board did not make the process any better. During her appearance before the Committee she indicated that she and the Hospital Board were opposed to re-appointment of Dr. Mengech, since "*the Hospital needed new and agile leadership. Prof. Mengech had served for a long, uninterrupted period and may not have injected the new management prudence required at the Hospital. His tenure was also shrouded with allegations of financial and management irregularities*". However, when she forwarded the names of the candidates to the Minister for Medical Services, she not only recommended the candidate for appointment, but also indicated that the appointment be made for the last ~~of~~ three years to allow the Board and the Management "*develop a succession plan which will see the entry of a new CEO, in 3 years time*". The contradicting positions only compounded the uncertainty in the process of appointment;
- (iv) it appears that the re-advertisement and the amendment to alter the age limit may not have been made in good faith and was made to accommodate a particular candidate. The Committee learnt that the first advertisement was made on September 17, 2011 and contained an age limit of 45 to 55 years. Later, allegedly on the advice of the Ministry, the advert was amended to remove the limit, by way of another advert of September 24, 2011, but this second advert did not

indicate that it superseded the earlier one. While the Minister for Medical Services indicated that the age limit for public services state corporations' heads as sixty, the Board and the Ministry contravened on the reasons given for the alteration to remove the age limit. The second advert also may have compounded the confusion :

- (v) whilst it is prudent for the Board to undertake due diligence and integrity verifications on its employees, including the CEO, it was be unfair for the Board to cite the allegations forwarded by the KACC concerning Prof. Mengech since they were not verified. In addition, the said information was withheld by the Board Chairperson at the time of confirming the nominations during the full Board meeting of February 11, 2011. It is therefore unfair for them to withhold that information and then use it against the candidate when controversy arose. The Committee held that such integrity tests should be carried out indiscriminately, verified and if possible, candidates given opportunity to respond to any allegation:
- (vi) it appears that the entire process of sourcing, profiling and nominating the candidates for the post of the CEO was flawed, for amongst other reasons-
 - (a) from the onset, there was confusion and demonstrated prejudices by the Board on the applicants- The Board chair informed the Committee that she had asked the incumbent not to apply for the job and that she was "surprised" to realise that he later applied. The Board chair also confessed that, even after the second advertisement, she had decided not accord an opportunity to one of the candidates (Dr. Kibosia) "since he had failed to appear in the earlier interview, without reasonable cause". To the Committee, these two incidences amounted to prejudices and discrimination:

- (b) the initial advertisement of September 17 2010 indicated an age limit of **45-55** years for the new CEO. One week later, the limit was removed by way of a small print contained in the second advert. But this failed to inform the public that the September 17 advert had been cancelled. This may have locked out many possible applicants who may have been guided by the first advert. This may explain why out of the four candidates forwarded to the Minister for appointment, only one was below the age of 55.
- (vii) Prof. Mengech was first appointed on 1st July, 1999 for a period of three years and reappointed in 2002 for five years by the then President. He was later appointed on interim basis for one year in March, 2007 and May, 2008. These were interim appointments by the Hospital Board and which were confirmed as renewed by the Minister for a further period of three years with effect from 7th March, 2007. The fifth and final appointment took effect from 7th March, 2010 to March, 2011. This was also by the Minister. Only the first two appointments of the CEO by the then President may have been done within the requirements of Legal Notice No. 78 of 1998 (as amended). The validity of the other three appointments including the extension of the contract by the Minister and the Board remain questionable. **The Committee held that, in accordance with the said notice, any appointment, re-appointment or extension of contract should only be made by the president and not any other authority or person.**
- (viii) The MTRH Order as contained in the Legal Notice No. 78 of 1998 (as amended) is itself lacking. First, it provides that the *Director of the Moi Teaching and Referral Hospital shall also be the Principal, College of Health Sciences, Moi University*. The Chairperson of the University Council informed that Committee that the University does not have and has not had a college by the title. The office only exists in law. The nearest to that title is the School of Medicine, Dentistry and

Health Sciences. Secondly, the said Order and its parent statute, the State Corporations Act (CAP 446) are both deficient in that they do not provide for the process of appointing the CEO.

What process ought to have been followed?

14. The plain reading of the CAP 446 and Legal Notice No. 78 of June 12, 1998 reveals that the **appointing authority of the Chief Executive of MTRH is the President**. While the Committee was unable to find anything peculiar at MTRH indicating or qualifying the reasons for the provision, the law is clear that the Chief Executive of MTRH is not to be appointed in the same manner as those of other state corporations. Further, the two instruments are silent on the process of nomination of the names or even how or whether the names are forwarded to the president by any other agency or authority.
15. The provisions notwithstanding, the Committee held that, this does not imply that an appropriate procedure on nomination process and ultimately, the appointment of a CEO to MTRH, should not be applied. The process should be guided by, amongst other laws, Section 232 and other relevant parts of the Constitution; The Board may competitively recruit a professional human recourse firm to shortlist the candidates and submit the names to the Board for interview. The Board should thereafter forward the names to the parent Ministry for onward transmission to the President to appoint a CEO from amongst the list submitted:
16. Without the mandatory Presidential appointment, the process of appointing the CEO cannot be complete. The Ministry, the Board and other departments can only guide and supplement the process; and,
17. It was clear to the Committee that the extensions of the term of contract for the previous CEO were **not** done by the President. This being the case, the validity of such previous tenure remains questionable.

CHAPTER III

RECOMMENDATIONS

Specific recommendations

18. The Committee recommends-

- (i) That, without prejudice to the cases in court, this House urges H.E. the President to move with speed and initiate a proper process of appointing the Chief Executive of the MTRH. The Board should competitively recruit a professional human resource firm to shortlist the candidates and submit the names to the Board for interview. The Board should thereafter forward the names to the parent Ministry for onward transmission to the President to appoint a CEO from amongst the names submitted; and,
- (ii) That, in order to stem the current stalemate, the House urges the Government to complete the process within three months.

General recommendations

- (i) This House urges all leaders including political leaders to refrain from making public pronouncements related to the appointment of the Chief Executive, Moi Teaching & Referral Hospital, outside the precincts of this Assembly, until the process of appointing a new Chief Executive is complete;
- (ii) The Minister initiates the process of amendment of the Moi Teaching & Referral Hospital Order as contained in Legal Notice. No. 78 of June 12, 1998 (amended by Moi Teaching & Referral Hospital Order, 2002 in Legal Notice. No. 56 of 19th April, 2002) to conform to the process obtaining in other state corporations on the appointment and tenure of CEO, Board Members and the Chair. The amendment should also focus on deleting provisions that require that the CEO also be the Principal of the College of Health Sciences at the Moi University; and,

- (iii) The Attorney-General initiates proposed amendments to the State Corporations Act (Cap 446) to harmonise the process of appointing state corporations' Chief Executives. The proposals should be contained in the next Miscellaneous (Amendment) Bill for consideration by this House:

ANNEX I

Minutes of the Committee deliberating on the
Matter of the appointment of the CEO, MTRH

MINUTES OF THE EIGHTY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE
ON HEALTH HELD IN 1ST FLOOR, RESOURCE CENTRE, CONTINENTAL HOUSE,
PARLIAMENT BUILDINGS ON THURSDAY 30, JUNE, 2011 AT 9.00.P.M

PRESENT.

Hon (Dr) Robert Monda, M.P - Chairperson
Hon. (Dr) David Eseli, M.P
Hon. Cyprian Omolo, M.P

ABSENT.

Hon. Nuh Nassir, M.P - Vice - Chairperson
Hon. Fredrick Outa, M.P
Hon. Joseph O. Magwanga, M.P
Hon. Joseph Lekuton, M.P
Hon. Thomas M. Mwadeghu, M.P
Hon. Sheikh Mohamed Dor, M.P
Hon. Munyaka Kioko, M.P

IN ATTENDANCE

Hon. David Koech, M.P

Member of Parliament for Mosop

IN ATTENDANCE

Salad M. Guyo

NATIONAL ASSEMBLY

Third Clerk Assistant

MIN. NO. 134/2010-2012:

PRELIMINARY

The chairman called the meeting to order and opened by a word of prayer

MIN. NO. 135/2010-2012: MEETING WITH THE MEMBER FOR MOSOP

Paper Laid -Letter from the Minister for Medical Services to the Prime Minister
-Letter from the P.S in the Prime Minister's office to the Minister for
Medical Services
-Memo on arbitrary transfers/promotion of officers in various Departments
-List of applicants and the result of the interview

The Chair welcomed Honourable Koech to the meeting and apprises the Committee on the matter of appointment of Chief Executive Officer, Moi Teaching and referral Hospital, owing to the fact that the matter was referred to the Committee by the Chair.

Hon. Daivid Koech, M.P informed the Committee that:

- (i) The Hospital is not only important for Kenya but caters for individuals outside the Country. The Board advertised for the Vacancy and shortlisted 11

applicants for interview. Out of the 11, six were slated to appear for the interview

- (ii) the interview results were as follows:
 - (a) Prof. Harun Mengich – 81%
 - (b) Prof. Fabien Esemai- 71%
 - (c) Dr. Fatuma Some- 59%
 - (d) Dr. Otieno Omolo- 57%
- (iii) The Names were forwarded by the Board to the Minister for appointment, but the Minister as soon as he landed from abroad revoked the appointment of the Board and put in place the Deputy Director (Dr. Omar Ally) in an acting capacity.
- (iv) The Prime made a pronouncement in my constituency that Prof. Mengich should resume duties forthwith. Since, the Minister did not comply with the Directive; I raised the matter on the floor of the House through a ministerial statement.
- (v) An advertisement was put by the Board of Kenyatta National Hospital for the position of Director and Dr. Kibosia was ranked first in position but the Minister flouted the Board Decisions and picked someone else
- (vi) The Minister revoked the appointment of Prof. Mengich pending investigations by Kenya National Audit office, Kenya Anti-corruption Authority. Prof. Mengich, did not bow to the request made by the Minister when he was in U.S for treatment
- (vii) The Donor Community have a lot of Confidence in Prof Mengich. The Minister claimed that, Prof Mengich was there for too long and yet the Director has performed remarkably above board.
- (viii) The situation on the ground is wanting and it requires urgent remedy,
 - a) Patients do not trust the Hospital for Health care services instead they go to Medhill Hospital owned by one Mishra who is a confidant of the Minister. In the confusion bordered on conflict of interest, Medhill benefitted. The member further narrated a scenario where a patient by the name Tony Ochieng was rushed to the Hospital in the morning and was not attended to till 3.00 a.m till he passed away due to negligence
 - b) Salaries of the month of Month May were delayed
 - c) Arbitrary transfers and promotion of officers from one Department to another.

- (ix) The Committee to visit Eldoret and meet with the workers, donors and other stakeholders.
- (x) The Ministers flouted the procedures and regulation regarding the appointment the way he has done with Kenyatta National Hospital, Kenya Medical Training College and now Moi Teaching and Referral Hospital
- (xi) He was of the humble opinion that Prof Mengich be given back the job and urged the Committee to meet him on the same issue. he further requested the Committee to stop the current process (interviewing of applicant after re-advertisement)

WAY FORWARD.

- (a) The Committee thanked the Member for the information and promised that all the stakeholders will appear before the committee soon.
- (b) Due to the politically balkanized environment in Eldoret, The committee was reluctant to visit the Hospital.
- (c) The Commission of National Cohesion and Integration to keenly supervise the unfolding events in Eldoret

MIN. NO. 136/2010-2012:

ADJOURNMENT

There being no other business the Chairperson adjourned the meeting at 18 minutes past one till two O'clock of the same day

Signed:

(CHAIRMAN)

Date:

2/8/2011

MINUTES OF THE NINETIETH SITTING OF THE DEPARTMENTAL COMMITTEE ON HEALTH HELD IN 2nd FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS ON TUESDAY 05, JULY, 2011 AT 12.30.P.M

PRESENT.

Hon (Dr) Robert Monda, M.P - Chairperson
Hon. (Dr) David Eseli, M.P
Hon. Cyprian Omolo, M.P

ABSENT.

Hon. Nuh Nassir, M.P - Vice - Chairperson
Hon. Fredrick Outa, M.P
Hon. Joseph O. Magwanga, M.P
Hon. Joseph Lekuton, M.P
Hon. Thomas M. Mwadeghu, M.P
Hon. Sheikh Mohamed Dor, M.P
Hon. Munyaka Kioko, M.P
Hon (Dr) Boni Khalwale, M.P

IN ATTENDANCE

Hon. Prof. Peter Anyang' Nyong'o
Ms Mary Wangari
Mr. Elakanah Onguti

MINISTRY OF MEDICAL SERVICES

Minister for Medical Services
Permanent Secretary
Chief Finance Officer

IN ATTENDANCE

Salad M. Guyo
Linda Kirinya

NATIONAL ASSEMBLY

Third Clerk Assistant
Parliamentary intern

MIN. NO. 146/2010-2012:

PRELIMINARY

The chairman called the meeting to order and opened by a word of prayer

MIN. NO. 147/2010-2012: MEETING WITH THE MINISTER FOR MEDICAL SERVICES

The Committee sought an explanation from the Minister about the ongoing controversy at the Moi Teaching and Referral Hospital regarding the Director.

The Minister told the Committee that;

- (a) The MTRH is one of the two national referral hospitals in Kenya .in the recent past; the Hospital has faced major challenges, especially on its financial position and its management. Although, the Ministry has almost doubled its recurrent budget in the last five to six years, there have been problems with the Hospital meeting its financial obligations to the suppliers.

- (b) The underlying problem has been the increase in employment of staff beyond the levels approved by the Board. The Hospital has a currently staff establishment of about 3200 against an approved establishment of about 2700. This is besides the 220 staff who provide services on locum/casual basis.
- (c) The Hospital is currently being run by an acting Director, and the financial position has already shown signs of improvement in the last three months.
- (d) Prof. Mengich had been serving as CEO since 2008 without a contract. Prof. Mengich had served as CEO for 13 years which is too long and that he should have retired according to the provisions of the Act. The Minister felt that 13 years was an abnormally long term to serve in that position.
- (e) As at 6th March, 2010, Prof. Mengich had served the Hospital for a total of twelve years, besides the period he headed the institution prior to its elevation to a referral Hospital. A one year extension was (March 2010-March 2011) was given to allow for a smooth transition and to provide time for due process of sourcing for a new hospital Director/Chief Executive Officer. However, since the advertisement was open, he applied and was selected by the Board The Board recommended renewal of his term since they had not planned on new recruitments.
- (f) The Ministry in their renewal letter asked the Board to begin the process of looking for a new director. The Minister revealed that later the Board changed and another Board came into being. The new Board was late to start the recruitment process and Prof. Mengich's term was to end in March 2010.
- (g) Therefore there was a decision to extend Prof. Mengich's term by one year to allow the board to recruit a new Director by 8th March 2011. Prof. Mengich's service had been extended on three occasions. Prof. Mengich has also been the Chairman of ADB for the past 15 years. Age limit for parastatal heads is 60 years.
- (h) The Minister felt that the recruitment process was not properly handled as the sitting CEO went ahead to apply, was interviewed and the Board went ahead to shortlist him. Only 4 candidates were interviewed for the position which is too few. To this the Chairperson of the Board revealed that the advertisement did not attract favourable candidates. Later the process was redone and Dr. Omar was appointed acting Director.
- (i) In the letter that the Chairlady of the Board sent to the Ministry forwarding names of the 3 shortlisted candidates she said that the Board was satisfied that they had picked the best of the four. The Minister stated that there was a serious anomaly whereby the Chair of the Board serves a 3 year term while the rest of the Board's term is 5 years instead of the normal 3 year term. He felt that there was need to amend the legislation of MTRH.
- (j) MTRH legislation has problems because it is wrong to have the Chairman's term shorter than the Board's term. The Ministry told the Committee that he had written to KACC to ask for them to investigate the allegations and also to carry out a head count which revealed over employment at the hospital. The Ministry is still awaiting the Efficiency Monitoring Unit's report and that the auditor general was also on sight with KACC to do investigations at MTRH.

- (k) The Minister explained the letter he wrote to the prime Minister regarding the re-appointment of Prof. Mengich and tabled the letter stating that he had reservations with the re-appointment of Prof. Mengich as he should have retired.
- (l) The Hospital requires a new head who can steer the institution to greater heights in line with reforms that Ministry is implementing. A person who has been at the helm for twelve years with all the problems facing the institution is not the right person for the current era at the Hospital

WAY FORWARD.

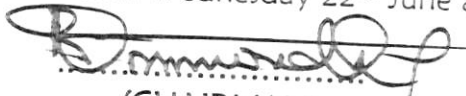
- (d) Ministers position is to do what will be in the interest of Moi teaching and Referral Hospital but not for political expediency
- (e) Reference be made to the Act, Legal notice No 78. for further clarity
- (f) The Committee informed the Minister he might appear again if need be .

MIN. NO. 148/2010-2012:

ADJOURNMENT

There being no other business the Chairperson adjourned the meeting at 18 minutes to two O'clock until Wednesday 22nd June at 10.00 a.m.

Signed:


.....
(CHAIRMAN)

Date:

2/8/2011
.....

MINUTES OF THE NINETY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE
ON HEALTH HELD IN 2nd FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS
ON TUESDAY 14, JULY, 2010 AT 10.00.A.M

PRESENT.

Hon (Dr) Robert Monda, M.P - Chairperson
Hon. (Dr) David Eseli, M.P
Hon. Cyprian Omolo, M.P
Hon. Nuh Nassir, M.P - Vice - Chairperson
Hon. Fredrick Outa, M.P
Hon. Joseph O. Magwanga, M.P
Hon. Thomas M. Mwadeghu, M.P
Hon. Sheikh Mohamed Dor, M.P
Hon. Munyaka Kioko, M.P

ABSENT.

Hon. Joseph Lekuton, M.P

IN ATTENDANCE

Hon. Sammy Mwaita, MP

IN ATTENDANCE

Prof. Ruth Oniang'o
Mr. Ewol Musa Lochom
Mrs. Hellen Yego
S.E. Oreta
Winston Orege
Mzee Said Keittany
Julius Biginga
Richard Mibey
Evan Mwai
Norah T. Langat
Margaret W. Onyimbo
Dr. Omar Ally
Agunda Ochanda
Dr. Wilson Aruasa

IN ATTENDANCE

Samuel Njoroge
Salad M. Guyo

MIN. NO. 155/2010-2012:

OTHER MEMBERS OF PARLIAMENT

MOI TEACHING & REFERRAL HOSPITAL

- Board Chairperson
- Board Member
- Board Member
- Board Member (Rep. PS, Ministry of Education)
- Board Member
- Board Member
- Board Member (Rep. ISC)
- Board Member
- Board Member (Chair, Moi Univ. Council)
- Board Member
- Board Member (Rep. PS, Ministry of Finance)
- Ag. Chief Executive
- Deputy Director, Finance & Admin.
- Ag. Deputy Director, Clinical Services

NATIONAL ASSEMBLY

- Clerk Assistant
- Third Clerk Assistant

PRELIMINARY

The Chairman called the meeting to order and opened by a word of prayer.

MIN. NO. 156/2010-2012:

MEETING WITH THE BOARD, MOI TEACHING &
REFERRAL HOSPITAL

Having explained the purpose of the meeting, the Chairperson indicated that the Chairperson of the Board had appeared before it again but the Committee could not take evidence from her in absence of the full Board. He welcomed the Members and others in attendance.

Thereupon, Prof. Ruth Oniang'o Informed the Committee that-

- (i) having been *gazetted* as the Board Chair, she only took over towards the end of 2010. At the time, the Board was not comfortable with the manner the Hospital was run by the management. This necessitated a through process of hiring a CEO, whose tenure was about to expire. The management had kept board in "darkness" as to the imminent expiry of the extension of the term and retirement of the Hospital CEO, Prof. Mengech. The Board resolved to advertise for the position;
- (ii) she had asked the then Hospital Chief Executive not to apply for the position since she felt that the Hospital needed new and agile leadership. Prof. Mengech had served for a long, uninterrupted period and may not have injected the new management prudence required at the Hospital. His tenure was also shrouded with allegations of financial and management irregularities;
- (iii) the Board of the Hospital, , advertised the position of Director/ CEO of the Hospital on 24th September, 2010, in the local dailies. A total of 11 applications were received, out of which six applicants, were shortlisted. Prof. Mengech had applied and was shortlisted for interview. Only four candidates turned up for the interviews conducted by the Board on 10th February, 2011. Earlier, the Minister for Medical Services had advised the board to nominate three or four candidates, from whom one would be appointed. One of the candidates (a Prof. Kimaiyo) withdrew while another (a Dr. Kibosia) failed to attend the interview, without notice. The breakdown of the scores for the four candidates is as follows:-
 - (a) Prof. Harun Mengich – 81 per cent.
 - (b) Prof. Fabien Esemai, 71 per cent;
 - (c) Dr. Fatuma Some, 59 per cent;
 - (d) Dr. Otieno Omolo, 57 per cent;

- (iv) after conducting the short-listings but before the interviews, she received a letter from the Kenya Anti-Corruption Commission (KACC)(dated February 8, 2011) indicating that the Commission had received allegations against Prof. Mengech relating to abuse of office, nepotism and irregular staff contract matters, but which had not been investigated or verified. In the same letter, the Commission conveyed that it did not have information regarding the other four candidates. She withheld this information to the Board in its meeting of February 11, 2011 which confirmed the names of the four nominees and resolved that they be forward to the Minister for appointment;
- (v) she forwarded the list to the Minister for Medical Services, vide a letter dated February 14, 2011, recommending that Prof. Mengech be appointed for another period of three years. In her letter to the Minister, she also conveyed that the then Chief Executive (Prof. Mengech) wanted to continue and that the position did not attract enough applicants. In the letter, she recommended to the Minister that the current CEO (Prof. Mengech) continues for one more last term of three years, during which time, the Board will together with the Management develop a succession plan which will see the entry of a new CEO, in 3 years time.
- (vi) on receipt of the list and after consulting the Board, the Minister for Medical Services advised the Board to re-advertise the position in order to attract more candidates and "allow the process to be more competitive". Consequently, the Board put an advert in the dailies on May 31, 2011. Unlike the first advertisement on September 2010, which carried an age limit of 55 (?) years, the second did not ask for age limit. This was after the board was advised by the Ministry of Medical Services that the requirement for age limit may be construed to discrimination against section...of the Constitution;
- (vii) following the advert, the board received twelve applicants and shortlisted five people for interview. Dr. Kibosia who had applied and was shortlisted during the first time, but failed to turn up for interview also applied. The Board Chair disqualified him on the grounds that he did not honour the initial opportunity for an interview. The interview was set for July 13, 2011 but the Board has not interviewed the candidates following a court case;
- (viii) the process of hiring the Hospital's CEO is highly polarised and has not attracted many suitable candidates nationwide, probably due to the political

“intrigues” that have characterised the entire process and the effects of the 2007 post election crisis;

Committee concerns and observations-

The Committee was observed that-

- (i) from the onset, the running of the Hospital appears to be polarised. Previous incidences where the public and civic leaders had attempted to evict members of the management and Board from the premises were reported. The Board cited that it was even becoming difficult for them to hold meetings without armed security.
- (ii) it appears that the process of appointment of the Chief Executive, MTRH was initially unclear to the Board and the parent Ministry. This is evident given the public preannouncement made during the process and the correspondences between the Board, the Office of the Prime Minister and that of the Minister for Medical Services;
- (iii) the chairperson of the Board did not make the process any better. During her appearance before the Committee she indicated that she and the Hospital Board were opposed to re-appointment of Dr. Mengech, since *“the Hospital needed new and agile leadership. Prof. Mengech had served for a long, uninterrupted period and may not have injected the new management prudence required at the Hospital. His tenure was also shrouded with allegations of financial and management irregularities”*. However, when she forwarded the names of the candidates to the Minister for Medical Services, she not only recommended the candidate for appointment, but also indicated that the last of three years, allow the Board and the Management *“develop a succession plan which will see the entry of a new CEO, in 3 years time”*. The contradicting positions only compounded the uncertainty in the process of appointment;

make by-laws for the proper and efficient management of the Hospital which by-laws shall be issued by the Director on behalf of the Board and shall not be published in the Kenya Gazette but shall be brought to the attention of all those affected or governed by them.

- (f) consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (g) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (h) have power to receive on behalf of the Hospital, gifts, donations, grants or other money and to make legitimate disbursements therefrom;
- (i) promote the general welfare of the patients, trainees and staff of the Hospital;
- (j) promote medical training and provide technical advice on health research, planning and development;
- (k) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (l) have power to receive on behalf of the Hospital, gifts, donations, grants or other money and to make legitimate disbursements therefrom;
- (m) promote the general welfare of the patients, trainees and staff of the Hospital;
- (n) promote medical training and provide technical advice on health research, planning and development;
- (o) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;

Without prejudice to the generality of subparagraph (1) the Board shall:-

- (a) administrator the assets and funds of the Hospital in such a manner and for such purposes as will promote the best interests of the Hospital in accordance with the Act;
- (b) have power to receive on behalf of the Hospital, gifts, donations, grants or other money and to make legitimate disbursements therefrom;
- (c) promote the general welfare of the patients, trainees and staff of the Hospital;
- (d) promote medical training and provide technical advice on health research, planning and development;
- (e) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (f) consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (g) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (h) have power to receive on behalf of the Hospital, gifts, donations, grants or other money and to make legitimate disbursements therefrom;
- (i) promote the general welfare of the patients, trainees and staff of the Hospital;
- (j) promote medical training and provide technical advice on health research, planning and development;
- (k) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;
- (l) have power to receive on behalf of the Hospital, gifts, donations, grants or other money and to make legitimate disbursements therefrom;
- (m) promote the general welfare of the patients, trainees and staff of the Hospital;
- (n) promote medical training and provide technical advice on health research, planning and development;
- (o) have power to enter into association with other hospitals, organizations within or outside Kenya as the Board may consider desirable or appropriate and in furtherance of the purposes for which the Hospital is established;

The Board shall be the successor of the Government in respect of all rights, duties, obligations, assets and liabilities concerning Eldoret District Hospital and Uasin Gishu Memorial Hospital existing at the date of publication of this Order.

All such rights, duties, obligations, assets and liabilities shall be automatically and fully transferred to the Board and any reference to the Government or the Minister for Health or the Permanent Secretary/Treasury or the Director, Moi Teaching and Referral Hospital in connection with the hospital in any written law or in any contract or documents shall for all purposes be deemed to be a reference to the Board established under this Order.

Powers and Functions of the Board

(1) The Board shall, under the direction of the Minister for Health, be responsible for the administration, management and development of the Hospital established in Eldoret by the Government known as the Moi Teaching and Referral Hospital (hereinafter referred to as "the Hospital").

The Board may employ such other officers, servants or agents as it deems necessary for the discharge of its functions and duties under this Order and upon such terms and conditions as it may determine.

(b) The Deputy Director, Clinical and Academic Affairs who shall be responsible for all clinical services and research matters within the hospital and shall be appointed by the Board in consultation with the Minister for Health.

(a) The Deputy Director, Finance and Administration who shall be responsible for all administrative and financial matters and shall be appointed by the Board in consultation with the Minister for Health.

(2) The two Deputy Directors shall be -
(1) There shall be two Deputy Directors of the Moi Teaching and Referral Hospital who shall be under the direction of the Director.

Deputy Directors

There shall be a Director of the Moi Teaching and Referral Hospital who shall also be the Principal, College of Health Sciences, Moi University and Chief Executive and Secretary to the Board and shall be appointed by the President for a renewable term of five years.

Members of the Board appointed under sub paragraph 2 (a) and (g) shall hold office for a term of five years from the date of their appointment and shall be eligible for re-appointment.

(i) Chairman, Moi University Council

(h) the Director, Moi Teaching and Referral Hospital.

(g) not more than five other members of whom not more than two, shall be public officers, appointed by the Minister for Health.

(f) the Director of Medical Services,



ANNEX II

COPIES OF PAPERS LAID

32
Paper laid (P.L.)
NO. 1

SPECIAL ISSUE

04 JUL 2011

161

Kerua Gazette Supplement No. 34

12th June, 1998

(Legislative Supplement No. 25)

LEGAL NOTICE NO. 78

THE STATE CORPORATIONS ACT
(Cap. 446)

IN EXERCISE of the powers conferred by section 3 of the State Corporations Act, I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, make the following Order: -

THE MOI TEACHING AND REFERRAL HOSPITAL BOARD ORDER, 1998

Citation.

Establishment and Incorporation of the Board

1. This Order may be cited as the Moi Teaching and Referral Hospital Board Order, 1998.
2. There is established a state corporation to be known as the Moi Teaching and Referral Hospital Board (hereinafter referred to as the "Board") which shall be a body corporate in accordance with section 3 of the Act and which shall perform and exercise duties, functions and powers specified in the Act and in this order.

The Board shall consist of: -

- (a) a non-executive chairman appointed by the President;
- (b) the Permanent Secretary in the Ministry of Finance or an officer designated by him in writing;
- (c) the Permanent Secretary Ministry of Health or an Officer designated by him in writing;
- (d) the Permanent Secretary Ministry of Education, Science and Technology or an officer designated by him in writing;
- (e) the Vice-Chancellor, Moi University;

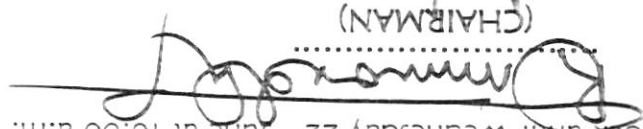
This is the Exhibit marked PKK2 referred to in the
annexed affidavit of PAUL K. KERING
Sworn/Declared before me this 4TH
Day of JULY 2011 at ELDORET

MIN. NO. 157/2010-2012: ADJOURNMENT

There being no other business the Chairperson adjourned the meeting at 18 minutes to

two O'clock until Wednesday 22nd June at 10.00 a.m.

Signed:



(CHAIRMAN)

Date:

2/8/2011

The Board approving the extension of the term of the previous Chief Executive. The Committee directed the Board Chairperson to submit, within seven days, Minutes of

candidates, Prof. H. Mengech. reported that the audit reservations were raised during the tenure of one of the instability of the Hospital and financial deficits related to over-expenditures. It was implementation of terms and conditions of service for staff and perpetual financial policies, irregular procurement of goods and services, non payment of debts, irregular year. Most of the reservations raised in the said reports were related to poor accounting Auditor General on the annual reports and audited accounts of the Hospital for various mismanagement and questions of financial propriety as noted in by Controller and The Committee also heard that the Hospital has not been without concerns of

to any allegation:

indiscriminately, verified and if possible, candidates given opportunity to respond The Committee held that such integrity tests should be carried out that information and then use it against the candidate when controversy arose. Board meeting of February 11, 2011. It is therefore unfair for them to withhold Board Chairperson at the time of confirming the nominations during the full they were not verified. In addition, the said information was withheld by the to cite the allegations forwarded by the KACC concerning Prof. Mengech since verifications on its employees, including the CEO, it was be unfair for the Board whilst it is prudent for the Board to undertake due diligence and integrity

(v)

contravened on the reasons given for the alteration to increase the age limit: public services state corporations' heads as sixty, the Board and the Ministry candidate. While the Minister for Medical Services indicated that the age limit for not have been made in good faith and was made to accommodate a particular it appears that the re-advertisement and the amendment to alter the age limit may

(iv)

(g) have power to raise funds and levy fees for services rendered as may be determined from time to time by the Board for the furtherance of the purposes for which the Hospital is established.

Functions of the Hospital

7. It is hereby declared that the hospital is established for the following purposes: -

- (a) to receive patients on referral from other hospitals or institutions within or outside Kenya for specialised health care;
- (b) to provide facilities for medial education for Moi University and for research either directly or through other co-operating health institutions;
- (c) to provide facilities for education and training in nursing and other health and allied professions;
- (d) to participate, as a national referral hospital, in national health planning.

Finance

8. In addition to any gifts, grants, donations, fees or other moneys which the Board may receive on behalf of the hospital, there shall be paid to the Board by way of grants in every financial year, out of money appropriated by Parliament for the purpose of carrying out the functions of the hospital, such sum as the Minister may determine as being necessary to enable the Board to carry out its function, having regard to the estimate for the year approved under section 11 of the Act.

Made on the 9th June, 1998.

D. T. ARAP MOI
President.

JOB VACANCY

DIRECTOR/CHIEF EXECUTIVE OFFICER

The Moi Teaching and Referral Hospital (MTRH) is the second referral hospital in Kenya after Ken National Hospital. The Hospital was established in 1920's, and in 1998, was elevated from a District Hospital to a National Teaching and Referral Hospital to serve Western region of Kenya. Its main mandate includes receiving patients on referral for Specialized Health Care, Providing Training, Educational facilities and Participating in National Health Planning. MTRH has grown to become a major centre for specialized medical care and training in Kenya and the Eastern Africa region. The Hospital's vision is to be "an excellent teaching and referral centre in healthcare" with a mission to "provide accessible specialized quality health care services and teaching facilities through research, training, capacity building, innovation and participation in national health planning".

The MTRH Board seeks to recruit a competent dynamic, visionary and experienced person to fill the post of the Director/Chief Executive Officer.

Job Ref: MTRH/ BoM/01/2010
Job Title: Director/Chief Executive Officer

Duties and Responsibilities:

Reporting to the Board, the Director/Chief Executive Officer, will be the Accounting Officer and the Secretary to the Board, and will be responsible for the following:

- To provide visionary leadership and direction to the organization and to ensure that hospital policies and mandate are implemented fully and effectively in line with the strategic plan.
 - To formulate strategies and business plans, lead teams for high performance and culture of innovation.
 - To ensure prudent management of resources for the achievement of the Hospital's mandate and strategic objectives.
 - To ensure that MTRH's Strategic Plans are implemented efficiently, the Performance Contract objectives and targets are negotiated, achieved and reported in time and the Annual Operational Plans and budgets prepared and submitted in compliance with statutory requirements.
 - To oversee and direct the development and implementation of the Hospital's strategic initiative capacity building in line with goals and aspirations of Kenya's Vision 2030 and the National Health Strategic Plans.
 - To provide the needed transformational leadership of MTRH to cope with citizens' expectations in line with the new constitution of Kenya.
 - To initiate, establish, strengthen and oversee inter-institutional collaborations and Strategic partnerships for the realization of the Institution's mandate and strategic objective.
 - To ensure that the Institution's staff remains motivated to discharge their responsibilities effectively and efficiently, and in compliance with human resource management policies and practices.
 - To establish and sustain effective relationships with the Board, the Government, parent Ministry, regulatory bodies, partners/collaborators, funding agencies, the media, other stakeholders and staff in the interest of the Hospital and its clientele.
 - To promote a culture of compliance with regulations, statutory requirements, good corporate governance principles and best practices in the hospital.
 - To participate in policy formulation for the health sector.
 - To assist Kenya towards the achievement of MDGs.
 - To perform any other responsibilities as determined and deemed necessary by the Board of Management in line with the hospital's mandate.
- Key Qualifications and Competence**

The successful candidate should have the following:-

- A Medical Practitioner of not less than 15 years of medical practice and duly registered by the Medical Practitioners and dentists Board (of Kenya).
- He/she shall hold a post-graduate specialist qualification duly recognized by the Medical Practitioners and Dentists Board for at least eight years.
- Considerable experience in Management and Administration in tertiary health institution of at least five years.
- Certified training in Corporate Governance.
- Certificate of Good Conduct.
- Proficiency in Computer packages.
- Must be an advocate of high quality healthcare standards, a good diplomat, team player and negotiator, able to engage others and drive MTRH to realize its Mission, Vision and core values.
- Additional qualifications in Management such as Masters in Business Administration (MBA), Strategic Leadership and Health Systems Management (HSM), from a recognized training institution, will be added advantage.

The successful candidate will be engaged on a 3 (three) year renewable contract subject to performance. This is an executive position with a competitive pay package commensurate with qualifications and experience.

Methods of Application

Suitably qualified candidates shall submit ten (10) copies of applications together with updated curriculum vitae, copies of certificates, current remuneration and day time telephone contacts and names of three referees, one of whom should be the current/last employer who should be in a position to attest to candidate's academic, professional and managerial abilities as well as moral character and uprightness. Applications should be forwarded to the following address not later than 15th October 2010. (Please indicate the job reference on the envelope).

The Chairperson
Board of Management
Moi Teaching and Referral Hospital
P.O. Box 3-30100
EL DORET, Kenya

(Handwritten notes and signatures)
P
papers laid
on 30/06/2011
by Hon. David Koehn, MP
J. Nathan
11/09/2010
P.L. No. 2



ISO 9001:2008 Certified Hospital

MOI TEACHING AND REFERRAL HOSPITAL

Telephone: (+254) 053-2033471/2/3/4
Fax: 2061749
Email: director@mtrh.or.ke

NANDI ROAD
P.O. Box 3-30100
ELDOR ET, KENYA

Ref:..... ELD/MTRH/OT/157/VOL.II/2009

20th June, 2011

P. L. No. 2

Ms. Mary W. Ngari, CBS
Permanent Secretary
Ministry of Medical Services
P O Box 30016 - 00100
NAIROBI

Dear

BREAKING INTO THE DIRECTOR'S OFFICE

I was away from the Hospital after I had been warned that some Councillors led by a member of parliament - Eldoret South, (Hon. Peris Simam) broke into my office and sat in the office in my absence.


Apparently, they had come with the Press to find out whether Prof. Mengech was in the office. I feel aggrieved that such wanton behaviour can be exercised in a public office where public officers are suppose to be free and safe.

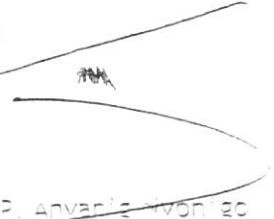
This was done by a Legislator who should have known better. I was lucky I had been informed before that these people are going to storm the office.

I do not know what they would have done if they had found me in the office.

I feel the need to report this so that such impunity and uncivilized behaviour should not be repeated in future.

Yours


DR. OMAR ALY
Ag. DIRECTOR


Prof. Hon. P. Anwarig'nyon'go
Hon. Minister for Medical Services

...../2

Hospital. The Hospital was established in 1920's and in 1998, was elevated from a District Hospital to a National Teaching and Referral Hospital to serve Western region of Kenya. Its main mandate includes receiving patients on referral for Specialized Health Care, Providing Training, Educational facilities and Participating in National Health Planning. MTRH has grown to become a major centre for specialized medical care and training in Kenya and the Eastern Africa region. The hospital's vision is to be 'an excellent teaching and referral centre in healthcare' with a mission to 'provide accessible specialized quality health care services and teaching facilities through research, training, capacity building, innovation and participation in national health planning'.

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- To formulate strategies and business plans, lead teams for high performance and culture open to innovation.
- To ensure prudent management of resources for the achievement of the Hospital's mandate and strategic objectives.
- To ensure that MTRH's Strategic Plans are implemented efficiently, the Performance Contract objectives and targets are negotiated, achieved and reported in time and the Annual Operational Plans and budgets prepared and submitted in compliance with statutory requirements.
- To oversee and direct the development and implementation of the Hospital's strategic initiative and capacity building in line with goals and aspirations of Kenya's Vision 2030 and the National Health Sector Strategic Plans.
- To provide the needed transformational leadership of MTRH to cope with citizens' expectations in line with the new constitution of Kenya.
- To initiate, establish, strengthen and oversee inter-institutional collaborations and Strategic partnerships for the realization of the institution's mandate and strategic objective.
- To ensure that the institution's staff remains motivated to discharge their responsibilities effectively and efficiently, and in compliance with human resource management policies and practices.
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- To promote a culture of compliance with regulations, statutory requirements, good corporate governance principles and best practices in the hospital.
- To participate in policy formulation for the health sector.
- To assist Kenya towards the achievement of MDGs.
- To perform any other responsibilities as determined and deemed necessary by the Board of Management, in line with the hospital's mandate.

Key Qualifications and Competence

The successful candidate should have the following:-

- Age between 45-55 years
- Medical Practitioner of not less than 15 years of medical practice and duly registered by the Medical Practitioners and Dentists Board of Kenya.
- He/she shall hold a post-graduate specialist qualification duly recognized by the Medical Practitioners and Dentists Board for at least eight years.
- Considerable experience in Management and Administration in tertiary health institution of at least five (5) years.
- Certified training in Corporate Governance.
- Certificate of Good Conduct.
- Proficiency in Computer packages.
- Must be an advocate of high quality healthcare standards, a good diplomat, team player and negotiator in order to engage others and drive MTRH to realize its Mission, Vision and core values.
- Additional qualifications in Management such as Masters in Business Administration (MBA), Strategic Leadership and Health Systems Management (HSM), from a recognized training institution, will be an added advantage.

The successful candidate will be engaged on a 3 (three) year renewable contract subject to performance. This is an executive position with a competitive pay package commensurate with qualifications and experience.

Methods of Application

Suitably qualified candidates shall submit ten (10) copies of applications together with updated curriculum vitae, copies of certificates, current remuneration and pay time telephone contacts and names of three referees, one of whom should be the current/last employer who should be in a position to attest to the candidate's academic, professional and managerial abilities as well as moral character and uprightiness.

Applications should be forwarded to the following address not later than 15th October 2010. Please indicate the job reference on the envelope).

The Chairperson
Board of Management
Moi Teaching and Referral Hospital
P.O. Box 3-30100
ELDORET, Kenya
Tel: (254) -33 -203347*/2/3/4
Fax: (254) -33 -2061749
www.mtrh.or.ke

Sept 17, 2010 Standard

D.L. No. 3

Extension of Contract: The Ministry of Medical Services extended the tenure of Prof. Mengech on 31st March 2010 for a further period of 1 year with effect from 8th March 2010.

Yours faithfully,


AGUNDA OCHANDA
DEPUTY DIRECTOR (A&F)



An ISO 9001:2008 Certified Hospital

MOI TEACHING AND REFERRAL HOSPITAL

PRESS RELEASE

P.L. No. 5

Since its establishment as a National Teaching Hospital, Moi Teaching & Referral Hospital (MTRH) has witnessed tremendous growth in its 12 years of existence.

Prof. H. N. K arap Mengech is the founder Director of the Hospital and has played a critical role in its entire growth processes. Prof. Mengech was appointed Director of the Hospital in March 1999 and served with distinction for two terms of five (5) years each with an additional extension of contract for two (2) years.

Prof. Mengech has contributed significantly to the growth of the Hospital establishment through collaboration agreements with partners. The AMPATH programme for example, which he started together with Prof. Joe Mamlin of Indiana University and Prof. Khwa Otsyula, former Dean, Moi University School of Medicine, is today one of the most successful and comprehensive HIV/AIDS programme in the world. The programme has been nominated twice in the Nobel Peace Prize in 2007 and 2010 respectively.

Prof. Mengech has served various local and international bodies in several capacities including being the current Chairman of the Board of Directors, Development Bank of Kenya, Member of KEMRI Board of Management, Moi University Council among others.

The Ministry of Medical Services instructed the Board to ask Prof. Mengech to hand over the running of the Hospital to Dr. Omar Aly on 7th March 2011 when his contract came to an end.

Dr. Omar Aly has a Bachelor of Medicine, Bachelor of Surgery from University of Nairobi and a Masters in Medicine MMED (Psychiatry). He has been at Moi Teaching and Referral Hospital since 1986 when Moi Teaching and Referral Hospital was Eldoret District Hospital on the 1st posting as a Psychiatrist following his successful completion of his Masters degree in Medicine.

He has been working as a 1st Psychiatrist in the North Rift, setting up Mental Health Centres in this part of the country. Later in 2001 he became an Administrator rising through the ranks from Assistant Deputy Director, Deputy Director to Ag. Director.

He has grown with the Hospital in different capacities over the years and is involved in a number of decision organs of the Hospital either as a Chairman of a number of such committees. Since he took up the Acting appointment, he has continued to work steadfastly following a well established Hospital structures with the support of the Hospital Management as the Board looks forward to restarting afresh the process of appointing the Hospital Director.

PROF. RUTH ONIANG'O
CHAIRMAN, BOARD OF DIRECTORS
MOI TEACHING & REFERRAL HOSPITAL

DATED: 18TH MARCH 2011



ISO 9001:2008 Certified Hospital

MOI TEACHING AND REFERRAL HOSPITAL

Email: director@mtrh.or.ke

TELEPHONE: (+254) 053-2033471/2/3

FAX: 2061749

NANDI ROAD,
P.O. BOX 3,
ELDORET, KENYA.

Ref:

P. 2. 210.7

Date:

Delivery Note

No.	Addressed to	Received by	Date & Signature
1	Hon. Minister Dalmas Otieno Acting Minister for Medical Services Ministry of Medical Services P.O. Box 30016 Nairobi	Panela	MINISTER MINISTRY OF MEDICAL SERVICES RECEIVED 15 FEB 2011 P. O. Box 30016 - 00100 NAIROBI
2	The Minister Ministry of Medical Services P.O. Box 30016 Nairobi	Panela	
3	The Permanent Secretary Ministry of Medical Services P.O. Box 30016 Nairobi	Ahici	MINISTRY OF MEDICAL SERVICES RECEIVED 15 FEB 2011 PERMANENT SECRETARY P. O. Box 30016-NAIROBI
4	Inspectorate of State Corporation Office of the President P.O. Box 30510 Nairobi		INSPECTOR GENERAL (CORPORATIONS) OFFICE OF THE PRIME MINISTER 15 FEB 2011 P. O. Box 54457 - 00200, NAIROBI.

All correspondence should be addressed to the Director
Visit our Website: www.mtrh.or.ke
EXCELLENCE IN HEALTHCARE, TRAINING AND RESEARCH



ISO 9001:2008 Certified Hospital

MOI TEACHING AND REFERRAL HOSPITAL

NANDI ROAD,
P.O. BOX 3,
ELDORET, KENYA.

Email: director@mtrh.or.ke
TELEPHONE: (+254) 053-2033471/2/3
FAX: 2061749

Date:14th February 2011.....

Ref:

P.L. No. 8

Hon. Minister Dalmas Otieno
Acting Minister for Medical Services
P.O. Box Nairobi

Dear Hon. Otieno,

Re: Appointment of Director of Moi Teaching and Referral Hospital (MTRH)

I am happy to forward to the Minister the results of the just concluded process of appointing the Director of Moi Teaching and Referral Hospital for the next 3- year Term. I wish to assure you that the process was conducted in a highly professional manner, assessment done objectively and final recommendations made in line with what Board members had noted and scored.

In summary, there were 4 candidates, out of whom we are recommending the top 3. Please see the 2 recommendations contained in the attached minutes duly signed by Board members present.

Also attached is a Kenya Anti-Corruption Commission Report, which the Board did not use. I had sought the integrity status of the shortlisted applicants to avoid embarrassment. As you can see many of the issues need verification.

Please note that I started my work as Chair of MTRH about 6 months ago and the very first task was to appoint a new CEO. The sitting CEO wanted to continue. Unfortunately, I must say, the advertisement did not attract enough good applicants.

To allow for smooth transition, we are recommending the current CEO to be given one more LAST term of 3 years, during which time the Board will, together with management develop a succession plan which will see a new Director come in, in 3 years time.


I hope all this will assist the appointing authority to make the decisions required to move this very important institution forward.

Should you need further clarification, please do not hesitate to call me. The position of Chair of this institution is a very challenging one but I believe I am up to the task. Thank you for providing me with the opportunity to serve in this capacity.

Please note that I am out of the country up to March 6, 2011.

With best wishes

Yours sincerely


Hon. Prof. Ruth Oniang'o, PhD, DSM, SS
Chair, Management Board (MTRH)

All correspondence should be addressed to the Director
Visit our Website: www.mtrh.or.ke
EXCELLENCE IN HEALTHCARE, TRAINING AND RESEARCH

MEETING OF THE SPECIAL BOARD FOR THE INTERVIEWS OF THE CEO OF MOI TEACHING AND REFERRAL HOSPITAL HELD ON 10TH AND 11TH FEBRUARY 2011 AT THE AMPATH BOARDROOM IN ELDORET AT 10.00AM.

Members present

1. Prof Ruth Oniang'o -Chairperson
2. Mr. S. Kaitany -Member
3. Mr. David kiima -Rep DMS
4. Phillip Ombidi -Member
5. Prof R.K. Mibey -Member
6. Mr. Oreta -Rep Ps higher education
7. Mrs .N.Langat -Member
8. Mrs. H. Yego -Member
9. Mr.J.Biginga -Rep inspectorate
10. Mr. E.Mwai -Member
11. Mr. E. Ong'uti -Member
12. Mr.M.L. Ewoi -Member
13. Mrs. M.Onyimbo -Member

P.K. No. 9

In attendance

Jayne Musyoka- -Senior Assistant Director/HRM

Agenda

1. Prayer
2. Confirmation of the previous minutes
3. Matters arising
4. Adoption of the interview tools
5. Interview of shortlisted candidates
6. Adoption of the report of the interview
7. A.O.B

MIN 8/2011 opening remarks

The meeting started at 10am with a word of prayer by Mrs. Onyimbo. The chair informed the members of the importance of the exercise and requested the members to be fair, transparent and objective.

The meeting was informed that one of the candidates Dr. S.Kimaiyo had withdrawn his application for personal reasons. Dr Kibosia failed to appear for the interview so the candidates to be interviewed reduced from six (6) to four (4).

Min 9/2011 Scoring

The members agreed that each member was to be given a number that they will put on the score sheet instead of their names. This was to enable the members to score fairly and confidentially. It was agreed that the representative from inspectorate should not score as the law does not allow them to.

Min10/2011 confirmation of previous minutes

The minutes were confirmed to be true record of the previous meeting held on 1st December 2010 after a few amendments were done. Mr Ombidi proposed and Mr. Mwai seconded for the minutes to be confirmed.

Min 11/2011 Adoption of the interview tool.

The members accepted the tool that had been developed by a small committee of the board and agreed on how to score and who should be the lead person on various questions. All members were free to ask questions on any area as long as they scored in line with the guide line that had been set by the members.

MIN 12/2011 interview

The interviews started at 12.00pm and the candidates scored as follows:

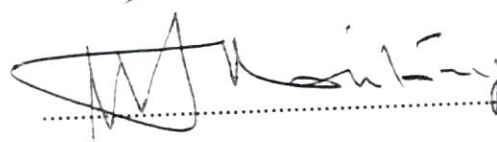
LIST OF INTERVIEWED CANDIDATES




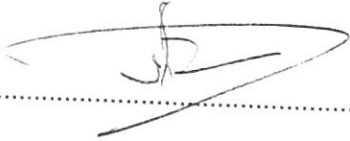

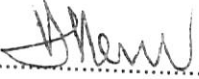
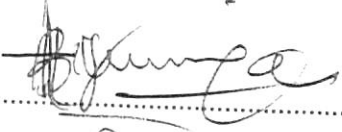

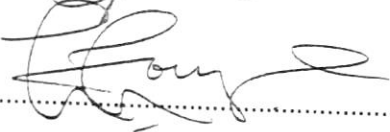


	NAME	AGE	AVERAGE SCORE IN %
1	Dr Fatuma Some	53	59%
2	Professor Fabian Esamai	57	71%
3	Dr Otieno Omolo	62	57%
4	Professor Haroun Mengech	65	81%

There being no other business the meeting ended at 7.15pm.

Board Members present

1. Prof Ruth Oniang'o. 

2. Mr. S. Kaitany 

3. Mr. David kiima..... 
4. Phillip Ombidi 
5. Prof R.K. Mibey..... 
6. Mr. Oreta..... 
7. Mrs .N.Langat..... 
8. Mrs. H. Yego..... 
9. Mr.J.Biginga..... 
10. Mr. E.Mwai..... 
11. Mr. E. Ong'uti..... 
12. Mr.M.L. Ewoi..... 
13. Mrs. M.Onyimbo..... 

MEETING OF THE SPECIAL BOARD FOR THE INTERVIEWS OF THE CEO OF MOI TEACHING AND REFERRAL HOSPITAL HELD ON 11TH FEBRUARY 2011 AT THE AMPATH BOARDROOM IN ELDORET AT 10.00 AM.

Members present

- | | |
|-----------------------|--|
| 1. Prof Ruth Oniang'o | -Chairperson |
| 2. Mr. S. Kaitany | -Member |
| 3. Mr. David kiima | -Rep DMS |
| 4. Phillip Ombidi | -Member |
| 5. Prof R.K. Mibey | -Member |
| 6. Mr. Oreta | -Rep PS Higher Education |
| 7. Mrs .N.Langat | -Member |
| 8. Mrs. H. Yego | -Member |
| 9. Mr.J.Biginga | -Rep Inspectorate of State Corporation |
| 10. Mr. E.Mwai | -Member |
| 11. Mr. E. Ong'uti | -Member |
| 12. Mr.M.L. Ewoi | -Member |
| 13. Mrs. M.Onyimbo | -Member |

P.L. No. 10

In attendance

Jayne Musyoka- -Senior Assistant Director/HRM

Agenda

1. Prayer
2. Confirmation of the previous minutes
3. Matters arising
4. Consideration of Results
5. Recommendation
6. A.O.B

Min 13/2011 Opening Remarks

The meeting was called to order at 10.30 am and started with a word of prayer by Mr Kaitany. The chair requested members to give their opinions on the way forward on the results of the interviews.

Min 14/2011 Confirmation of the Previous Minutes

The minutes of the previous meeting held on 10th February 2011 were confirmed as true record of the meeting, after looking at the matters arising. Mr Kaitany proposed the minutes and Mr Mwai seconded and the minutes were confirmed as true record of the meeting

Min 15/2011 Consideration of the Results

The members brainstormed on the results of the interviews and agreed that the process were very fair and transparent. Members were happy with the way the interviews were conducted, and they all recommended the best candidate for the job.

The best candidate was Professor K.H. Mengech and members were happy with his work more so because he was working well with the donors and with the community. Most members stressed on the need to have a good succession plan in place.

Min 16/2011 Board Recommendation

1. The Board forwards the names of the best three candidates and recommends Professor Haroun Mengech who is the current Director for one more final term of three years.
2. The members also recommended that in the event that by March 7th 2011, the appointment has not been done by the appointing authority, the Deputy Director Clinical Services, Dr Omar Aly be appointed to act in the interim period.


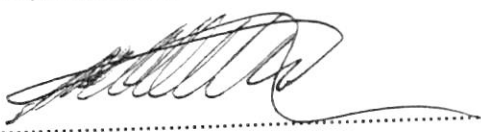
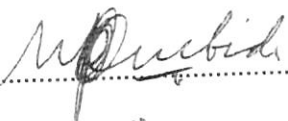


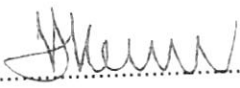
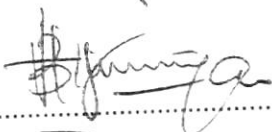
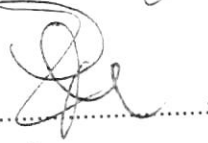

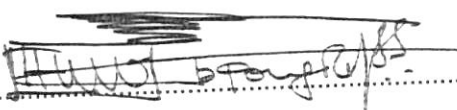
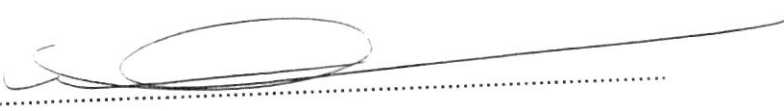
Min17/2011 A.O.B

There being no other business the meeting ended at 1.00pm.

Prof R.K.Mibey excused himself to attend to an emergency.

Board Members present

1. Prof Ruth Oniang'o. 

2. Mr. S. Kaitany 
3. Mr. David kiima 
4. Phillip Ombidi 
5. Mr. Oreta 
6. Mrs .N.Langat 
7. Mrs. H. Yego 
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9. Mr. E.Mwai 
10. Mr. E. Ong'uti 
11. Mr.M.L. Ewoi 
- Mrs. M.Onyimbo 



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MOI TEACHING AND REFERRAL HOSPITAL

Email: director@mtrh.or.ke
Telephone: 053 2033471/2/3
Fax: 053 2061749
KENYA

NANDI ROAD
P.O. BOX 3
ELDORET,

Ref: ELD/MTRH/B.10/VOL.II/2007

Date: February 10th, 2011

P.L. 20.11

The Permanent Secretary,
Ministry of Medical Services
P.O. Box 30016
NAIROBI.

Dear **MS MAN GATZ**,

MTRH ESTABLISHMENT

Kindly see the attached for your necessary action.

Thank you.

Yours sincerely,


HON. PROF. RUTH K. ONIANG'O
CHAIRPERSON – MTRH BOARD OF MANAGEMENT

Encl.

c.c. The Minister,
Ministry of Medical Services,
P.O. Box 30016,
NAIROBI.

Inspectorate of State Corporation,
Office of the President,
P.O. Box 30510,
NAIROBI.

All correspondences should be addressed to the Director. Visit our Website: www.mtrh.or.ke
EXCELLENCE IN HEALTH CARE, TRAINING AND RESEARCH



An ISO 9001:2008 Certified Hospital

MOI TEACHING AND REFERRAL HOSPITAL

AT ITS SPECIAL BOARD MEETING OF FEBRUARY 10, 2011, THE BOARD RESOLVED TO REQUEST THE GOVERNMENT TO ASSIST MOI TEACHING AND REFERRAL HOSPITAL IN ESTABLISHING THE ACTUAL NUMBER OF PERSONNEL THAT ARE DEPLOYED AT THE INSTITUTION. PLEASE HELP US TO CARRY OUT A HEAD COUNT AT THE INSTITUTION.

NO.	NAME	SIGNATURE
1	Said S. Ketany	
2	DR DAVID KIIMA	
3	PHILIP P. OMBIDI	
4	Richard K. Onibely	
5	SKWETH	
6	NORAH LANGAT	
7	HELEN YEGO	
8	Julius Biginga	
9	EVAN MWAI	
10	ELKANA ONG'ATI	
11	EMMA MUSA KACHAU	
12	Margaret W. Onyango	
13	HON. PROF. RUTH K. ONIANG'O CHAIRPERSON	

HON. PROF. RUTH K. ONIANG'O
CHAIRPERSON - MTRH BOARD OF MANAGEMENT

--- 10th February, 2011

KENYA ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE
(Valley Rd. /Millmani Rd. Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

KACC/REPPS 7/5/1 (287)

8th February 2011

Hon. Prof. Ruth Oniang'o, PhD, DSM, SS
Chair, Management Board
Moi Teaching and Referral Hospital
Nandi Road
P. O. Box 3

ELDORET



Advanced copy via
Fax No. 053-2061749

P.L. No. 12

Dear 

**RE: REQUEST FOR ASSISTANCE IN VETTING OF SHORTLISTED APPLICANTS
FOR THE POSITION OF DIRECTOR – MTRH.**

Refer to a request made for the vetting of short listed applicants for the position Director – MTRH to be interviewed on 10th February 2011. A data search conducted in our Investigation's database revealed the following:-

Name	Remarks
1) Prof. Harbun N. K. Mengech	<ol style="list-style-type: none">i. A report alleging that Prof. Mengech abuses his position of office by tribal recruitments, utilizing employees on the MTRH payroll for domestic work at his home and also conflict of interest by supplying milk from his farm to the Hospital.ii. Report alleging malicious termination of an employee's contract because he commented on issues of corruption in the Institution. Allegation that the Director's wife and Bodyguard collect bribes for the Director from persons seeking employment in MTRH. Alleged misappropriation of rents from Hospital Houses rented to staff in collusion with a Dr. Omar, the housing committee chairman.iii. Allegations of abuse of office by using hospital resources to renovate his private house and Inflation of costs for 3 compressors purchased in 2008 by the hospital from Kshs. 40,000 to Kshs. 200,000.iv. Several allegations of abuse of officev. Allegations of interference with the recruitment process for the position of Chief Internal Auditor to deny a successful applicant the opportunity.
2) Prof. Fabian Esamai	No record found

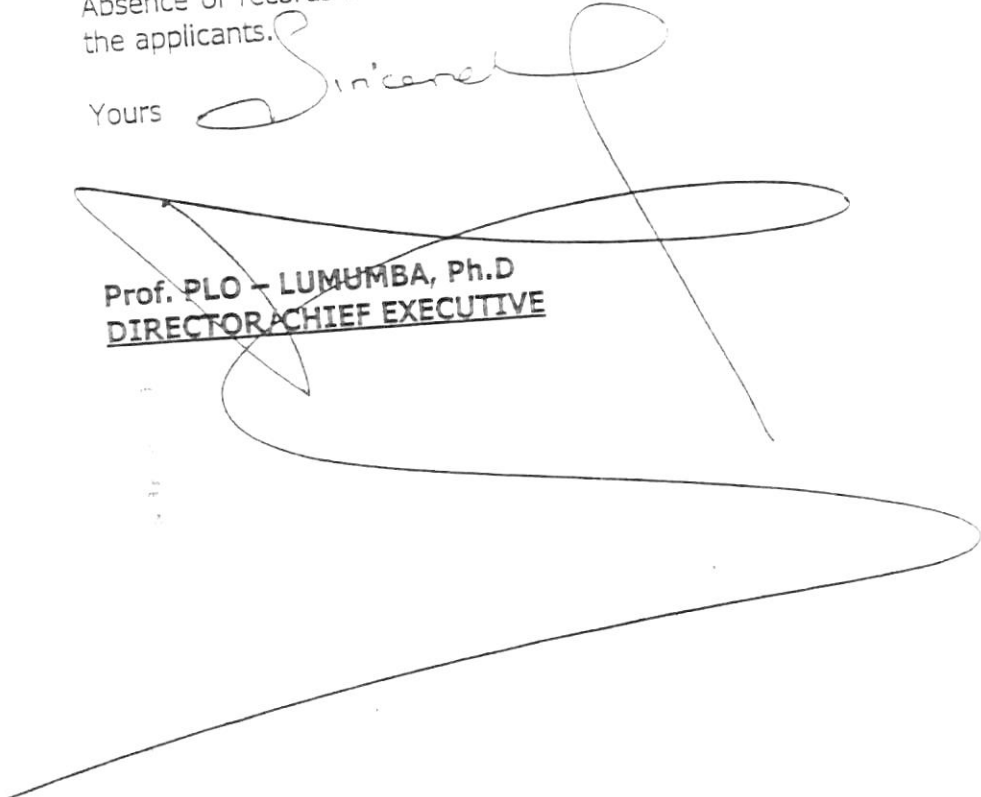
3	Dr. Fatuma Faraj Some	No record found
4	Dr. Otieno E. Omolo, MD	No record found
5	Dr. John Cheruiyot Kibosia	No record found

Note that, the Commission is in the process of developing an objective criterion for vetting of persons aspiring leadership positions in line with chapter 6 of the constitution. Absence of records in our current database is not a guarantee of absolute integrity for the applicants.

Yours



Prof. PLO - LUMUMBA, Ph.D
DIRECTOR CHIEF EXECUTIVE



ACTUAL REPORTS FOUND
NB: FYI

	Applicant	Report	Status
1.	Prof. Haroun N. K. Mengech	<p>The director of Moi Teaching and referral hospital, Prof. Mengech has totally messed up the institution. He employs staff from his Kalenjin community to the security department first and then later they are transferred to other department. He has 30 workers employed at his home doing domestic work and all of them are under the payroll of the hospital. His wife is still on the hospital payroll even after resigning one year ago. The director is also accused of high handedness in the management of hospital. The director is also accused of conflict of interest it is alleged that the said director is supplying milk to the hospital from his farm. It is reported that staff in the cash office even collude and release patients without them paying for the bills. Large sums of money are being lost from this syndicate.</p>	Under Investigation in Intelligence department
2.	Prof. Haroun N. K. Mengech	<p>Complainant's contract as head of security was terminated at MTRH allegedly on malicious grounds because he had commented on allegations of corruption at the institution. Three of his sons were clinical officers but two of them have since been dismissed on malicious grounds. The wife who is a subordinate staff at the hospital has also been allegedly thrown out of the hospital's houses. He is claiming a witch hunt against him by the hospital's</p>	Under investigation in Intelligence Department

		<p>director Dr. Mengich. The PS - Medical Services has in a letter stated that the termination of contract was lawful. Further allegations that the hospital has rented out staff houses but rent is received by private individuals particularly the Housing Committee Chairman, Dr. Omar who in turn shares with the Director. Informant also reports that for one to get employment at the institution, the applicant must first Kshs. 100,000 to one Caro Talai wife to the director and works in administration. The director's body guard is also reportedly involved in receiving bribes from employment applicants which is then passed on to the director.</p>	
3.	Prof. Haroun N. K. Mengech	<p>A complainant did an interview for the position of a Chief Internal Auditor in Moi Teaching and referral Hospital and was the successful candidate. He claims that he was one of the two persons interviewed for the position and he was successful and he was called to collect the letter of offer. However, before he could collect the letter, the CEO, intervened and asked the HR not to release the letter and the position was offered to another person who had not applied for it but who is from his tribe.</p>	<p>The matter is administrative in nature and was referred to the Ministry of Medical Services</p>
4.	Prof. Haroun N. K. Mengech	<p>Information implicating the above named academic in malpractices. The allegations against Prof. Mengech include:</p> <ol style="list-style-type: none"> i. Nepotism in recruitment of staff. ii. Failure to promote long serving staff members iii. Demand for sexual favours in 	<p>The matter is administrative in nature and was referred to the Ministry of Health</p>

		<p>return for employment,</p> <p>iv. Failure to discipline the Records Officer, Mr. David Kirui for intimidating other staff members.</p> <p>v. Procuring of goods and services without following procurement procedures and,</p> <p>vi. Loss of public funds through unnecessary 'directors allowances.'</p>	
5.	Prof. Haroun N. K. Mengech	<p>Allegations abuse of office by officers at Moi Teaching and Referral Hospital.</p> <p>1. The director is reportedly using the hospital's resources to renovate his private house. Materials obtained using the hospital's LPO have been taken to his house and hospital workers have been deployed to do the renovation. Casuals were also engaged and paid for by hospital funds.</p> <p>2. The deputy director administration and finance is rep[reportedly constructing a house in his rural home and hospital employees were deployed to do the work. Hospital funds also used to acquire and install a water storage tank.</p> <p>3. At the end of year 2008, hospital purchased 3 compressors for the mortuary from GTZ Stores at a cost of less than Kshs. 40,000 each. It is claimed that the receipts from GTZ were destroyed and replaced with fake ones indicating that the compressors were secured at a cost of Kshs. 200,000 each.</p>	Under investigation in Intelligence Department

53

From: cyber mantix <cyberm23@gmail.com>
Subject: PS.Office
Date: May 19, 2011 6:32:39 PM GMT+03:00
To: hmengech@mtrh.or.ke
1 Attachment, 586 KB

04 JUL 2011



P.L. No 13

OFFICE OF THE PRIME MINISTER
PERMANENT SECRETARY'S OFFICE

Telephone: +254(0)20-3247000
Fax No: +254(0)20-2210876

Prime Minister's Building
2nd Floor
P.O. Box 74434-00200
Harambee Avenue
NAIROBI

When replying please quote

Date: 19th May, 2011

Ref. No. OPM/PS/08/03/24

Hon. (Prof) Peter Anyang' Nyong'o, EGH, M.P.
Minister for Medical Services
Afya House,
NAIROBI

Dear *Waziri*

RE: RECRUITMENT OF DIRECTOR/CHIEF EXECUTIVE OFFICER - MOI TEACHING
AND REFERRAL HOSPITAL

Your letter Ref. No. INST/14/A VOL.XI/ (103) dated 9th May, 2011 on the above subject refers.

The Rt. Hon. Prime Minister notes that the Moi Teaching and Referral Hospital (MTRH) Board of Directors had already procedurally undertaken the recruitment process for the Director/Chief Executive Officer as required by regulations where the incumbent emerged as the best candidate.

Following this process, the Rt. Hon. Prime Minister had publicly endorsed the recruitment of Prof. Mengech during a visit in Rift Valley earlier this year.

In this regard, you are requested to endorse the renewal of Prof. Mengech's contract in accordance with the recommendations of the MTRH Board of Directors.

Yours

Dr. Mohamed Isahakia, CBS
PERMANENT SECRETARY

This is the Exhibit marked *P.L. 13* referred to in the
Annexed affidavit of *PAUL K. KERINS*
Sworn/Declared before me this *19th*
Day of *JULY* 20 *11* at *ELDORET*

[Signature]
Commissioner for Oaths



MINISTRY OF MEDICAL SERVICES
OFFICE OF THE MINISTER

Telegrams: "MINMEDSERVICES" Nairobi
Telephone: Nairobi 254- 20- 2717077
Fax: 254- 20- 2719008
Email: maisten@health.go.ke
When replying please quote

Aiya House
Cathedral Road
P.O. Box 30015-00100
NAIROBI

Ref. No. INST/14/A Vol. XIII(3)

Rt. Hon. Raila A. Odinga, EGH, MP
Prime Minister
Office of the Prime Minister
NAIROBI

22nd June, 2011

04 JUL 2011

Dear *Commissioner*

APPOINTMENT OF PROF. HAROUN MENGECH AS DIRECTOR /CHIEF
EXECUTIVE OFFICER OF MOI TEACHING AND REFERRAL HOSPITAL,
ELDORET

The above matter refers.

Further to your directive issued on Saturday 11th June 2011 while you were
presiding over the Board of Management in Eldoret that Prof. Haroun Mengech be
appointed as the Chief Executive Officer of Moi Teaching and Referral
Hospital, I wish to confirm that your directive is being complied with.

I, however feel obliged to bring to your attention provisions of legal Notice No.
78 of 12th June 1998 under CAP 466 that established the Moi Teaching and
Referral Hospital (copy attached); that provides for the appointment of the
Director /Chief Executive Officer by His Excellency the President. Please also
note that previous appointments were made in compliance with this provision.

I myself had not been fully aware of this and it has just been brought to my
attention. My sincere apologies for over-looking such an important issue.

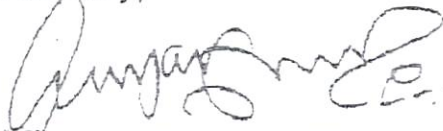
As I had indicated earlier, the Board of Management in liaison with the
Ministry initiated a competitive process of recruiting a Chief Executive Officer
after which the appointment would be regularized as per the legal
requirement. While doing all these, we remain cognizant of our advisory role
in the entire process that would culminate in getting the best among many to
be forwarded to the appointing authority for further action while
implementing your directive in the interim. My Permanent Secretary is seized
of this matter.

This is the Exhibit marked *PKR 11* referred to in the
Annexed affidavit of *PAUL K. KERING*
Sworn/Declared before me this *4th*
Day of *JULY* 2011 at *ELDORET*

[Signature]
Commissioner for Oaths

The above notwithstanding, it is my humble appeal to you for guidance on the best way to address the matter at hand so as to bring it to an amicable conclusion

Yours sincerely,



Hon. (Prof.) P.A. Nyong'o, EGH, MP
MINISTER

Encl.



MINISTRY OF MEDICAL SERVICES
Office of the Minister

Telegrams: "MINMEDSERVICES" NAIROBI
Telephone: Nairobi 271707
Fax: 2719008
When replying please quote

Araya House
Cathedral Road
P.O. Box 2020
NAIROBI

Ref. No. INST/14/A VOL.XI/103) 04 JUL 2011

HIGH COURT OF KENYA
ELDORET
22 JUN 2011
RECEIVED
P. O. Box 141 - 30100, ELDORET.

Rt. Hon. Raila A. Odinga, EGH, MP
Prime Minister
Republic of Kenya
Office of the Prime Minister
Harambee Avenue
NAIROBI

P. L. A. 15

Dear *Capra*

RE: RECRUITMENT OF DIRECTOR/CHIEF EXECUTIVE OFFICER - MOI TEACHING AND REFERRAL HOSPITAL

The above matter refers.

Following the expiry of the contract of the immediate former Director/Chief Executive Officer of Moi Teaching and Referral Hospital (MTRH), my Ministry in liaison with the Board is in the process of recruiting a new head for the Hospital.

Attached herewith please find the brief on the matter for your information and necessary action.

Yours sincerely

Hon. (Prof.) P. A. Nyong'o, EGH., MP
MINISTER

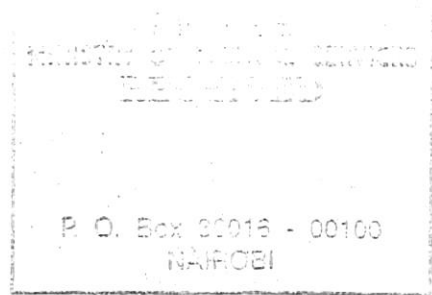
Encl:

THIS IS THE EXHIBIT MARKED *NO 5*
REFERRED TO IN THE ANNEXED
SWORN

AFFIDAVIT OF..... DECLARED
BEFORE ME ON THIS *21ST* DAY OF *JUNE* 2011
AT..... *ELDORET*
COMMISSIONER FOR OATHS

This is the Exhibit marked *PK80* referred to in the
Annexed affidavit of *PAUL K. KERING*
Sworn/Declared before me this *21st*
day of *July* 2011 at *ELDORET*

PK
Commissioner for Oaths



MINISTRY OF MEDICAL SERVICES
OFFICE OF THE PERMANENT SECRETARY

Telegraphic Address: "MINMEDSERVICES" NAIROBI
Telephone: Nairobi +254-20-2717077
Fax: +254-20-2713234
When Replying please quote

AFYA HOUSE
CATHEDRAL ROAD
P. O. Box 30016-00100
NAIROBI

Ref. No. INST/14/A VOL XI
and date

26th July, 2010

Prof. Ruth Khasaya Oniango
Chairperson
MT & RH
ELDORET

P. L. M. 13


Dear

**RE: RECRUITMENT OF CHIEF EXECUTIVE OFFICER
MOI TEACHING AND REFERRAL HOSPITAL**

This is to inform you that the contract for the Chief Executive Officer for Moi Teaching & Referral Hospital Prof. Harun Mengich, expires in March, 2011. Considering the due diligence and time it takes to recruit a new person you are advised to start the process at least six months in advance. You may therefore wish to include this as an agenda in your first Board sitting.

Kindly accept my congratulations.

Yours


NGARI M.W. (Ms), CBS
PERMANENT SECRETARY

Cc: Hon. Prof. Peter Anyang' Nyongo, EGH. MP,
Minister for Medical Services
Afya House



CONFIDENTIAL



MINISTRY OF MEDICAL SERVICES
OFFICE OF THE PERMANENT SECRETARY

Telegraphic Address: "MINMEDSERVICES" NAIROBI
Telephone: Nairobi 254-20-2717077
Fax: 254 - 20 - 2713234
When replying please quote

AFYA HOUSE
CATHEDRAL ROAD
P.O. Box 30016-00100
NAIROBI

Ref. No.....INST./14/A/VOL.XI/(48)
and date

31st March, 2010

Mr.Said Keitany
Ag. Chairman
MTRH Board of Directors
Moi Teaching and Referral Hospital
ELDORET

29 JUL 2010

Dear

P.L. No. 17

RENEWAL OF TERM FOR DIRECTOR, MOI TEACHING AND REFERRAL HOSPITAL

Following the recommendation of the Board to extend the term of the current Director of Moi Teaching and Referral Hospital (MTRH), Prof. Haroun K. Arap Mengech for a further period of one year and:-

- Considering that the previous Board had not initiated the recruitment process to fill this position and;
- Recognizing the critical role of MTRH in health care delivery and;
- Noting the role Prof. Mengech has played in building the hospital and bringing multiple donor Partners and also recognizing the need for smooth transition;

The Ministry has agreed to extend his tenure for a further one (1) year with effect from 8th March, 2010.

Proceed, therefore, and inform Prof. Mengech, the Board and renew the contract accordingly. The Ministry also expects that in the coming months MTRH Board will identify a new Director following a competitive process and adhering strictly to the applicable statutes governing State Corporations and hence MTRH. You will update the Ministry of progress of this process in due course.

Yours

Prof. James L. Ole Kiyiapi, CBS
PERMANENT SECRETARY

CONFIDENTIAL

MINISTRY OF HEALTH
OFFICE OF THE PERMANENT SECRETARY

Telegraphic Address: "MINHEALTH" Nairobi
Telephone: Nairobi 254 20 271000
Facsimile: 20 271000
E-mail: info@minhealth.go.ke
When contacting please quote



NETA HOUSE
CATHEDRAL ROAD
P.O. Box 30010-00100
NAIROBI

Ref. No. MISC/S.A.VOL.VI/88

March 7, 2007

P.L. No. 18

Mr. Justus K. Ndoto,
Chairman,
Board of Management,
Moi Teaching & Referral Hospital,
P.O. Box 3,
ELDORET

RE: PROF. H.N. ARAP MENGECH - DIRECTOR, MOI
TEACHING AND REFERRAL HOSPITAL

As you are aware, the contract of Prof. H.N. Mengech was due to expire on 5th March, 2007.

I wish to advise you to notify Prof. Mengech to continue with his duties as Director of the Hospital until the Minister advises you on the way forward. It is the Ministry's expectation that the Director continues with his duties as previously undertaken without any interruption.

The Minister will advise you soon on the way forward regarding the long-term appointment of the Director of the Hospital.


DR. ABRAHAM N. NJOROGE, CBS
PERMANENT SECRETARY

cc: Mr. Peter B. Onfield,
Inspector General of State Formation of the
Office of the President,
NAIROBI

P. L. Ho. 20

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
OF THE HONG KONG HOSPITAL BOARD
HONG KONG

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

1997

The meeting was held on the 12th day of January 1997 at the Hong Kong Hospital Board Headquarters, 10th Floor, 100, Queen's Road Central, Hong Kong.

The Chairman, Mr. [Name], presided over the meeting.

The minutes of the meeting held on the 12th day of January 1996 were read and approved.

The Chairman reported that the Board had received a copy of the annual report of the Hospital Authority for the year 1995-1996. The Board had discussed the report and had agreed to endorse it.

The Chairman also reported that the Board had received a copy of the annual report of the Hospital Authority for the year 1996-1997. The Board had discussed the report and had agreed to endorse it.

The Chairman thanked the members of the Board for their contribution to the meeting.

MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS

1998

The meeting was held on the 12th day of January 1998 at the Hong Kong Hospital Board Headquarters, 10th Floor, 100, Queen's Road Central, Hong Kong.

The Chairman, Mr. [Name], presided over the meeting.

The minutes of the meeting held on the 12th day of January 1997 were read and approved.

The Chairman reported that the Board had received a copy of the annual report of the Hospital Authority for the year 1997-1998. The Board had discussed the report and had agreed to endorse it.

The Chairman also reported that the Board had received a copy of the annual report of the Hospital Authority for the year 1998-1999. The Board had discussed the report and had agreed to endorse it.

The Chairman thanked the members of the Board for their contribution to the meeting.

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MOI TEACHING AND REFERRAL HOSPITAL - LIST OF APPLICANTS

No	Name	Age	Qualification	Experience	Remarks
1	Prof. Haroun N. Kipkembo Mengech	64	<ul style="list-style-type: none"> - Bachelor of Medicine & Bachelor of Surgery (1973 (U.O.N.) - Mater of Medicine - Registration 1980 by Medical Board - Corporate certificate - Certificate of Good Conduct 	<ul style="list-style-type: none"> - Experience as a medical practitioner 35 years - Post graduate specialist 30 years (1980) - Experience in Management & Administration CEO MT&FH 11 YEARS (1999) 	<ul style="list-style-type: none"> - No Masters certificate attached or the Registration after the 1st degree - No certificates in IT
2	Dr. Sylvester J.N. Kimaiyo	52 years 15/1/58	<ul style="list-style-type: none"> - Bachelor of Medicine & Bachelor of Surgery 1985 (U.O.N.) - Master of Medicine 1995 - Registration by the Medical Board 1985 & 1987 respectively 	<ul style="list-style-type: none"> - Medical practitioner for 25 years (1985) - Post graduate specialist for 23 years (1987) - Experience in management & Administration in program manager of HIV Services of Academic Model 2002-todate ((8 years) 	<ul style="list-style-type: none"> - No certificate of good governance, good conduct & IT attached
3	Dr. Fatuma Faraj Some	53 years 18/2/57	<ul style="list-style-type: none"> - Bachelor of Medicine and Bachelor of Surgery 1982 (U.O.N.) - Master of Medicine 1987 (U.O.N.) - Master of Business Administration (Executive) 2005 - Certificate of good conduct - Registered as a medical practitioner 1982 	<ul style="list-style-type: none"> - Experience as a medical practitioner 27 years (1982) - Post graduate specialist for 20 years (1990) - Experience -7 years as a lecturer - 2003 - todate - As a specialist physician 2 years (2005-2007) - Hospital Director 3 years 2002-2005 Uasin Gishu memorial hospital 	<ul style="list-style-type: none"> - No Certificate of IT attached - Has an added advantage of MBA
4	Prof. Fabian Omoding Esamai	57 years 23/3/53	<ul style="list-style-type: none"> - Bachelor of medicine and Bachelor of surgery 1978 (U.O.N.) - Master of medicine 1984 (U.O.N.) 	<ul style="list-style-type: none"> - Medical practitioner for 31 years (1979) - Post Graduate specialist for 22 years (1988) - 4 years as a professor 	<ul style="list-style-type: none"> - No IT certificate

PJ 21

			<ul style="list-style-type: none"> - Registered by the Medical Board – 1979 - Recognized as a specialist 1988 - Master of Public Health 1996 – John Hopkins University - Doctor of philosophy - PHD. Linkopings University (2002 Sweden - Certificate of Good Conduct 	<ul style="list-style-type: none"> department of child health & pediatric (Moi University) (2005-Todate) - Dean School of medicine (2005-2009) - Has attached ISO 9001-2000 as a certificate of Corporate Governance 	
5	Dr. Samson Kipkurgat Ndege		<ul style="list-style-type: none"> - Bachelor of Medicine & Bachelor of Surgery 1990 (U.O.N.) - Master of public health John Hopkins University 1997. - Certificate in corporate Governance – 2005 - Recognized as a specialist in 2005 - Certificate of Good Conduct 	<ul style="list-style-type: none"> - Lecturer Moi University for 4 years 2006 – todate for - Registration certificate is not attached, so not sure of the number years - 20 years as a Medical Practitioner - 13 years as specialist - 1997 	<ul style="list-style-type: none"> - Age not indicated - Registration Certificates not attached - No IT certificate - Does not have 5 years experience in management
6	Dr. Willis D. Owino Ongor	52 years	<ul style="list-style-type: none"> - Bachelor of medicine & Bachelor of Surgery 1985 (U.O.N.) - Master of Medicine 1993 (U.O.N.) - Master of Public health 1998 (Belgium) - Recognized as a specialist 2002 by medical board - Registration by medical board 1987 	<ul style="list-style-type: none"> - Medical practitioner to more than 20 years - Post Graduate specialist 1987 – 22 years - 2003 todate Adult Physician Ampath (7 years) - 2 years experience in Management 	<ul style="list-style-type: none"> - No certificates of IT & Corporate Governance - No experience in management

7	Dr. Joseph Sitienei	45 years 13/12/65	<ul style="list-style-type: none"> - Certificate of Good Conduct - Bachelor of Medicine & Bachelor of Surgery 1993 (U.O.N.) - Master of public health 2004 (Moi University) - Registered by medical board 1994 - Diploma in Tuberculosis control & Epidemiology TOT on quality management system 8-10 March 2002 - Certificate of Good Conduct - Certificate in total quality management of concurrent infection control of TB/HIV 2009 (JICA) 	<p>Medical practitioner for 16 years (1994) Post graduate specialist (2004) 6 years Head of leprosy & TB Program 4 years 2006 to date 15 years experience in management</p>	<ul style="list-style-type: none"> - No certificate in IT, & Corporate Governance attached - Does not have 8 years post graduate specialization
8	Dr. Otieno E. Omolo	62 years 15/5/48	<ul style="list-style-type: none"> - Diploma in Psychiatry 1988 – University of Manchester - Degree of Doctor of medicine 1975 University of Dar-es-salam - Master of Medicine 1985 (U.O.N.) - Master of public health 1978 University of Minnesota - Senior Management Seminar 1990 (KIA) 	<ul style="list-style-type: none"> - Medical practitioner for more than 30 year (1975) Registration certificate not attached Post graduate specialist 1985) Lecturer Moi University 1997 to date - 8 years experience in management 	<ul style="list-style-type: none"> - The following certificates are not attached - IT - Good Conduct
9	Dr. John Kibosia	53 years 26/6/57	<ul style="list-style-type: none"> - Bachelor of Medicine & Bachelor of Surgery 1984 (U.O.N.) - Master of medicine (1990) U.O.N. - Registration by medical board 1986 	<p>Medical practitioner for 24 years (1986) Post graduate specialist 20 years 1990 Director Prisons Health Services for 4 years (2006 to date) CEO</p>	<ul style="list-style-type: none"> - No IT Certificate - Has an added advantage of a diploma in health systems

			<ul style="list-style-type: none"> - Certificate of good conduct - Diploma in health Systems management, (Galilee College Israel - 2002) 	<p>Ag. Director KNH 1 year (2005-2006) 3 years (2002-2005) as a Director KMTC</p>	
10	Dr. Francis Ogaro	51 years 19/4/59	<ul style="list-style-type: none"> - Bachelor of medicine & Bachelor of Surgery 1984 (U.O.N.) - Certificate of Good conduct - Master of medicine 2000 (U.O.N.) - Registered by medical board - 1986 - Recognized as a specialist 1993 	<p>Medical practitioner for 25 years (1985) Post graduate specialist for 20 years (1990) Specialist pediatrician 20 years todate and current Chairman consultant forum (MTRH)</p>	<ul style="list-style-type: none"> - No Management & Administration - Has not attached certificate of Corporate Governance & IT
11	Dr. Wilson Lapkini Aruasa	36 years 23/2/74	<ul style="list-style-type: none"> - Bachelor of Medicine & Bachelor of Surgery 1999 (Moi University) - Master of Medicine 2006 (U.O.N.) Registered by Medical Board 2001 - Certificate of good conduct - Health information management (80 hrs) 2008 - Quality Management Systems for 2 days 	<p>Medical practitioner for 9 years (2001) Post graduate specialist for 4 years (2006) Acting Assistant Deputy Director for 2 years 2008 todate</p>	<ul style="list-style-type: none"> - No IT & Corporate Governance Certificate

Shortlisted Candidates

1. Prof. Haroun N. Kipkembo Mengech
2. Dr. Sylvester J.N. Kimaiyo
3. Dr. Fatuma Faraj Some
4. Prof. Fabian Omoding Esamai
5. Dr. Otieno E. Omolo
6. Dr. John Kibosia